

Neutral Citation Number: [2021] ECC New 1

**DIOCESE OF NEWCASTLE
IN THE CONSISTORY COURT**

His Honour Judge Simon Wood
Chancellor

8 January 2021

In the Matter of St Thomas the Martyr, Newcastle upon Tyne: re-ordering

JUDGMENT

Background

1. The church of St Thomas the Martyr stands in parkland, formerly known as Magdalen (sometimes Maudlin) Meadows, at the intersection of Barras Bridge and St Mary's Place in Newcastle upon Tyne. When built, it stood on the northern periphery of the city but now stands at its heart with Newcastle University to the west, Northumbria University to the east, the Civic Centre and the recently completed Newcastle Civil & Family Courts and Tribunals Centre (situated in former wings of the Civic Centre) to the north east. It is a prominent landmark.
2. Construction commenced in July 1827 and was completed in October 1829 for what was the replacement of the Chapel of Thomas à Becket which had stood on the old Tyne Bridge since around 1171. The new church was not built for a parish but pursuant to Act of Parliament as part of the former leper hospital founded by Henry I in 1250, later known as the Hospital of St Mary Magdalene. It remains neither a parish church nor a peculiar. Governed by Acts of Parliament, responsibility for its care and management rests with a Body Corporate comprising the Master and Wardens.
3. The original immediate need for the church was the demolition of the medieval chapel but this, coincidentally, arose simultaneously with an era of unprecedented church building in the first half of the C19th as part of the aftermath of the prolonged disruption caused by the Napoleonic Wars when there was a concerted national effort to promote stability. Despite not having a parish, the construction of this church fitted within the scheme of the Church Commission Act 1818 which established a commission to oversee a programme of church building.
4. The design of the church was subject to a competition organised by Newcastle Corporation and the Hospital. John Dobson's Gothic design triumphed. Born in 1787, Dobson was already established as one of the most outstanding contributors to the architecture of the city and the region beyond. Thus, in 1824 he had been commissioned by Richard Grainger to begin the designs for Eldon Square, the "first intimation on a grand scale of the coming transformation of Newcastle.....into the only town in England with a neo-classical commercial centre"¹. Although Dobson had

¹ *John Dobson: Architect and Landscape Gardener* Lyall Wilkes, Oriel Press, 1980

already undertaken restoration work to Hexham Abbey and St Nicholas's Church (now the Diocesan Cathedral Church of St Nicholas), St Thomas's was one of his earliest ecclesiastical projects from scratch. An architect from Edinburgh, one Burn, described the finished church to John Clayton, the Town Clerk, as "one of the most chaste and elegant buildings of the size in the kingdom".² For his part, Pevsner has characterised it, somewhat enigmatically, as a "personal interpretation of Early English".³

5. In 1837, Dobson added the galleries bisecting the tall lancet windows ('the sad addition' according to his daughter but necessitated by demand) and pulpit and in the 1880s there was a major re-ordering including the creation of a partial Chancel to designs by J W Dyson. In 1972, the last re-ordering of significance, the Chancel screen was removed, the East altar was lowered and large parts of the Nave pews and platforms were removed along with the pulpit and font.
6. Notwithstanding these changes, the correctness of the church's designation as Grade II* is confirmed by a rigorously researched Statement of Significance prepared by Sarah Dyer, Heritage Consultant, to accompany the petition under consideration in which she states that "St Thomas's church at Barras Bridge is highly significant in architectural and historic interests".

St Thomas's in the C21st

7. The formal link with the Hospital ended in 1978. In the years in between, the church has maintained close links with both universities as well as holding a civic role in the life of the city (the Master leads the Mayor Making service each year). Its close ties with the Civic Centre continue to this day. All recent Masters have worked closely with the university (at least one recent Master was Newcastle University Chaplain) and have wanted to work with students at both universities. St Thomas's has had a history of campaigning on social issues and played a leading role in the Make Poverty History Campaign. It has also campaigned on the climate and was the first location in the city to install a biomass boiler. It has been a long campaigner on equality, holding related exhibitions.
8. The catalyst behind the proposals that follow was the announcement by the Bishop of Newcastle in early 2018 of an award of £2.6m from the Church of England to help revitalise church life in Newcastle city centre. The grant was intended to see the creation of a new Resource Church, aimed at people between the ages of 17 and 45 – students, office workers and their families - with a projected 400-plus strong congregation within five years. Once established, the church will then drive growth across the whole of the Diocese of Newcastle, working with other churches in both urban and rural communities to stimulate growth. To that end, the Resource Church was launched in October 2019 to resource mission and ministry across the diocese. On his appointment to lead this initiative in the same year, the present Master made this mission statement:

