

ST. PHILIP & ST JAMES LECKHAMPTON

- 1 The Church of St Philip & St James Leckhampton is situated in the Montpelier area of Cheltenham. The church is listed as Grade 11 *. The active congregation, of which more below, seek a faculty for very substantial alterations to the interior of their church together with some exterior work. Re-ordering of this church has been in the mind of the PCC since at least 2001. However, from 2012 their current Team Rector has led them to envisaging a reordered Church, which might provide new dynamic facilities in which to proclaim the Gospel. He had been inspired, according to the church's website by the book: "Re-Ordering the Tent", the results of which he had seen at first hand in Philadelphia. The Parish have wrestled with the concept of a major re-ordering since then. Some re-ordering has already taken place, under Faculty, in a side (Memorial) chapel in 2011, which the parish like (though others might wonder whether being urged, in a Taize style service, to sit on cushions on the floor on a wet, cold January Sunday in Cheltenham will appeal to the widest possible number of parishioners), notwithstanding that chairs were available. Sensibly, under-floor heating is being proposed. A children's corner and a refreshment area have also been inserted.

- 2 Not only have the congregation spent much time and effort in coming up with their current, reworked scheme (for there have been alterations in the light of criticism), but time has been taken to consider the objections raised, principally by the Victorian Society, a statutory amenity body. I am well aware that delays for such consideration have been frustrating to the Petitioners, but it is a mark of the architectural importance of their church, both in the Diocese and nationally, that the Victorian Society, and others, have become involved, and therefore I have had to give this difficult Faculty thoughtful consideration. No party in these proceedings sought a formal Consistory Court but wished the matter to be argued before me on paper. Such was my concern that I directed that further written submissions from the major objectors and the Petitioners. I accept that this has added to delay in coming to a decision, but this matter is of importance, not only to the

Church itself, but to those interested in the preservation of Victorian architecture, as well as to the cultural/tourist heritage of Cheltenham itself.

THE HISTORY

- 3 The original St Philip & St James church was consecrated in 1840 as a daughter church of the much older parish Church of St Peter's Leckhampton (in whose church yard are buried, among other, Wilson the Antarctic explorer and the architect of the British museum Sir Robert Smirke). However, Cheltenham's population and architectural development was booming in the 1830s, and more church seating space was needed for what was to become a fashionable suburb. This daughter church, initially St Philip (& St James being added), initially had a priest- in -charge, but it, unsurprisingly, prospered and acquired its own separate parochial status in 1869 when its first Vicar was appointed. However, the parochial population out grew the original 1840 building, so by 1879 the present church building was begun, by a mixture of extending the original building and adding to it. This new building was consecrated in 1882. The proposed spire could not be built on the original foundations as planned, so it was not until 1903 that the current saddleback tower was built. This is a large church, designed to seat 880 even without galleries. While acknowledging the current successful size of the congregation, one must not underestimate that previous generation (even with pews) built for even greater size. The Petitioners make much of the pews being inserted mainly to maximise pew rent, but this enlargement was to provide for a growing church going local population and one must not underestimate the power of fashion, then as now: Box pews, old fashioned, pitch pine pews the then coming thing (especially if forming part of the overall design). Equally one must not underestimate the need to ensure an income stream, then initially from pew rents; now from lettings and sale of assets. Indeed, one of the concerns raised by the petitioners is that the property they purchased next door to the church has now become a financial liability, notwithstanding the lettings income and space for church use it provides. Some objectors question this, considering that its potential has been run down to enable the hoped for sale to take place, and thus from the sale price for this major re-ordering to be mainly funded.

- 4 In 1963 the church built a columbarium in its crypt for parishioners' ashes, an early example in modern times for this use in a Victorian crypt. In 1982 the parish incorporated the former church of St James, Suffolk Square in Cheltenham. (The St Philip & St James' parish originally used that former church building as a church hall, but it is now in commercial use). As I understand it, the loss of that premises may have resulted in pressure on the present St Philip & St James for space, notwithstanding the use of the

