

THIS AGREEMENT is made the 17th day of November 2003

- BETWEEN**
- 1. THE CHELMSFORD DIOCESAN BOARD OF FINANCE**
a registered charity No 249505 of Diocesan Office 53 New Street
Chelmsford Essex ("the Board")
 - 2. COURTLAND PROPERTIES LIMITED**
Registered Office 13 David Mews Porter Street London
("Courtland")

1. The Property shown edged red and coloured pink on the plan annexed hereto is the redundant church of St Peter Birch in the Diocese of Chelmsford (the Church) vested in the Board by virtue of an Order in Council dated 31st October 1990

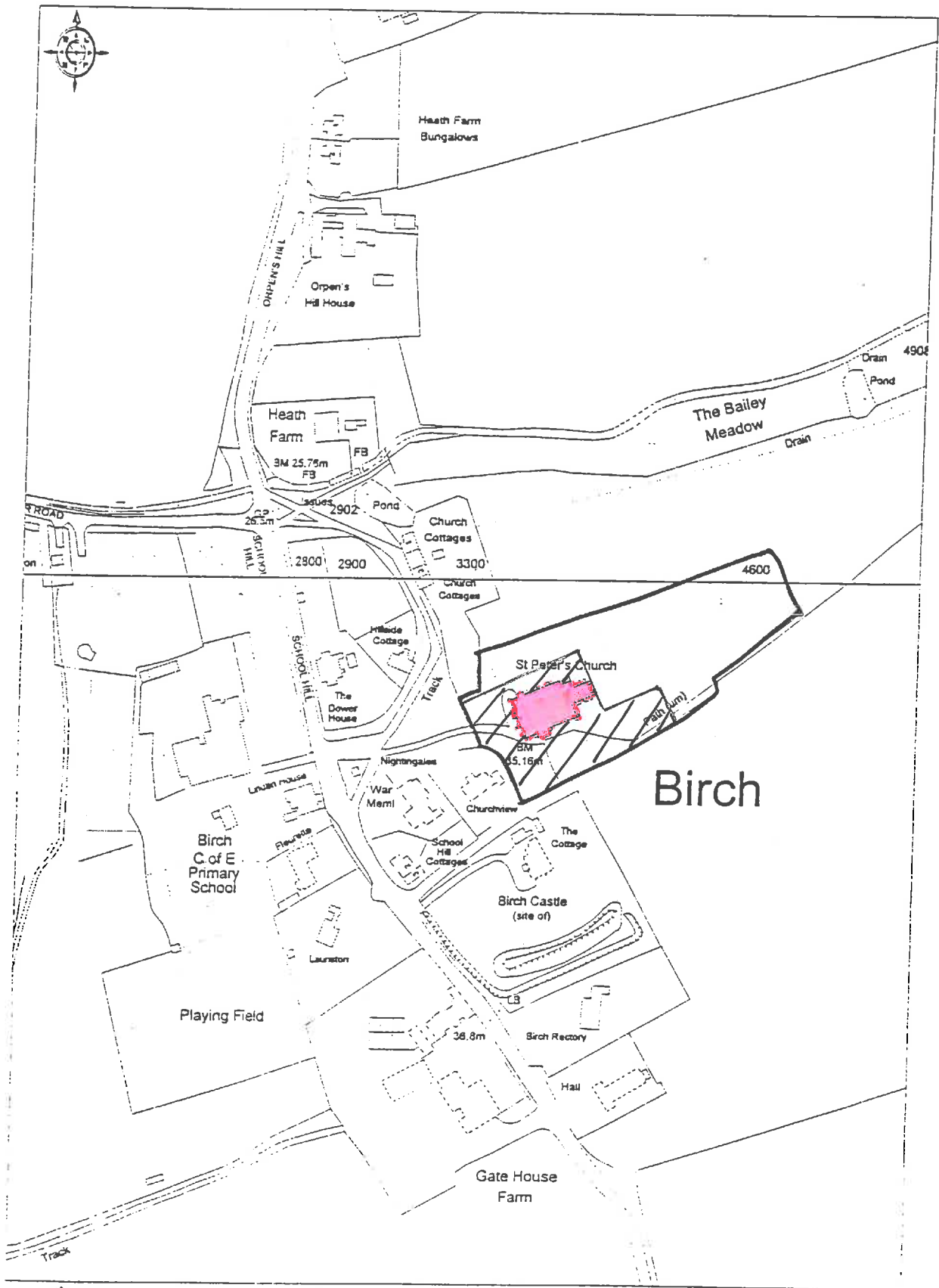
2. Until a suitable and acceptable alternative use for the said church is approved by the Church Commissioners and the necessary planning permissions obtained the Board cannot apply to the Church Commissioners for the necessary Redundancy Scheme to be confirmed by Order in Council authorising the Board or the Church Commissioners to sell or otherwise deal with the Church