"This is a very exciting time for the Diocese of Newcastle as we look to be 'growing church bringing hope'. I believe that planting a Resource Church in the city centre of Newcastle is a fantastic opportunity to join in with other churches in the Diocese to see this bold and engaging vision come to fruition by the grace of God.

² *Tyneside Classical* Lyall Wilkes and Gordon Dodds, John Murray, 1964

³ In *Newcastle upon Tyne: Its growth and Achievement* S Middlebrook, Newcastle Journal 1950, Middlebrook was less guarded: "...it has little vitality, and in spite of novel features like the hollow tower and unusually tall pinnacles, it is too badly proportioned to be one of the architect's happiest experiments."

“I know that a key Diocesan goal is that church life in the city centre will be more engaged, vibrant and growing, particularly with students and young professionals. In Newcastle there is incredible potential for a city centre Resource Church to work with other city centre churches, including the Cathedral, to see this goal realised.

“There are approximately 67,000 students in Newcastle and the city is consistently ranked as the ‘best university city’ in the UK. With less than one percent of university students engaging in church nationally, this is a significant time for a resource church to begin to reach out and serve the many thousands of students and young adults who do not know the life and freedom that Jesus Christ brings.”

9. It is encouraging to note that, notwithstanding the short time that has elapsed since this initiative was announced, within 6 months the congregation had grown from 25 to over 200 with an average weekly attendance of 160. Although I understand that the original members of this small congregation remain active, it is very much a ‘young’ church, the average age being 21, the links with both Universities, local colleges and the City Council being core strengths. Its online offering developed during the sadly still current public health crisis reaching 1,300 for live streams with a similar number accessing recordings on catch-up. The church has an established ethical shop “One World” which attracts a loyal following. Its current style of worship and liturgy is reported to have a strong contemporary appeal such that the building is already working to its current capacity, a powerful limitation on development.

The proposals

10. The current petition is predicated on the basis that the existing layout of the church building does not lend itself, effectively, to support how the Resource Church wants to engage with the younger demographics, support a team of staff and volunteers, engage the local community and grow its social outreach programme. Specifically, the architects were given the following brief to create:
 - flexible worshipping space to accommodate up to 400 people for Sunday services, and 150 people for Alpha courses;
 - welcoming space to encourage access, for people to mingle, and be served a coffee;
 - space for buggies and prams;
 - space for a shop during the day Monday to Saturday;
 - kitchen for basic catering;
 - three separate meeting rooms, for a crèche, children and youth groups on a Sunday and meeting /function spaces at other times;
 - baptistry for full immersions;
 - office space;

- small office for private meetings;
- pop up café space;
- space for audio visual equipment;
- store spaces;
- vestry space;
- new heating and lighting;
- suitable access for all;
- the necessary flexibility to enable functions, uses and users to run concurrently;

11. To that end the petition seeks to effect major re-ordering of the interior of the church so as to “release its full potential to become a church fit for a thriving church community in the C21st” to be achieved by the following alterations and measures:

- removal of pews to the ground floor and gallery spaces;
- introduction of wooden chairs;
- relocation of the choir stalls with possible adaptations (addition of castors) to make them moveable;
- installation of a new ground floor with underfloor heating;
- creation of a baptistry font;
- levelling up of floors to the raked galleries;
- repair of the Minton floor tiles;
- relocation of the Victorian timber screens to form meeting rooms;
- relocation of the disabled WC;
- installation of a platform lift;
- new glazed lobby screens below the organ gallery;
- formation of a servery;
- new kitchen;
- new vestry;
- formation of chair stores;
- installation of chair lift;
- repositioning of a war memorial screen;
- formation of a first floor WC, servery, office;
- glazing of the aisle arches at first floor level;
- introduction of glass guard rails;
- partial secondary glazing;
- decoration to impacted areas; and
- renewal of the mechanical and electrical installations.