Church House purchased in the 1960s. This above background shows that the church of St Philip & St James has not been a static entity. It has expanded, included the former St James, but also let go of an area to found the parish of St Christopher's Warden Hill. The Church contracted and expanded as populations moved and developed, while within that changing liturgical fashions also mutated (as do its priests). It would be a mistake to consider that any Parish church is a finite, unchanging entity; nor should it be. However, rather as the ordinary parishioner may stand in the ruins of some pre-reformation abbey and wonder how such things came to be destroyed, so now many, whether post or practising Christian, consider that the architectural heritage of the Church of England should not be thrown out with the bath water to facilitate changing and ephemeral liturgical fashions. Each side call on its literary and ecclesiastical champions to justify their respective positions. Feelings run high. In the middle are the parishioners; some feeling bereft by what they see as changes to their beloved building and its memories for them, some carried away by more enthusiasm than judgment, some because the proposals all sound wonderful against (often a falling congregation), some because they do not want to rock the parochial boat, some even thinking that to object is "sinful" or will bring "bad luck". All Chancellors, doubtless, have been met with these kind of objections. Often such a scheme can be led by the vision of a few. On the other side are ranged potential objectors, local individuals who have real doubts as to whether such a proposal is necessary, relevant or no more than a vanity project of the few who want to "leave their mark" on the church (as, in fairness other generations have done), or the architectural enthusiast who can be indifferent to the actual use of a church but who is besotted with the purity/rareness/example of a particular architect. Artistic Heritage, on occasions, can appear to become professional middle class substitute for religious observance or belief. Then there may be the local historians/tourist board who see this building as a "heritage item" to be preserved and marketed for the greater good of the particular local area and its townscape. Then there may be the various local groups who want to rent space with lavatories for play groups, concerts, exhibitions and the like, often liaising with the particular church group themselves who want flexible space, lavatories, work rooms and NO PEWS.

- 5 Many of the above in one way or another are involved in what is to happen to St Philip & St James Leckhampton.
- 6 Having rebuilt itself once, history now repeats itself as the current parishioners are seeking to utilise their church space in a different way, worshipping habits and expectations having changed. What is the architecture of the current church, and why is it said to be of importance?

THE PRESENT CHURCH

- 7 The interest of this church is that it was built (albeit over the carcass of the earlier church) by an interesting and competent Victorian architect John Middleton, and it was built as a whole set piece in a three year period. Middleton designed many of the fixtures and fittings together with his partner Prothero, while H.H. Martyn & Co, a locally renowned company of architectural decorators and furnishers of Cheltenham did much of his work, as well as wood carving in the Titanic and the Speaker's Chair in the House of Commons. Even so, there have been changes in this church over the years; I have already mentioned the columbarium in the crypt, a new vestry was inserted at the back of the church. There is a movable nave altar (albeit the high altar is still in use) and the font has led a rather peripatetic existence. There was a re-ordering of the South Chapel in 2011. The inevitable refreshment area could be fitted in by moving some pews. As can thus be seen this is a church which has not stood still, but continued to develop. However, their current proposals now before me are major, very major, and would alter the interior of the building. This is not mere cosmetic tinkering/improvements; these proposals will make the church look really very different inside.

THE CHURCH ARCHITECTURE.

- 8 Subject to the alterations which have taken place what is so special/interesting in the church as it now is? It is described by Historic England in their listing description as follows:-

Reasons for Designation (11*)

The Church of St Philip and St James with attached boundary walls and gates, Leckhampton, Cheltenham, is listed at Grade II* for the following principal reason: * Architectural interest: it is a particularly well-detailed and well-executed example of Gothic-Revival architecture in a Decorated-style with good detailing and use of materials; * Architects: John Middleton (1820-1885) is a nationally important architect, well-known for his impressive ecclesiastical work; * Historic interest: its crypt includes the first columbarium in the country, added in 1963; * Interior: it is notable for its particularly impressive interior, utilising polychromatic stonework combined with an elaborate gilded wooden vaulted ceiling; * Decorative embellishments: it includes a very good compliment of high-quality original fixtures and fittings, including work by Prothero (Middleton's partner) and by H.H. Martyn & Co. * Group value: it forms an important group with the nearby listed buildings, including the adjacent Church House (Grade II), a former mid-C19 villa later used as church rooms.

The particular concern of the Victorian Society is that the architect John Middleton (1820-1885) designed several churches in and around Cheltenham, and his practice continued even later. His work was enhanced by sculptors and stone carvers, tied in with the Cotswold arts and crafts movement. However, one must be a little careful of using that term in this context as the style overall is more Gothic Revival than pure Arts and Crafts (though the work on the fittings may be more so in their execution). It is a church which can be seen as a Victorian whole. The glass is interesting and good, and includes a memorial window to the architect himself by his son.

