

Re St Nicholas' Chapel, Kings Lynn

## Judgment

1. This is the determination of a petition seeking a faculty for various works to this Grade I listed building. The works provide for improved access within the chapelyard and into the chapel, various rainwater and foul water drainage improvements and the creation of a rubbish and recycling area.
2. The overwhelming majority of the proposed works have the support of all parties concerned and consulted including the DAC, the local planning authority and English Heritage. Planning permission has been granted. Only one aspect of the works is in dispute, namely the removal of the modern metal security gates from the entrance to the south porch and their replacement with the Victorian gates which previously hung there. Mr Moore, a Kings Lynn resident, has objected to this aspect of the works, although there are no other objections.

### **Background**

3. St Nicholas' Chapel is a large and impressive building founded in 1146, although the majority of the current building dates to the early 15<sup>th</sup> century. The chapel was declared redundant by an Order in Council dated 15 October 1992 and is now vested in the Churches Conservation Trust. It is located centrally within the substantial town of Kings Lynn and is used as a community resource for the hosting of concerts, exhibitions and the like. The works in question are substantially funded by a Heritage Lottery Fund grant and are part of a wider programme of restoration works intended to bring new life to St Nicholas' Chapel. The intention is to open up the chapel to wider community use and to provide a focal point for people to learn about their local heritage and history.

### **The objection**

4. Mr Moore, who lives only a mile from St Nicholas' Chapel, has raised concerns about the public notices displayed in relation to this petition and objects to the removal of the existing iron gates from the historic south porch and replacement of them with the Victorian wooden gates which preceded them. His concerns can be summarized thus:
  - a. The change would present a risk to the security of the building;

- b. The replacement gates would obscure from public view the fine inner porch; and
  - c. The iron gates are significant in themselves, in that they portray important symbols associated with the chapel, namely fish and pawn brokers golden balls, both associated with St Nicholas and the former also linked to the chapel which is known locally as 'the Fisherman's church'.
5. Mr Moore has been given the opportunity become a party opponent in these proceedings and has elected instead to leave me to take account of his written representations.

### **The gates**

6. As stated above, St Nicholas' Chapel was made redundant in the early nineties, as a result of which the faculty jurisdiction no longer applies to the building itself. The redundancy does not extend to the chapelyard which remains under the control of the PCC. As a result, a faculty is needed for the works to the churchyard, but not to the building, which no longer has the benefit of the ecclesiastical exemption and is subject to the usual secular planning controls. It is clear to me that the south porch gates are part of the building and, as such, no faculty is required from the Consistory Court for works to those gates. In light of this I am afraid that I have no jurisdiction to consider Mr Moore's objections in relation to the gates.
7. Planning permission, conservation area consent and listed buildings consent have been granted for these works, including the changes to the gates. Appropriate public notices will have been displayed as part of the secular planning procedure and it is in this forum that any concerns about the change of gates should have been (and may have been) aired. It is worth noting that both English Heritage and the local planning authority accepted the petitioners argument that "the reinstatement of the Victorian gates, presently stored within the Chapel, will greatly enhance the character and setting of St Nicholas'" and that it is clear from the papers before me that concerns about security have also been considered.

### **The public notices**

8. Mr Moore raises concerns that the public notice in this petition was displayed only within the chapel, which is often locked. Under rule 6(4)(a)(iii) of the Faculty Jurisdiction Rules 2000 no display of a public notice was required within the chapel itself (as would be the case if this were a parish church), but rather display was required at the parish church of St Margaret (the Minster church) and in the chapelyard.
9. The certificate of publication I have seen confirms that notices were displayed on a noticeboard inside St Nicholas Chapel (the notice seen by Mr Moore) and outside the chapel on a noticeboard where it was

readily visible to the public. Given the concerns raised by Mr Moore, checks were made about the exact location of the latter public notice. It has been confirmed by Mr McKeague of the Churches Conservation Trust that the notice in the chapelyard was displayed on the noticeboard to the west of the tower which can be read from St Ann Street and was the only notice displayed on the noticeboard at the time. I have seen a picture of that noticeboard and there can be no doubt that any notice displayed there would have been readily visible to the public.

10. Where the display of public notices appears to have been deficient is in the failure to display a notice at the parish church. I do not know why this mistake was made, but given the fact that the notices were displayed in accordance with the rules for petitions relating to parish churches, rather than consecrated burials grounds, I suspect that it was an oversight in relation to status of this building which caused the mistake to be made.
11. I have considered whether this deficiency in display of the public notices means that there should be a further display of the public notice at the parish church. Under rule 19 of the Faculty Jurisdiction Rules 2000 I am empowered to give directions in any case for the purposes of, amongst other things, “ensur[ing] that the petition is considered and determined as quickly and efficiently as possible”. In deciding whether to exercise this power I am to have regard to “all the circumstances including: (a) the justice of the case; ... (d) avoiding delay; (e) the number of objectors and the grounds of the objection to the proposals” (rule 19(4)). In this case, there were two notices displayed in a way which would have been entirely appropriate had St Nicholas’ Chapel been a parish church. In many ways, members of the public may well feel that it was more natural to display these notices at the chapel rather than at St Margaret’s church. It seems likely that those with particular interest in St Nicholas’ Chapel are far more likely to have become aware of the notices at the chapel rather than a notice placed almost a mile’s walk away at the Minster church. Requiring the redisplay of the public notice will cause delay in this case where the chapel is closed pending completion of the restoration works. I also take account of the fact that there was only one objector in this case and that the only substantive objection raised relates to matters for which no faculty is required.
12. Taking into account the factors above, I have decided to give a direction dispensing with the need for the display of the notice in the parish church in this case. To require the display would cause delay, and I am satisfied that justice will not be compromised in this case given the notices already displayed and the number and nature of objections raised.

13. In light of all of the above I am content to grant a faculty for the proposed works, save for the works to the south porch gates which do not require a faculty and already have the benefit of the various planning consents required.

I hereby dispense with the need for the display of a public notice at the parish church pursuant to rule 6(4)(a)(iii).

I order that a faculty shall pass the seal on condition that:

1. The works shall be undertaken by a contractor approved by Richard Griffiths Architects;
2. A suitably qualified and experienced archaeologist approved by Richard Griffiths Architects shall be appointed to carry out a watching brief for the excavation works.
3. Any surplus excavated soil should be re-deposited on consecrated ground.
4. The works shall be executed under the direction of Richard Griffiths Architects; and
5. The works shall be completed within 36 months of the issue of the Faculty or within such extended time as may be allowed.

Ruth Arlow  
Chancellor

3 December 2013