

Neutral Citation Number: [2016] ECC Liv 1

IN THE MATTER OF ST. ELPHIN, WARRINGTON

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

SIR MARK HEDLEY, CHANCELLOR

JUDGMENT

1. This Petition is an application for a re-ordering on a moderate scale of a church, a II* listed building. The proposals have the support of the PCC and parish and have been recommended by the DAC. The only objector is the Victorian Society which has elected not to become a party opponent. Historic England has made observations in this matter to which I will refer.
2. I have resolved to treat this as a contentious application. I have been asked to deal with it on written submissions and I have agreed so to do. I have personally inspected the church, in the company of the Incumbent and churchwardens, on 30 December 2015.
3. The church is a large building with a spectacular central tower and spire and is a landmark for miles around. The spire stands at 281 feet making it the seventh largest in England and the fifth largest in a parish church in the United Kingdom. There has been a place of worship on this site since 650 and the presence of a priest is noted in the Domesday Book. The earliest part of the current building is the chancel and crypt which date from 1354 and are not directly affected by these proposals. Substantial building repairs were undertaken in 1696 and 1770 but there was an extensive restoration between 1859 and 1867 (hence the interest of the Victorian Society) and there have been significant additions and variations thereafter. The church consists of a wide nave, wide North and South aisles with the chapel at the eastern end of each aisle, a central tower with a tall spire at the crossing and the chancel. There is stained-glass in the church by both Pugin and Gibbs. There is no doubt that this is a remarkable and significant building.
4. The proposed works are set out in the Petition as follows – "to reorder the chancel area to provide a raised platform which will be level with the current chancel steps; to provide a movable Nave Altar to be crafted

from two redundant two-seater stalls; to provide a three sided dais complete with removable altar rails to allow people to kneel when receiving Holy Communion and to provide a stage area when hosting school concerts and choirs; to remove three rows of pews from the front of the Nave to allow space for construction of the new dais and access to it during services; to provide disabled access to the dais by means of a portable ramp which shall be deployed as required and stored when not in use." There is then reference to the approved schedule of work and drawings. The applicants already have a temporary licence from the Archdeacon to allow a nave altar but Holy Communion is still received at the altar steps.

5. When the proposals are viewed on the ground they amount to the building of a wooden stage, to the height of the two chancel steps, which runs the whole length of the choir. The plans for the portable nave altar have already been approved. It is intended that the stage is laid on the top of the current stone floor and thus the scheme is reversible. There is no parquet flooring involved in the proposed area and the flooring of both the chancel and sanctuary will remain unaffected. Moreover it is not intended to alter the choir stalls. Although three rows of pews will be removed, the front pews will, as advised by Historic England, be retained and the effect will be to take the line back to that of the Victorian pews in the side aisles. It is intended, on the basis of acoustic advice, to carpet the stage but again this would be reversible.
6. The Victorian Society have two basic remaining objections set out in their response dated 27th May 2015: first, to the stage area extending over the whole choir rather than being confined to such area as may be required for a nave altar and the reception of Holy Communion; and secondly, to the carpeting of the stage area. They had a further objection to a change of colour staining to the choir stalls but that matter is no longer pursued by the applicants.
7. I have made reference to Historic England. Written comments dated 24 November 2015 were received from them underlining the significance of this building. They do not have specific proposals to make but say this – "we accept the justification for the reordering scheme and recommend that the detailed designed is informed by our advice in our *New Work in Historic Places of Worship Good Practice Advice Note*. For example, we would hope that the pew front towards the chancel is retained even with the remote removal of three rows of pews." The latter has been

accepted and the former amounts to sound advice to which the applicants and their architects should pay heed as the work progresses.

8. I am satisfied that these proposals, if implemented, would have a material impact on the character of a II* listed building which contains many important Victorian features as well as those of other periods. Accordingly there is a presumption against change. It follows that it is for the applicants to make the case for change.
9. That justification appears most fully in a statement provided by the Incumbent dated 2 November 2015. In relation to the question of carpeting he says this – "our architect has recommended and advised on carpeting the proposed dais with a suitable and appropriate material and to include attractive and decorative nosing to the steps, in order to lessen the potentially disruptive noise of footfall in that area during worship. Therefore, it has always been the intention to carpet rather than leave the structure in bare wood." Of course it is understood that the area of floor to be revealed by the removal of the three rows of pews will be replaced with stone rather than carpet. In relation to the stage being extended the full length of the choir, five reasons are advanced which can be summarised by saying that the height is required to enable people from every part of the church to be able to see what is happening, to prevent serious inconvenience in processions by having to go down and then up again when passing through the choir and to provide a sufficient "stage area" for the many non-liturgical events which are hosted by the church. The statement also makes it clear that these proposals are driven by much encouragement from visiting archdeacons and bishops to introduce a nave altar so that everybody, wherever they may be in the church, can both see and participate in the act of worship.
10. It is important to note in this context that all these proposals are reversible and that it remains possible to restore the church, should any future generation so wish, to the form in which it exists at the moment. There will be no interference with the flooring in the choir other than to cover it and all other flooring will remain intact or, in the case of the removed pews, re-floored consistently with the surrounds.
11. I have reflected carefully on the matters that have been raised in this case which, as I have said, I have treated as a contentious application. I am very grateful for the observations both of Historic England and the Victorian Society. I recognise the significance of the points that they

have made. I also recognise both that this church has been the subject of many additions and variations over its long history and that the applicants are motivated by a real desire to make the church more accessible both to the community and to the congregation in terms of their participation in the Liturgy. I am satisfied that the applicants have made out their case for this comparatively modest reordering. In particular I am satisfied as to the need and good sense of the stage being continued to the chancel steps. That will look no worse (indeed in my view the reverse) than the alternative advanced by the Victorian Society. The flooring will remain intact but the relevant part will, of course, be covered by the stage. I also accept the need for the additional step height in relation to visibility from all parts of this very substantial building. Carpeting is, I acknowledge, a sensitive issue. It is proposed here on the basis of acoustic advice from the architect. I am satisfied that the applicant should be entitled to follow that advice given that it is always reversible. Whilst I see the strength of the other view, I conclude that that adopted by the applicants is reasonable and should therefore be permitted.

12. Accordingly I propose to grant the faculty sought for the proposed works on the following conditions –

- that a photographic record is made of the building before any of the works hereby authorised are instituted;
- that the applicants and their architect have regard to the guidance set forth by Historic England;
- that the DAC is consulted in relation to the carpet design;
- that before entering into a binding contract, the applicants certify to the Registrar that 90% of the contract price is either pledged or held in the bank;
- that the works hereby authorised are completed within 12 months of the date of this Faculty.

Mark Hedley

16th January 2016