The EH listing describes the Church in detail, and I need not repeat that here. In reality, it is not that it is a really magnificent or outstanding church, but it is of important interest because it is built as a whole, in which architecture and fittings resulted in a planned and executed interior. It is that completeness which the Victorian Society see as being disrupted by these proposals. There is evidence before me that the some items, such as the pews were not actually designed by Middleton but were inserted slightly later by his partner and executed by the more than competent local firm of HH Martyn & Co.

THE PROPOSALS

- 9 Just what does the church want to do and why? This is a church which has spent a great deal of time and energy in justifying their proposals as can be seen in their Statement of Need, and they have recognised their architectural heritage (with which they are stuck) in their statement of significance. They must have found this process of obtaining consent for their proposals very frustrating, but that is the system in which we operate, and had this church been subject only to the state planning system, the PCC might well have found it more difficult as, indeed their experience of having to abandon, because of objections from the local planners and residents, the west door atrium design, shows. I mention in passing that there has been complaint made about the insufficient advertising of the original Faculty Petition. Time and again I have stressed in judgments that Parishes only bring complaint upon their heads if they do not comply with the legal requirements for full public advertisements of their plans. It matters not that they think it will only invite dissent. However much a Parish may consider that their plans are so superior and the outcome will advance the growth of the ministry, that is not an excuse or justification for not properly complying with what they have been clearly told what to do. Here the original petition just about complied with the legalities. Indeed, their Open Day, their Questionnaires and their website all have advertised what is being proposed in a useful and sensible way. Happily the public planning aspect (of which more below) ensured publicity, and the later alterations reduced the original proposals so that I am satisfied on this point of public notice. I

am also cheered to find on the church website videos and architectural presentations which make more than clear to any interested Party just what is being proposed and why. As a method of disseminating the reasons for change and what such change may look like, I commend this publicity approach to any church, so people can understand why change is being sought, and what it may look like. Of course, as in many design presentations there is always a bit of window dressing but comparing the videos with the plans, the outside world has been presented with a pretty fair indication of what was being sought.

- 10 I must also consider, as well as the architectural objections, the following:-
- Are these alterations really necessary?
 - Will they assist the mission of the Church in Cheltenham?
 - If the alterations do not take place, is there a down side? If so, what might it be?
 - Are the alterations supported by the worshipping congregation?
 - Can these alterations be afforded (sensibly)
 - But as nothing lasts, whether architecturally, congregationally or liturgically, are all/any of these proposals reversible?
- 11 The parish, via their Re-ordering Project Board, have presented coherent and well set out proposals. When faced initially with objections, they did not just dig their heels in, but reconsidered and produced amendments to make their proposals more acceptable. What do they want to do?
- 12 Their original Petition of October 2016 proposed the following:-
- The removal of all the pews from the nave and side aisles
 - The creation of a raised level floor throughout incorporating underfloor heating
 - The creation of pods within the South and North aisles to house an office, kitchen and meeting room space above and chair storage
 - Two WCs in the South West tower base
 - Two WCs in the North transept
 - Relocation of the font
 - Glazing in of the South transept chapel
 - A new glazed draught lobby, external landscaping
 - Changes to the crypt including new floor surfaces
 - Restoration of steps
 - New ventilating door

- Tanking to storage area and a new boiler
- 13 Now at first blush, this looks like (and is) a big expensive project (even in this somewhat sketchy form) which would result in a building looking very different from its present form, but I remind myself that this was a church which has already re-built itself round itself already once before, and has carried out fairly substantial alterations already. The church building now is not pure, unadulterated Middleton but has been altered, even comparatively recently.
 - 14 At second blush, actually much of what is being proposed is fairly non-controversial, save, perhaps, to architectural purists.
 - 15 The raised floor level and underfloor heating, the glazing of the South transept chapel, the new crypt floor, improved lighting, the restoration of steps, a new ventilating door, tanking to a storage area and a new boiler might have seemed really fairly run of the mill and difficult (subject to any DAC concerns) for objectors to oppose. However, the, if I may call the amenity societies, professional objectors did object.
 - 16 However, it is the other matters which are proving the most controversial. The Parish commissioned RAA Architects to design the scheme, having seen their work at All Saints Hereford and St Lawrence Reading. Glass pods, clad on the ground floor level and glass above are now becoming *le dernier cri*, and are becoming more common in churches, providing not so much extra space, save for an upper glass level, but the additional use of space carved out of a nave area for offices, meeting rooms and the like. There are objections to them; ventilation, reduction in the openness of a nave, effect on sound and are they a useful necessity?