12. It is contended that, notwithstanding the scale and vision of the changes, the values and mission of St Thomas’s will be preserved whilst respecting the heritage of the building and emphasising the qualities of the original Dobson design. These proposals

are set out in full in the Statement of Need and the Design Narrative and Heritage Statement prepared by Doonan Architects Ltd as well as in an acoustic appraisal by Apex Accoustics and many detailed drawings. It should be noted that it was originally intended to extend the church but that unfavourable soundings from the City, amongst other factors, re-directed focus on maximising the space that is already potentially available. I have already mentioned Sarah Dyer's extended Statement of Significance which I have found particularly informative.

13. Given the extent and scale of the proposals the DAC was engaged in July 2020, and subsequently, between 16 July and 8 September, the amenity societies. Dialogue was encouraged and took place in writing, virtual meetings and site visits. That process shaped the formulation of precisely what is sought. It was not, however, possible to reach a consensus with everyone with particular reference to:

- the glazing in of the gallery;
- the removal of the gallery pews;
- the removal of the choir stalls.

Whilst consideration was given to making a direction under r. 9.9, notice was placed on the Diocesan website on 3 December⁴, given the extent of the dialogue with the relevant amenity societies, and on each being given notice of the fact that the petition had been lodged, I considered that all interested parties had been fully and appropriately alerted, not only to the generality but to the specifics of the proposals and thus afforded every opportunity to engage if so minded. The date by which any formal objection was to be lodged was 27 December. As at 8 January 2021, none have been received.

Consultation

14. As indicated, the emergence of the proposals has been in tandem with extensive consultation throughout its development. Thus the Church Buildings Council, Historic England, the Ancient Monument Society, the Georgian Group, the Victorian Society and, naturally, the Diocesan Advisory Committee have all been actively involved, offered (and in some cases accepted) site views and engaged in lively debate which I have seen. This process has been a model of its kind and I commend the Master and the Wardens, carefully guided by the DAC and Chris Potts, the Diocesan senior project manager, for their approach.

Church Buildings Council (CBC)

15. The CBC has taken been energetic in its response to the proposals. Much was agreed at the outset (such as the removal of the ground floor pews, the need for a new heating system, the need for the shop to be given attention in the vision of the church). As the process moved forwards, there was an increasing meeting of minds (e.g. in respect of the visibility of the new baptistry, the need for an acoustical assessment of the impact of screening the gallery, the original proposal for buggy storage). There remained a call for evidence (to support the need for the proposed new gallery spaces). Finally, there were unresolved differences:

⁴ <https://www.newcastle.anglican.org/mission/dac/publicnoticesformajorworks/>

- The CBC considers that the glazing of the galleries, although not an original feature of the church (but a later Dobson addition), made a positive architectural contribution which would be significantly harmed by the proposed glazing
- The proposed location of the chair storage it considered to be at the furthest point from where the chairs were likely to be used, the kitchen and servery would better be brought together in one place and separating them from the lavatory access
- The introduction of glazed screens to the nave was questioned given the presence of doors to the street and secondary doors after the lobby.

Historic England (HE)

16. HE has largely welcomed the proposals but raised issues for further consideration. Thus:

- Recognising that the choir stalls are of good but not outstanding quality, it would prefer for them to be retained, “if possible”;
- The importance of the original gallery pews – “importance is their survival as a set and their removal would be damaging to the significance of a Grade II* listed building”.
- Whilst glass would allow the internal space of the building “to be read” it would be obvious and enclosing and so a negative step.

Ancient Monument Society (AMS)

17. The AMS largely deferred to the Victorian Society and Georgian Group but highlighted its concern about a “clean sweep” within the interior but, although its request for a better understanding of the identity of the designer of the choir stalls has failed to yield fruit despite efforts, it maintains that the stalls deserve better than to be discarded and invites consideration to less drastic alternatives.