3. Courtland desire to purchase the Church for development

4. The churchyard of the said St Peter Birch (the Churchyard) remains vested in the Incumbent of the Benefice of Layer de la Haye and Layer Breton with Birch and Layer Marney and subject to the faculty jurisdiction of the Consistory Court of the Diocese of Chelmsford

NOW IT IS AGREED as follows:

1. In consideration of the sum of £1 paid by Courtland to the Board the Board agrees that for a period of one year from the date hereof or until a Redundancy Scheme is obtained enabling the Board or the Church Commissioners to deal with the Church whichever is the earlier it will not negotiate or deal with any party other than Courtland to sell or develop the said Church



Ordnance Survey

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2. The Board agrees that the period referred to in Clause 1 will be extended to twenty four months from the date hereof provided Courtland shall have served documentation on the Board evidencing:

(a) An Agreement (including an Option) conditional and/or agreed Heads of Terms (which are not legally enforceable) relating to the sale to Courtland or whomsoever Courtland directs of the property adjoining the Churchyard such property being reasonably required for the purpose of implementing an anticipated satisfactory planning permission; and

(b) Submission of a planning application for conversion of the Church to residential use

3. The Board will ask the Church Commissioners to prepare and issue a draft Redundancy Scheme to provide for the appropriation of the Church and part of the Churchyard shown for the purposes of identification only in the approximate position hatched black on the plan annexed hereto for residential purposes to allow a sale of the Church to Courtland

4. Courtland agrees

(a) Subject to Clause 5 to submit and pursue a planning application for the conversion of the Church to residential use and to keep the Board fully informed on progress of the planning application

(b) Subject to Clause 5 other than circumstances where there is a collapse of the Church or part thereof to use all reasonable endeavours to ensure that the Church is maintained in a condition not materially worse than existing at the date of the exchange of the option; such condition being evidenced by the photographic schedule of condition annexed hereto

(c) To reimburse the insurance premiums reasonably payable by the Board in respect of the Church during the period referred to in Clause 1 hereof or any extension thereof as provided by Clause 2

(d) To reimburse the Board's reasonable legal costs incurred in entering this agreement

5. It is hereby agreed and declared that unless Courtland has entered into the agreement and/or Heads of Terms referred to in clause 2 (a) nothing in this Agreement shall require Courtland to discharge the obligations referred to in clause 4(a) and 4(b)

6. The Board agrees to apply for any necessary faculty to enable Courtland to carry out its obligations to maintain the Church

SIGNED on behalf of **THE CHELMSFORD
DIOCESAN BOARD OF FINANCE**



SIGNED on behalf of **COURTLAND
PROPERTIES LIMITED**

x 

x



Our ref: DP/MMB/C.3070

Beacon End Farmhouse, London Road
Stanway, Colchester, Essex CO3 0NQ
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62 Pall Mall, London SW1Y 5HZ
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SCHEDULE OF CONDITION

On

***ST. PETER'S CHURCH
BIRCH
COLCHESTER, ESSEX***



Inspected on: 25th June 2003

GENERAL DESCRIPTION

St. Peter's Church, Birch is located approximately 7 miles south-east of Colchester and appears to be of Medieval style and having been constructed around the 14th Century. Formed from stone masonry walls with an external render constructed from individual stone flints, beneath a vaulted timber roof construction under a pegtiled roof. The Church consists of a Nave, North and South aisles, Porch and Chancel together with a Boiler room off to the left hand side.