THE ORIGINAL OBJECTIONS

- 17 The Parish appear to have begun serious work on this proposal by 2015, after some years of thought. The Parish realised that they were in for the long haul. Notwithstanding the consultations (proper and well carried out) there were objections following the original Petition in September 2016. Indeed, the Church Buildings Council also commented, having already seen two previous potential proposals. There had been earlier site visits with the DAC, Historic England, The Ancient Monuments Society and the Victorian Society in as early as the Spring of 2015, after which some modifications

were considered, and another such meeting in May 2016 by the time amended proposals came initially to the DAC in December 2016, the matter having gone out to public notice. At that DAC meeting many of the problems, major and minor, later identified, surfaced. A detailed list of questions was prepared about the scheme.

- 18 By then the overall view of objections were becoming clear. The team rector wrote to the DAC trying to clarify questions as to the need for/use of these new spaces I am afraid, reading the annotations to that letter, he raised as many other questions as he was trying to solve.

THE OBJECTORS

- 19 Who and what were the objectors?

Although the overall view of the Parish appears not to have been unanimously in favour, the majority were but there were some (in)formal objections from that source. The formal objectors were, as it were, professional.

- 20 I turn first to the letters I have received from the Parishioners. I have considered these with care. They are heartfelt and thoughtful. They show that not every change is successful, and can lead to losing people as well as gaining people, as the attendance charts show. The Church of England is an organisation of volunteers and voluntary attenders, who, if they don't like a new style, another form of liturgical practice or whatever, will walk away, sadly and unhappily. Hopefully to another church, sometimes sadly away altogether.
- 21 The local objectors choose to be or were deemed to be informal objectors. Miss Saxby set out a heartfelt lament for the effect all these discussions (and this was as early as 2016) when she wrote two letters of objection. She regretted that musicians had left. She regretted the proposed alterations of the interior which she felt to be unnecessary. She particularly regretted any loss of the pews, and the effect of the re-ordering of the Memorial Chapel. One of the difficulties is that new generations forget or do not know/acknowledge/even remember the past so that its original dedication to the active and successful Canon Eynon had been rededicated to the priest responsible for the re-ordering. Gestures such as that have really got to be considered carefully. Names might be added but erased? Parishes have a

past as well as a future, and older parishioners should not feel that their parochial past is irrelevant. Miss Saxby is also unhappy about the pods and the west end atrium (but this latter has been abandoned). She objects to the carpeting and queries the need for an enhanced communal space. She queries the proposed sale of Church House, saying bookings have fallen because of concern about its future.

- 22 I do repeat a complaint she makes about her visits to two other local Middleton churches:

“...both visits depressed me considerably. Chairs were upturned on window sills in front of stained glass windows, chairs were stacked around the building with not one available to sit on, the chancel contained a drum kit and much cabling, carpet was being vacuumed, a group was watching a TV screen which was playing pop music, a telephone rang and I could not enter or exit from one of the buildings without being accosted by a receptionist who promptly locked the door after me”.

- 23 Now, of course, this is not what she experienced in St Philip and St James, nor is there any reason to think she would, but I take the opportunity here to point out to other churches that sometimes the desire for office space, meeting rooms, youth provision can slide imperceptibly into a self satisfied, self regarding inner group who thoughtlessly give no effort to any real “welcome” (though much vaunted) to any passing visitor or parishioner, who might not initially look like a member of the desired parishioner demographic.

- 24 Other objections came from a Mr. & Mrs Deller and a Mr Clark. They followed the same lines: objections to the removal of the pews, the effect of the pods, the need for sound proofing any office, and the potential conflict between the needs of the church for, say, a funeral, if there are groups occupying a rented space within the church Mr Clark urges consideration of better use of their one remaining asset, the Church House.

- 25 Even at this early stage potential objectors had apparently, and erroneously, been told that the plans were “a done deal”. I deprecate efforts, if such were made, to try to put off objectors. The Faculty system has to work, and be seen to work fairly. In this diocese parishioners, for and against any proposals, should feel that their views have been fairly and properly aired

and listened to; there are no “done deals” in advance of proper legal scrutiny.