Georgian Group (GG)

18. The GG, having raised significant objection to the glazing of the gallery as causing “a considerable degree of harm to the spatial qualities of the church’s interior and to our ability to appreciate Dobson’s design”, was reassured by a site visit on 1 September which provided further explanation as to how the glazed panels would in fact not have the adverse consequences it feared. That said, on 19 November, it complained that without drawings it could not confirm this to be the case.

19. However, it regarded the complete removal of the gallery pews as “highly damaging to the significance of the church” such that strong objection was likely. A proposal to retain a complete section of pews on the north balcony as a compromise was put to the GG resulting in this response:

“The Group’s Casework Committee believe that the removal of the pews will cause a substantial degree of harm to the significance of the church, however mindful that space within the church is at a premium the committee’s members have reluctantly agreed to your proposal to keep only the tier of pews at the eastern end of the north aisle, assurances having been made that this could be practically achieved. Historic England in their response appear to have assumed that the pews at the eastern end of the north gallery will be retained, but this does not

appear now to be the case. Having been assured that the pews at the east end of the north gallery can practically be retained we must conclude that there is no strong justification for their removal, and thus we must object to this aspect of the scheme.”

20. Absent detailed drawings in relation to the glazing and given the position regarding the pews, the GG concluded that it had “little choice” but to object to the scheme. I have been informed that, immediately subsequent to that intimation of objection, the detailed drawings prepared by *ion*, the architectural glass company which has been engaged, drawings I have seen, were provided to GG.

Victorian Society (VS)

21. The VS, having described the loss of the nave pews as “unobjectionable”, welcomed the retention of the “vibrant” Minton tiled floor in the chancel and deferred to HE, the GG and others regarding the gallery but insisted that the loss of the choir stalls was another matter and invited proposals as to how they could be integrated. It is noted that a site visit was offered (and declined) but it is assumed that its objection stands. Its insistence on replacement of the pews with un-upholstered wooden seats was anticipated and was not contentious.

Diocesan Advisory Committee (DAC)

22. The DAC has been particularly active and a positive but appropriately critical force in the entire process. Whilst broadly supportive of the petition, it has raised its concerns over the location of the baptistry, the removal of the choir stalls and, not thus far mentioned, the location of the War Memorial Glass.
23. As already noted, there is no font in St Thomas’s having been removed in 1972. The proposal is to construct a cruciform immersive baptistry in the nave which can be used, variously, as the source of water to baptise an infant through to the full immersion of an adult. The drawings for the design have been seen. It is plain, simple and elegant. It will be covered when not in use. It can be illuminated in a variety of ways. There has been a lively issue as to whether it be flush with or raised from the nave floor (potentially resolved by being the latter), there was also an issue regarding its precise location. I am told that has been resolved with it being located somewhat west of its original intended location. It will be a very significant visual feature on entering the nave from the lobby. A suggestion that there be a separate font has been rejected by the petitioners on the basis that the proposal can, in practice, accommodate all manner of baptisms and no distinction should be drawn between baptism in the baptistry and that in a font.
24. The War Memorial Glass is a large leaded glass panel relocated from the nearby St George’s Drill Hall on Northumberland Road, formerly the home to 6th Battalion, Northumberland Fusiliers, possibly in the 1960s. It commemorates officers who fell in The Great War, the names appearing in scrolls on either side of a fine depiction of St George slaying the dragon. It presently forms part of the wall of the shop close to the west entrance although it very much has the look of something that was placed there just because it happened to make a useful partition. Such memorials have to be handled with sensitivity. The petitioners’ proposal was to re-locate it in the gallery. The DAC expressed its concern that it thereby becomes less prominent and, thus, visible and, noting a constituency with a particular interest in the Armed Forces, invited consideration to finding a location which would ensure comparable accessibility and exposure.

25. Save as mentioned, the DAC, supports the proposals.

Procedure

26. I have mentioned a number of the key documents provided in a bundle of almost 60 separate files provided on the OLS. I took a day to read and cross reference them as well as carrying out some research of my own. Having done so, I made a request for a site view and was greatly helped by Chris Potts who facilitated the visit at a time when the church was closed to the public. As a Diocesan senior project manager, he was able to describe the process of consultation, meeting and inspecting, all with a view to ensuring that, so far as possible, the petition could proceed with the minimum controversy as well as being able to answer the questions I had formulated to those more contentious issues. Those questions he could not immediately answer were followed up later by email. I record my thanks to him for his generosity with his time and his help.