INTERNAL

ROOF

Description

The roof throughout the Nave and Chancel at the far end is of a vaulted construction formed from arched timbers and timber boarding.

Condition

The roof timbers appear generally in good condition. However, water penetrations have occurred in the past and caused damage in numerous areas, particularly to the left hand side by the North aisle. It is impossible to say, without further closer investigation at high level, whether any leaks are currently occurring to the property, but although the roof generally appears in good condition, it would seem that some dampness or water penetration, particularly over the stonework arches adjacent to the North aisle, may be due to defective valley gutters.

WALLS

Description

The walls of the Church are constructed of stone and finished in limewashed plaster with feature stonework around the windows, arches and high level corbels.

Condition

The walls appear to be in generally good condition although very dirty internally. There are signs of minor hairline cracking in numerous areas to the plaster together with signs of damp penetration at the wall/roof abutments, which is causing the limewash to flake, particularly to the left hand side over the arches and capitals of the North aisle and through the external wall. At these locations there are noticeable signs of damp that is affecting the internal walls and causing deterioration. Some further damage is also evident to the stone reveals and detailing around the entrance door, whilst at the far end of the building in the Chancel there are two areas to the left hand side by the door leading to the Boiler room that are badly damaged.

FLOOR

Description

The floors are formed from a combination of quarry tiles together with an area laid to stone blocks on the right hand side of the entrance door at the rear of the South aisle, whilst at the front of the church in the Chancel are patterned clay tiles mostly intact and in good condition.

Condition

All tiles and stone blocks would appear to be generally in good condition, however, it was evident that large areas had been cut out and made good using concrete, particularly to the left hand side behind the pews of the North aisle and also along the Nave.

WINDOWS

Description

There are numerous windows within the Church of both stained glass and clear leaded glass finish, many of which have been boarded over for protection.

Condition

Most of the windows appear to be in good condition but some have suffered damage, although this has been generally to the clear leaded glass lancet windows that are not boarded and most noticeably to the stained glass window above the entrance door also unprotected.

TIMBER/JOINERY

Description

The timber and joinery that forms installations within the Church consists of pews, entrance doors and vestry enclosure in addition to the already detailed vaulted roof construction.

Condition

The vaulted roof timbers generally appear in good condition, however, there are serious signs of rot and deterioration to the Vestry enclosure. There are signs of wet rot with what also appears to be dry rot and the existing floor has collapsed due to rotten floorboards and floor joists. Furthermore there are signs of fungal infestation beneath the fuse box on the front wall, which would appear to originate from a leak stemming at high level from the roof. The pews to the main church appear in reasonable condition although they are both dirty and dusty which limited the inspection possible. However, it was noted the first bench to the left hand side of the North aisle on entering the building is showing signs of rot and damp deterioration. It was noted that no pews or bench seats were installed in the Chancel, this chorister seating having previously been removed.

SERVICES

Description

There is a Boiler room located at the Chancel end of the church on the left hand side, which is accessed by a door from this area. The electrical fuse box serving the electrical installations to the Church is located on the front wall within the Vestry area.

Condition

The electrical and heating services to the church do not appear to be functioning and are in poor condition. It was noted that 8 No cast iron radiators were installed to the Nave, North and South aisles whilst there were 2 No. further cast iron radiators located to the Vestry and the Chancel. No access was available to inspect the Boiler room during the inspection, however an inspection through an unboarded external window showed the plant to be in poor repair and condition. It was noted that the fuse box within the Vestry appeared to be in poor non-functioning condition and has suffered water/damp penetration from a leak above at high level to the roof.