26 Other objections were received from an early stage from the outside world.

Historic England

- 27 Their main concern was the overall change to **“a particularly accomplished example of Middleton’s work”**. The fittings they considered to be of a high standard, forming part of a cohesive scheme. Although they welcomed the landscaping and the reworking of the western entrance, and even the partial removal of some pews for the glass pods, they considered that the removal of all the pews would cause **“unjustifiable and substantial harm”** to the significance of this building. Their concerns, taking them shortly, was the adverse effect of the introduction of additional doors, the compromise of the alteration of the spatial dynamics of the nave, even of the introduction of the glazing of the Chapel.
- 28 However Historic England, notwithstanding their concerns briefly summarised above, did consider that “alterations could be made to the scheme that would minimise the level of substantial harm currently proposed while still achieving the majority of the objectives outlined”. It did not consider that the scheme represented “clear and convincing justification” to merit supporting it **“or for the benefits to outweigh this harm”**. So they objected. I summarise these concerns below. Are the pews by Middleton/Prothero/Martyn? Historic England say they are 1892/3 to conform with Middleton’s original idea of a fully pewed church. Even if they were later insertions, the pews conform to the architect’s original proposals. Historic England agreed to removal of pews from the aisles but no more than at the western end. They were concerned about how a raised floor would interact with the doors, and wondered if the heating advice really supported underfloor heating or whether this should be looked at again. They objected to the Memorial Chapel glazing of the open arches as “separating and compromising” these spaces. They agreed with the placing of the WCs in the tower, and, by and large, with the glass pods. In effect, Historic England considered that some modifications could be made to the scheme to achieve much of what the Petitioners wanted. Their overall view in objecting was that the scheme in its present form had not shown **“clear and convincing justification”** for its benefits to outweigh the harm. They did not want to become a formal objector, but to have their views taken into account.

- 29 **The Ancient Monuments Society** had regretted the proposed wholesale ejection of the pews and the glazing of the memorial chapel, thus interfering with the free flow in the gothic space. They still hankered after some new Western gallery to provide space though that would entail a lift. (I found that a difficult proposal to follow as the insertion of a Western gallery would certainly alter the overall Middleton design, perhaps even more radically than the current proposals before me).

They objected to the glass pods and to the insertion of glazed panels in the chancel arches, and thought that the under-floor heating plans were not well thought out.

They too sought to be an informal objector only.

- 30 **The Victorian Society** repeated its earlier objections as they had been alert to this petition from a very early stage. Their Society magazine for November 2016 featured this church in their “Buildings in Peril”

“ [it] has extremely fine fittings, every pew end is intricately carved with different motifs and designs, which together give the interior considerable interest and character There is also an elegantly wrought chancel screen, and the chancel has colourful and decorative encaustic tiles.... The church’s thriving buildings would like....more flexibility of usethe proposed scheme would completely clear the nave of pews, insert pods in the aisles raise the floor and a large area of glazing and external circular lift structure The church owns a house next door that it uses for meeting spaces and office. Its desire to sell this building which it says it cannot maintain is the impetus for this damaging set of proposals ... we have suggested that the parish instead explores the options of either maintaining the building it is currently using or constructing a new hall in the adjacent car park than trying to cram everything into a Grade11 listed church ...[which would] risk creating a dull characterless space, destroying the quality and value of what is there at present.”*

- 31 I suppose there might have been planning g and local objections to the “developed car park scheme” by neighbours. The difficulties of maintaining the Church House had been subsumed in this Petition as to becoming the font of capital to fund the development. Both situations might be correct.

The Local planning Authority

- 32 This granted planning permission on 16th June 2016 for the landscaping after the withdrawal of the western atrium proposal.
- 33 I have read and considered the objection letters from all the above bodies, and all their subsequent correspondence.
- 34 Since then the stand- off between church and objectors continued.
- 35 In January 2017 advice was provided for the DAC as to the heating proposals, which supported, on balance, the underfloor scheme after a site view; this was borne out by additional enquiries made of other churches, though there was some concern about the lighting proposals inside and outside.