Discussion

27. On any view these are far reaching and wide ranging proposals. I have set out more than sufficient background to underline the significance of this church – historical, architectural – which has held a prominent role in the life of this city quite apart from the diocese. It follows that a change of the proposed magnitude is one of great significance. As such it needs to have been planned and assessed with great care and the views of those with a legitimate interest in scrutinising change require much respect. Whilst they have not met with universal acclaim, it is apparent on the evidence that the proposals have been drawn up with considerable care, with attention to detail and with a ready willingness to listen to opposing views and adjust and amend where this was felt possible without damaging the integrity of the overall purpose and rationale for change.

28. It is important also to note that this is a Diocesan led scheme funded by the Church of England, not just to reinvigorate a church prominently situated in the city, centrally placed in the midst of large student communities, in a unique position of having no parish, but to act as a springboard for the Resource Church concept throughout the Diocese. The early signs are that, even without these far reaching changes, it has already demonstrated that it is a force for change, a magnet for an otherwise lost community and, thus, a welcome step for the church, the city and its diverse community. This shines out from the infectious energy that is apparent from the Statement of Need. Nor is it just wishful ambition: despite all the constraints that lie behind these proposals, positive change is already tangibly apparent.

29. No one could doubt the ambitious nature of the proposals – individually and collectively – and it is beyond argument that they cannot be achieved without the loss of what is presently there, some of it dating back to Dobson's 1830 re-ordering. However unhappy he was with the introduction of the galleries, bisecting his tall lancet windows, they have remained a feature ever since, almost entirely unaltered, thus immediately creating a tension between the instinctive desire to preserve the past with the pressing needs of the present and future.

The applicable law

30. The principles applicable to the petition are those identified by the Court of Arches in *St Alkmund, Duffield* [2013] Fam 138 namely:

- (i) Would the proposals, if implemented result in harm to the significance to the church as a building of special architectural or historic interest?
- (ii) If the answer to (i) is in the negative, the ordinary presumption in faculty proceedings in favour of things as they stand applies but may be rebutted, more or less readily, depending on the nature of the proposals.
- (iii) If the answer to (i) is in the affirmative, how serious would the harm be?
- (iv) How clear and convincing is the justification for carrying out the proposals?
- (v) Having regard to the strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit outweigh the harm? That benefit encompasses issues such as liturgical freedom, pastoral mission, opportunities for mission and putting the church to viable uses consistent with its role as a place of worship and mission.

Discussion and decision

31. I am satisfied that a faculty should issue. The proposals as a whole and in detail (subject to what follows) meet a need that has been clearly identified and evidenced and I am satisfied that the need outweighs the consequential loss of special architectural and/or historic interest that will necessarily follow.
32. The areas of most controversy are deserving of comment so I propose to deal with each in turn.
33. The galleries, as already mentioned, are an early Dobson addition to accommodate congregations on a now almost unimaginable scale. From all I have read and observed, they have not been used for generations, no doubt a significant contributory factor in the survival of the serried ranks of box pews. The pews themselves are plain and the GG, in its September site view, observed that they are not as remarkable in design or craftsmanship as they had envisaged, a view I would endorse. What is, in my view, more compelling is HE's observation as to their value as a complete, untouched set, strikingly so on entering the galleries from the stairs. Despite the intention to re-use – or “up-cycle” - the pews in the fitting out of the new shop space, there is no doubt that their removal will cause significant harm on that basis alone. Nevertheless, HE was constrained to accept that the gallery pews effectively rendered the gallery a redundant space, an observation that is beyond argument.
34. In a church, which lacks a church hall, where space is such a premium and there is a pressing need to create more to fulfil the functions identified, for such a space – hitherto unseen by any church visitor and not capable of being used for its original intended purpose – to remain unused and unusable would appear to be wholly self defeating. A thriving city centre church, particularly focussed on the young, needs proper facilities to accommodate parents with children (and buggies) and those with disabilities (many with wheelchairs) including a crèche, kitchen, cafeteria and lavatories. It needs meeting rooms – to include suitable spaces for youth groups and activities - and associated facilities. The removal of the nave pews – not controversial in this case – and the replacement with chairs, with their associated flexibility, brings a need for storage. The sheer lack of space, the two vestries aside, is very striking.
35. One proposal, emerging from the DAC, that has been discussed in the period leading to the lodging of the petition, has been the retention of one bank of pews at the east end of the northern gallery, something that the GG “reluctantly” indicated it would accept. It is a proposal that would give an authentic visual representation of how the whole had looked. However, the entrance to the gallery is at the west end. By the time the rooms have been created on the gallery, the pews will only be visible to anyone who ascends the north gallery, walks its length to find them behind the final