EXTERNAL

ROOF

Description

The Church has several areas of pegtiled roof together with ornate ridge tile detail. These pitched roofs fall to cast iron ogee gutters to the perimeter of the Church. No inspection was carried out due to the unavailability of access to inspect any valley gutters that may be constructed in conjunction with the roofs.

Condition

Generally the pegtiles to the roof appeared in fair condition although it was noted that to the right hand side elevation above the Porch there was an area close to the ridge of the roof at the centre of the pitch where approximately 100 No. pegtiles appeared to be loose or deflected, approximately 10 No. of which were actually missing. It was also noted to the small side addition roof of the Porch on the right hand side that there were also some defective pegtiles visible to this roof area. The cast iron ogee gutters to the perimeter of the building appeared to be in generally good condition although some signs of rusting were apparent together with leaks from the gutter joints that were beginning to wash/wear the stonework detail beneath the gutters causing staining and deterioration. We believe from our inspection that some of these rainwater goods are blocked. No inspection was available to any valley gutters at the time of our inspection, however, evidence would suggest due to the internal leaks at the areas of the roof/wall abutments within the Church that these may also be blocked or defective valley gutters to the roofs of the building.

WALLS

Description

The walls are formed from brick and stone that have been rendered using lime mortar with individual stone flints to the outside together with specialised stonework detailing to areas such as window and door openings and beneath the gutter.

Condition

The stone detailing to window and door openings appeared in fair condition, although there were signs in a number of areas of decay and deterioration. It was noted that numerous areas were affected by ivy that has climbed over the building and whose vines are established on the stonework to the elevations. In some places this has been cut back, although it is generally in abundance over the elevations of the property, particularly to the left hand side. Furthermore it was noted that moss has established itself in a number of areas on the stonework particularly to the low level detailing on the rear elevation to the left hand side. Further close inspection of the elevations was not available due to the protective corrugated galvanised hoarding located around the perimeter of the church. At high level to the right hand side elevation, two areas of the stonework render had fallen away from the wall exposing the inner leaf of the stonewall.

SPIRE

Description

The Spire enclosing the clock/bell tower is formed from similar construction to the rest of the Church being of stone flint render outside with stonework detailing to the corners, window openings and upper parts. The top of the Spire is formed from Portland stone with small window apertures in each of the elevations.

Condition

Generally the Tower appears to be in good condition to the stone elevations and stonework Spire. It was noted that the clock to the tower is functioning and the lightning conductor intact. From our inspection we believe that birds or pigeons may be nesting in the Spire or roof of the building and therefore recommend that these are dealt with and removed by a pest control contractor to prevent deterioration of the fabric of the building by pigeon excrement and to address any hygiene health and safety issues that may arise from any build up.

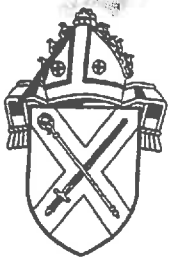
GENERAL COMMENTS

It should be noted that the inspection to the Church was limited due to restrictions on access to certain areas, in particular it was not possible to carry out close inspection of the external perimeter walls or a roof inspection due to the formation of a galvanised corrugated hoarding constructed around the perimeter of the property. In addition to this, access was not available to the Boiler room, Porch or Spire and therefore the inspection has only been carried out to the Nave, Chancel, North and South aisle areas internally and a visual inspection of the outside of the property where possible due to the restriction of the hoarding. Furthermore the inspection is limited by the lack of

lighting within the Church and the general condition with the prevalence of dirt/dust internally. General recommendations for the property are made in our covering letter accompanying this report.

APPENDIX I

Letter of Instruction



The Church of England
in Essex and East London

RECEIVED 23 JUN 2003

Diocese of Chelmsford

Diocesan Secretary: David R. Phillips, B.Sc., MIMgt.

Diocesan Office, 53 New Street, Chelmsford, CM1 1AT

Telephone: (01245) 294437

e-mail: dbrown@chelmsford.anglican.org

Mr N. J. Percival
Beacon End Farmhouse
London Road
Stanway
Colchester
CO3 0NQ

Your Ref: NJP/AB/C.3070

20th June 2003

Dear Nick,

ST PETER'S CHURCH, BIRCH

Thank you for your letter of 18 June and the information received from Courtland Properties.