WHAT HAPPENED NEXT

- 36 That was the state of play when the matter was considered by the DAC in July 2017. Not surprisingly, the DAC provided me with a substantial paper in late July 2017 (which itself followed three years of discussions and evolving parochial planning) to reflect their reasons for their views on the whole scheme, (and with notes as to the views of their specialist advisory consultees), following site visits and correspondence.
- 37 These they summarised as follows:-

Victorian Society

This amenity body (excepting the now abandoned the west porch proposal) objected overall; especially to the removal of high quality pews which added character and interest of the church.

The Church Building Council

Following visits with the DAC they “declined to comment” on the September 2016 proposals. They wanted other options to the pods to be explored with even the possibility of the provision of lifts to the upper levels. They did not support the wholesale removal of the pews, nor the re-glazing of the memorial chapel.

- 38 As summarised by the DAC, **The Ancient Monuments Society**, like the others they welcomed the abandonment of the western atrium, but objected to the **“wholesale removal”** of the pews, and the glazing of the memorial chapel. They were concerned about the glass pods becoming smudgy and developing into sealed uncomfortable spaces. They were sorry that one of their original suggestions that a west gallery could have been used as a meeting room was not been taken up.
- 39 There had been site views, and what the Parish must have considered unending meetings and objections. The pods were in issue, and the DAC considered that the retention of some three rows of pews at the east end, placed in collegiate fashion might be a way forward, the parish wanting removal of all the pews for full “flexibility”. Like the outside world there were differences of opinion in the DAC and the matter had to be, unusually, put to the vote, unlike their more usual cabinet –like emergence of consensus.
- 40 The out-come of the three choices put to the DAC is interesting:
- ***Recommend approval : 3 in favour, 9 against***
 - ***Not recommend approval: 6 in favour, 6 against***
 - ***Not object: 8 in favour, 4 against***
- 41 While recognising that it was a **“meticulous”** application expressing the needs and aspirations of the congregations, it was not exactly a ringing endorsement of advice to the Chancellor, nor even a particularly helpful one. It is also worth pointing out to the parish the amount of worry and concern the DAC and others spent in trying to get a decision which balances all these competing matters.
- 42 It is also right and important to say that the Parish carried out extensive public consultations as well, as can be seen below, support was not unanimous but, still, overwhelmingly supportive.
- 43 As the DAC advise me, ***“...the nave and aisles would be completely cleared of pews, enabling a new underfloor heating system to be installed over the existing floor with a new timber surface throughout. The Chancel furnishings, pulpit, screen and lectern would remain***

unaltered. WCs would be installed within the tower space, and a library space would be provided at the west end of the north aisle”

- 44 (It appears that the Petitioners thought that by informing the Chancellor that such ‘library space’ would contain, inter alia, copies of the Church Times for perusal might provide yet another attractive feature! Admirable as that paper is, it is one thing to present arguments in an attractive manner; it is another to window-dress in a manner of a television advertisement. A copy of anything by Dawkins might have indicated the presence of some intellectual enquiry or argument). However, it is of note that they indicate a collection of some 500 books (for adults and children) as available. The church also has a Reading Circle.
- 45 As I have mentioned there have been substantial alterations following discussions so plans for a west end atrium drum entrance have now disappeared, to be replaced with an inner glass draft lobby following objections from the local planning authorities and local amenity societies.
- 46 The DAC continued “***a landscaped piazza would be created in place of the existing car park and an access ramp created to the south entrance to overcome access difficulties into the church...access to the columbarium to be improved, the North transept reconfigured and interior renewed, and the memorial chapel to be glazed to enable it to be independently heated and sound proofed.***”
- 47 Not surprisingly, given the experience of RAA, the scheme plugged various innocuous attractive features to deflect criticism. What’s not to like about a landscaped “piazza” rather than a car park? Who can object to improved access to the columbarium for grieving relatives? This Petition really is a text book example of a well thought out plan meeting the needs and aspirations of active worshipping community in a stand-off with architectural historians and others, whose hearts are not in approving the proposals because of just what this church architecturally represents; any major alterations will change it completely. The DAC, apparently, could not make that commitment. Their votes show an emotional, but intellectually understandable response, and one which has made my decision all the more difficult. The difficulty is that this church is a beautifully executed example of the Gothic revival style, style (despite some alterations) a whole set piece. Does it remain as it is, or does it organically change to continue to provide for the present and future congregation?