room. Ultimately, the DAC was not persuaded that this was a compromise that was justified. In my view the pews would, sadly, remain as irrelevant to the life and working of the church as they are today and do so at a cost of denying the use of significant space and I agree with the DAC's further and better thoughts. That said, although the exceptionality test is met in justifying their removal in a Grade II* building, conditions will follow to ensure that the most detailed record of these otherwise undisturbed late Georgian galleries is maintained for all to see in future.

36. The second issue relating to the galleries is the glazing in to create enclosed spaces in each. I can deal with this shortly. The CBC, in attributing significant harm to the proposal, points out that the glazing "will change how [the gallery front and arches] are understood in relation to the interior". The petitioners acknowledge that the changes create different spaces and may change how the church is experienced, but point out that the space has not been used for decades and the plans will not change the gallery frontal or arches. The drawings now available confirm that this major undertaking will be carried out with great sensitivity and the frameless glass panels will be fixed without damage to the adjoining structures, the fixings being behind the nave pillars and arches and of a type that will not interfere with the pillars in any way at all. The pillars and arches will conceal the fixings from observation from the nave and the clean sweep of the nave will remain intact. Furthermore, the very nature of the fixing and manner of fixation will not only damage the pillars, arches r gallery fronts but make the process reversible in the event that future generations seek to re-order. HE pointed to the need to harness modern glass technology to ensure it was non reflective and light in terms of structure, requirements I am satisfied the petitioners have readily embraced. The issue of the acoustic impact has been separately and convincingly addressed.
37. The choir stalls were a particular concern of the VS. The identity of their maker has never been established. HE, on inspection (which the VS declined), concluded that they were "of good craftsmanship, but not outstanding quality", an analysis I would accept. The AMS urged the imaginative re-siting of them pointing out that a church can never have too many seats.
38. A proposal that was canvassed in early discussions, and favoured by the DAC, is mounting the stalls on wheels enabling them to be moved and, if required, re-positioned in their current site. I am told that this is now an agreed position by the petitioners. It is one I welcome and endorse. This is a church with a longstanding link to universities. Within my own experience has been the existence of a chapel choir at St Thomas's which performed Choral Evensong on termtime Sundays, the presence of the fine Harrison and Harrison organ being a particular incentive. Up and down the country, university chapel choirs function and thrive, even outside the famous names. With a growing student following, it is likely that, from time to time there will be a coming together of young people with an interest in reviving some of that tradition and the ability to do that using the stalls designed for that very purpose would seem a powerful enough reason to try and maintain the originals despite their not being of the "outstanding" variety. Mobilised, there is sufficient space, I suggest, in the ambulatories, for the stalls to be placed around the very edges of the church in such a manner that they can be moved into position for use in the original intended purpose, thereby greatly minimising the harm that complete removal would cause.
39. It is understood that the fine Minton tiles which grace the chancel do not extend beneath the stalls and that the proposal is to lay complementary tiles which will enhance the Minton tiles but not seek to copy them.
40. The Fusilier's memorial, I have now been informed, is to be incorporated formally into the wall of the room in the south west corner of the church that is to double as shop

and meeting room. In my judgment that is a far more appropriate solution than the original intention to re-site it on one of the galleries. It is a fine memorial of its type, will inevitably generate interest from descendants of those named on it as well as many others who have an interest in the Northumberland Fusiliers more generally. Its proximity to the 6th Battalion's former home, the presence of a substantial monument to the 6th (WW1) immediately outside the church to the south and the famous Renwick memorial, "The Response" or "The Fusiliers' Memorial", nearby to the north is, I suspect, no accident and likely contributed to the decision to gift it to St Thomas's. It is a memorial that deserves significantly better treatment than it currently enjoys and I expect the incorporation into the wall of the room in question to be carried out in such a way that affords it the prominence it deserves.