Yes, please proceed with preparing the Photographic Schedule.

Now that our respective solicitors are in contact, I hope it will not be too long before we have an acceptable draft of the Option Agreement.

With best wishes.

Yours sincerely,

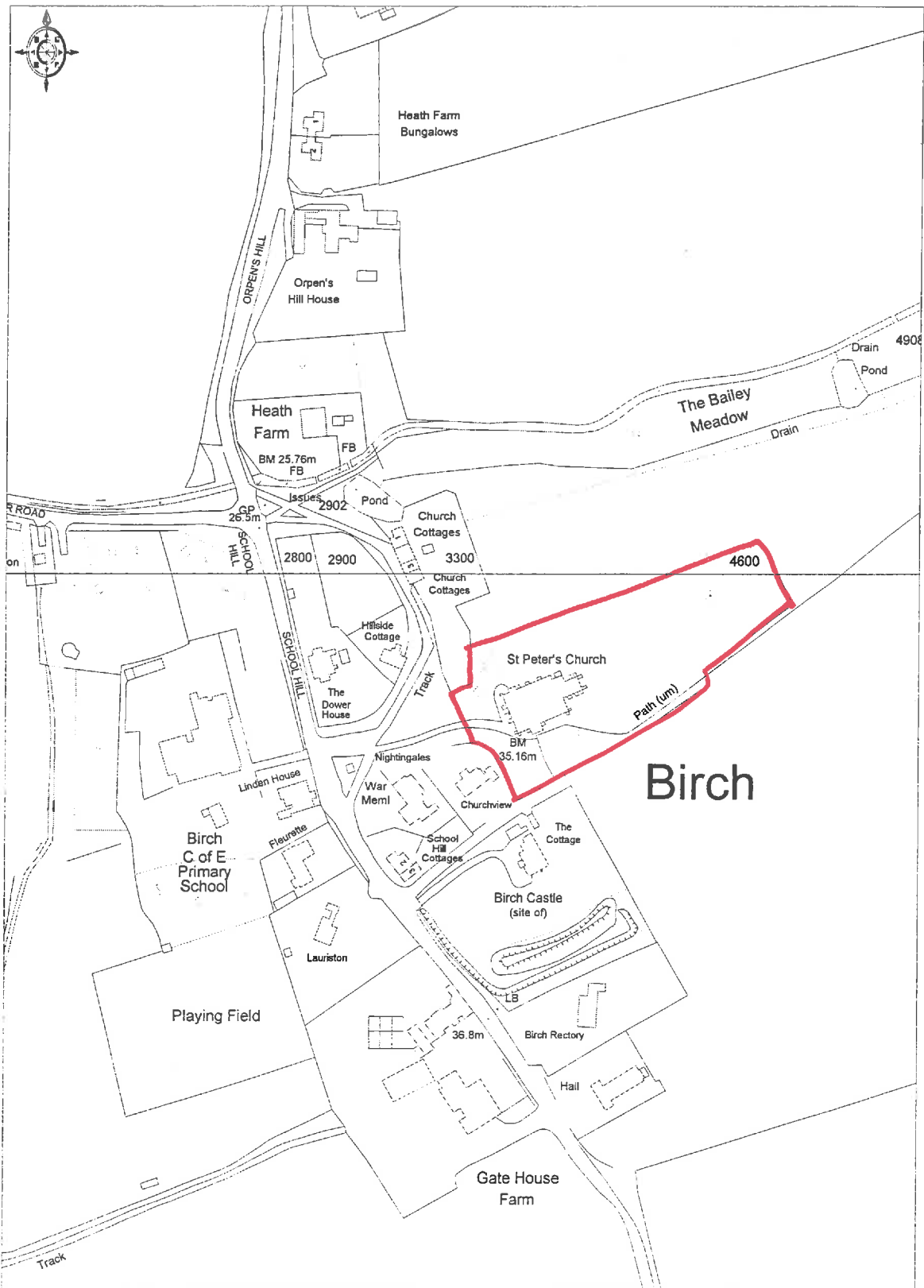
David C. Brown
Pastoral Secretary

CC: John Burton

01245 330790 - Mr J. Percival Church Warden. for key

APPENDIX II

Site Location Plans



Ordnance Survey

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APPENDIX III

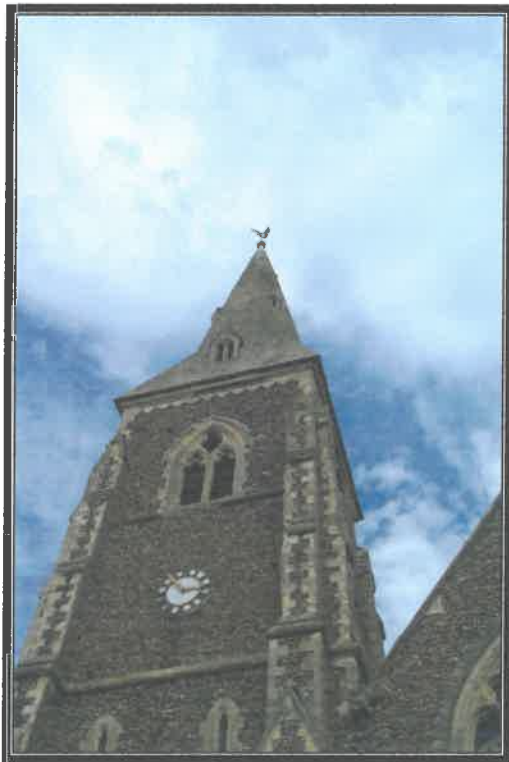
Photographs of the Site



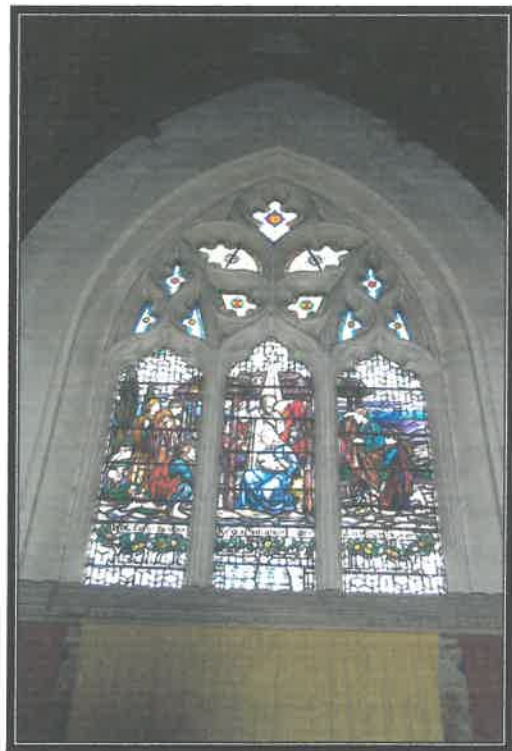
DAMP TO WALL IN CHANCEL



INTACT BUT UNPROTECTED STAINED GLASS WINDOW



SPIRE