48 I have before me undated, which is not very helpful, a detailed response by the Parish to queries raised by the DAC, I think in response to their December 2016 meeting. In any event these were answers to questions which had been raised, possibly even on site views.

- The Parish considered that the number of pews, historically, had been inserted to maximise pew rent
Though presumably that would only occur if there were sufficient parishioners prepared to rent a pew.
- Pews had already been moved at other times from the Memorial chapel, side aisles and rear of the Church
- There is no evidence of H.H. Martyn carving the pews “himself”
Well, maybe not, but craftsmen in his firm did.
- The need for flexibility has been sought by the church for many years.
- Pews result in passivity of worship and inflexibility
- 715 of the congregation are in favour of total pew removal
- This view is supported, they argue by all the well- known anti- pew writers and ecclesiastics
- The Memorial chapel re-ordering has been a success
- A flexible space will allow ticketed events at the Cheltenham Festival
Though presumably so would 880 sitting spaces in the pews; it is just the empty space which would be more flexible
- They considered the partial removal option to be a piece meal solution which missed the point of the planned total reordering. A pew- free space worked in the Memorial chapel
- The pew removal began in 1924 and has continued in a desultory way
- They set out that they are not just wanting a bit more flexible space for, say, the ubiquitous rite of coffee, but ***“we envisage four spaces within the recorded church being used by multiple groups with diverse liturgical needs every day “...we envisage differing liturgical layouts according to the seasons of the Church Year ...this is a paradigm shift that requires a bold architectural response.”***
- They challenge the suggestion of a fixed block of pews at the east end (not, I think exactly what was being suggested)
- Fixed pews restricted use, income and increased clutter were some heavy unwieldy pews to stay
- After all this, what appears to be a sop, they seemed to be agreeing to the retention of a small number of token pews, shortened to allow them to be easily moved to be placed against the South wall. Their heart is not in

this and it is only being offered as a somewhat grumpy gesture to shut up the objectors, and, hopefully, to mollify their Chancellor.

- In respect of disposal of the pews, the Parish suggested that they had tried unsuccessfully to interest another Middleton Church in them. They would offer them to a museum or sell via an auction house. Only the pubs and coffee shops in Bath Road Cheltenham were interested in buying the pews.

- 49 It remains for me one of life's insoluble mysteries why people object to sitting in a pew in Church for an hour but are more than happy to sit on the same pew all evening if it has moved to a pub or restaurant. The mere provision of cushions (and/or drink) cannot surely make all that difference. (If so, some sofas might be a viable alternative) However, I recognise that it is really the liturgical/parochial freedom of expression which is the pews' worst enemy, not peoples' bottoms.
- 50 Following the DAC meeting in January 2017, more work was being put in on all sides, and I do pay tribute here to the amount of effort, time, care and attention all involved in this matter have spent.
- 51 After that DAC meeting, the Parish went back to the drawing board to consider the perceived problems of storage, use of the former baptistery, and to experiment under Archdeacon's licence with shorter re-positioned pews, to provide a design brief for the landscaping, and to clarify the safeguarding of the organ. Designs were being worked up, compliance with Building regulations and Fire compliance was to be developed. All these details such as the staircase safety provision and glass for the pods had to be worked up. The outside world should really understand the difficulty in pulling together lighting heating, audio and electrical work for such a major scheme, but all these aspects have to be well under way before the big decision cone to be made. I am grateful for the very full design package I have been sent which I have considered in detail. It is right to note that all Parties, including the DAC officials, were sharing notes and advice as to how and why additional information might be presented to help identify the reasons for the proposals in a considered and clear way. This was the more important as there had already been strong opposition from Historic England and the Victorian Society. Other matters like a Notice board, and heating in the crypt had crept in.