41. Having mentioned the CBC's objection to the proposed chair storage location being at a point furthest from where they are likely to be used, the petitioners have responded that its suggestion of a storage by the kitchen will cause a potential obstruction, pointing out that the chairs will be more often in use than not and are, in any event to be stored on a purpose made trolley/rack facilitating their easy movement. Likewise, in answer to the charge that introduction of glazed screens from the church entrance to the nave adds a further unnecessary constraint on space, the petitioners point out their wish to demarcate an area that leads directly to services (servery, lavatories, shop etc) from the worship space of the nave. Noting that HE agrees the approach in respect of the screens, I am satisfied that proper thought has been given to achieving the optimum balance here and that the petitioners' proposals should be approved.
42. Finally, at the site visit, it became clear that, whilst the location of the proposed baptistry is no longer in contention, an open mind is retained as to whether it should be installed flush with the nave floor or raised. There are plainly arguments in favour of each. It is beyond the scope of this judgment to make a final determination and so, whilst the proposal is approved in principle, it must be subject to a condition as to the final determination
43. I am not persuaded that any other specific part of this petition warrants individual treatment in this judgment. I am entirely satisfied that the balancing exercise falls in favour of allowing the faculty to issue as the harm which will be caused will be outweighed by the benefits which will flow from permitting it. As currently framed and explained, they are supported by the DAC having been framed with great care in consultation with it and the amenity societies. These are proposals which will enable what is already showing positive signs of being a thriving, vibrant church to develop and offer amenities that it needs to fulfil its mission and function as a place of worship. In a week when the Bishop of Manchester has commented on the perilous prospects of the survival of so many of our large Victorian churches given the introduction of further restrictions on public worship, I consider that these are proposals which will afford the church of St Thomas the best opportunity to buck that particular trend.
44. The scale of the project, which is currently out to tender, is such that there will inevitably be changes contemplated along the way. Indeed, as I finalise this judgment, details of revised proposals for the treatment of the War Memorial glass have been shared with me. A number of these issues can be anticipated with some accuracy. Inevitably, there will be others that cannot. Where specific conditions can readily be formulated it is right that they are but I propose a final saving condition which places the very clear onus on the petitioners formally to refer *material* changes to the DAC and, where necessary, the appropriate amenity society or societies with the ultimate default being a referral back to the court in case of disagreement. It is undesirable to define *material* more precisely. It will inevitably be a question of judgment and trust is called for.

Having observed, positively, the high level of collaboration and dialogue thus far, I am confident that this will be honoured.

45. A faculty therefore issues for the proposed works to which these terms shall apply:

- (i) The works authorised by this faculty shall be begun before the expiration of 12 months from the date hereof and be completed within 24 months of commencement;
- (ii) The gallery pews shall not be removed until a detailed architectural record has been prepared to include but not limited to drawings, photographs and, if possible, a holographic representation of them in situ, with provision thereafter for a suitable display within the church to educate and inform;
- (iii) No work to re-site the Fusilier's memorial shall be carried out until full details of how it is to be incorporated into the shop/meeting room wall have been approved in writing by the DAC or, absent its agreement, by the court. The installation must befit the memorial and ensure it is displayed in an accessible and dignified format;
- (iv) No tiles shall be laid on the floor beneath the choir stalls until full details of the precise type and design have been approved in writing by the DAC after appropriate consultation with the relevant amenity societies or, absent agreement, by the court;
- (v) No work to install the baptistry in the nave shall be carried out until a final proposal as to its precise location, design and installation has been approved in writing by the DAC after appropriate consultation with the relevant amenity societies or, absent its agreement, by the court;
- (vi) No material variation to the proposals as approved by this faculty shall be permitted until full details of the same, whether by drawing, plan, specification or howsoever, have been approved in writing by the DAC after appropriate consultation with the relevant amenity societies or, absent agreement, by the court.

Simon Wood
Chancellor
8 January 2021