STAINED GLASS WINDOW IN CHANCEL



SIGNS OF DAMP AT WALL/ROOF



SIGNS OF DAMP AT WALL/ROOF



SIGNS OF DAMP AT WALL/ROOF



INTERNAL VIEW OF FRONT ENTRANCE WALL AND STAINED GLASS WINDOW



SIGNS OF DAMP AT WALL/ROOF



SIGNS OF DAMP AT WALL/ROOF



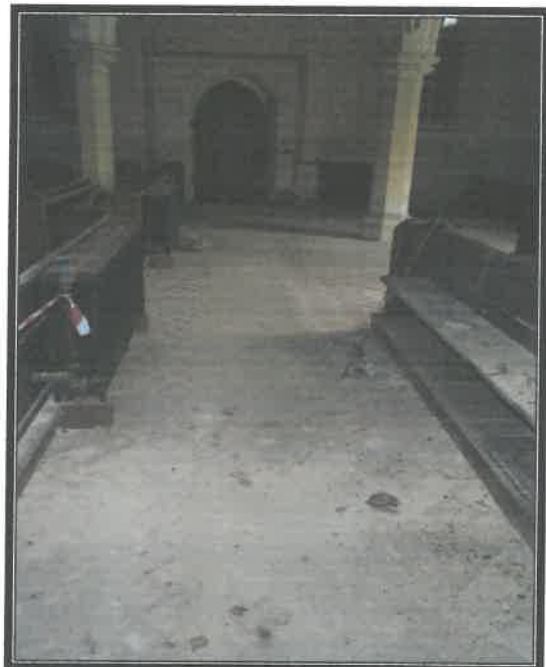
PARTIALLY PROTECTED STAINED GLASS WINDOW



DAMAGED LEADED LIGHT WINDOW



PROTECTED LEADED LIGHT WINDOW



CONCRETE REPAIRED FLOOR TILES



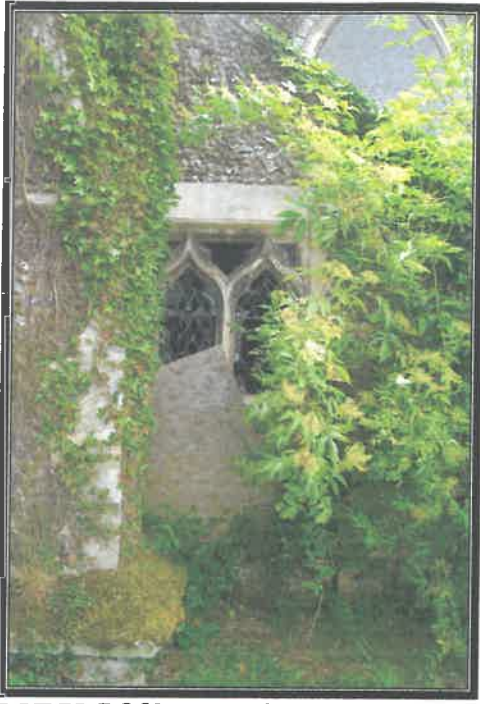
ROTTEN FLOOR TIMBERS TO VESTRY



DAMAGED WALL IN CHANCEL



IVY GROWTH TO EXTERIOR AND MISSING STONWORK AT ENTRANCE



BOILER ROOM WINDOW UNPROTECTED



DAMAGED STAINED GLASS WINDOW AT
ENTRANCE



EXTERNAL VIEW OF BOILER ROOM AND TANK WHERE OVERGROWN



VIEW OF BLOCKED GUTTERS AND RAINWATER PIPE TO CHANCEL



EXAMPLE OF DISCOLOURED WALL INTERNALLY



EXTERNAL VIEW OF BOARDED WINDOWS TO CHANCEL



DEFECTIVE STONE FLINTS



MISSING STONE FLINTS TO RENDER AND DAMAGED STONEMWORK TO RIGHT HAND SIDE



INTERNAL VIEW OF CHANCEL WITH CHOIRISTERS SEATING REMOVED



DAMAGED STONWORK TO FRONT ENTRANCE



EXTERNAL VIEW OF CHANCEL FROM RIGHT HAND SIDE



SECTION OF MISSING EXTERNAL STONE FLINTS TO RIGHT HAND SIDE OF CHURCH



BROKEN GLASS TO BOARDED WINDOW



UNPROTECTED STAINED GLASS WINDOW



CORRODING FUSEBOX IN CHANCEL



DAMP/FUNGAL GROWTH TO VESTRY



VIEW FROM WINDOW INTO BOILER ROOM



SIGNS OF DAMP AND FUNGAL GROWTH AT HIGH LEVEL CORBEL