ONWARD

52 By June 2017 a second revised Faculty petition was produced, in which the Parish had obviously acted on professional advice. Its presentation was on a different level, and it set out to deal with the questions raised by the DAC and the objections of the amenity societies and Historic England. It set out in a helpful and detailed way what they wanted, why they wanted it and endeavoured to deal with the objections/suggestions of others. They have set about presenting their Petition in a sensible and attractive way and explain the Open days, the Facebook video and consultation leaflets, which have probably explained the lack of substantial parochial objections, at least as far as this Petition is concerned. They are to be congratulated on the way they have explained the project and carried a great majority of the Parish with them, in favour of a scheme which might have been very vocally opposed by Parishioners. One would not expect 100% agreement but there has not been an overwhelming objecting backlash from parishioners. The Petitioners acknowledge the help and advice of a DAC subcommittee in the reworking up of these plans and the amendments that took place over several months of consultation. This revised petition set out the church's need and their wish to play an enhanced role in the community. The financial structure is sound, they say, and a legacy has assisted the overall proposed costs as well as the proposed sale to the church property. The Churchmanship is central, and includes a wide variety of worship styles, from an organ and robed choir to a music group, a growing number of children and young families as at the Autumn of 2017 there were 214 in the electoral role, with church attendance averaging on an Sunday 180-200, not counting Christmas and Easter. Services range from BCP to Common Worship both on Sundays and midweek. Its formal choir is building up a national reputation (though there may have been some objections from former choir members who have now left). There are various youth and children's' groups. The church can be used for concerts and performances, religious and secular. The community can be and is being involved in the use of these buildings. The petitioners want stackable chairs, a moveable altar dais, moveable choir music desks and the ability to have as much flexible space as possible. The Memorial Chapel is to be sound proofed New lavatories including the idea of a wet room and a shower (which was at least mooted but seems I think to have disappeared), an office space with three workstations, "breakout spaces" for Sunday school activities, storage space, rewiring and improved lighting and a sound system. As might be expected as the plans were tinkered with over the years, improvements and changes crept in. I consider that the DAC should now have (what I hope will be) a final visit to tidy up all these extraneous ideas.

53 Their revised petition documents stress the number of grade 11* churches in England, but of course, this is not the main point of the objectors. It is

the fact that it is an almost complete visual scheme by Middleton not just that it is hodge podge of styles that merits a Grade 11*. Now, even with a bit of over-egging the pudding, the Petitioners make the valid point that this church has not just rebuilt itself round itself (in a rather weird bungalow-eating way) but has managed to add things tactfully over the years in the light of liturgical changes, such as the nave altar, a refreshment area to the columbarium. The Petitioners did their research as to the pews being installed in 1894, at a much cheaper cost than the more ornate, expensive chancel pews. Their research shows that the nave pews were not designed by Middleton, but some came from the previous church building, and were then subsequently augmented by chairs and the later, current pews. They stress the fact that the chancel sanctuary, choir and pulpit will not be altered nor the stained glass windows.

- 54 I have already dealt with the other major objectors. However, I must specifically consider the formal objection of the Victorian Society. I have already outlined their objections initially raised formally in July 2016 following a site visit to the church. They objected to the pods, the removal of the pews, the raising of the floor, the impact loss of the removal of the chancel step, the underfloor heating above the columbarium, the glazing of the memorial chapel. They urged the continued use of Church House. They did not comment on the financial costs of continuing to use Church House. Like English Heritage and the Ancient Monuments Society, they welcomed the abandonment of the west door atrium.
- 55 As I have said I gave the objectors additional time to refine/add to their views and to reply, especially as some of the early objections referred to the early drafts of the petition, but these proposals had been revised in June 2017. The Victorian Society repeated their objections, which I find have been firmly and sensibly rebutted by the reply from the Petitioners especially in respect of the floor and in respect of the re-siting of the North aisle pods and their reduction in size.
- 56 I am satisfied by the Petitioner's answer to the solution to the raised floor level for underfloor heating via bespoke grills.
- 57 The reality here is that either the overall scheme goes ahead (with the technical details being discussed and approved by the DAC) or the whole scheme falls.

58 There is now little room for further discussion. The Parties have reached an entrenched position.

THE LAW

59 How have these proposals been received? The DAC has negotiated, advised, endeavoured to assist in formulating proposals which might be acceptable to all, and failed. It was the Planning Authority which scuppered the western atrium.

60 What could they as an advisory body to the Diocesan Chancellor do more? Their choices were stark:-

- Recommend the proposals in part or in total
- Not recommend the proposals in part or in total
- Simply “not object” in all or in total

61 However there were objectors, the major one being the Victorian Society, being an amenity society whose views I must and do take account of. Indeed on this matter I asked for amplification of their objections. However, this resulted in a repetition of the Parties’ respective views.

62 However, no Chancellor is bound or constrained to accede to any views of any amenity society, nor indeed a DAC. They have no veto, only important weight which has to be, must be considered.

63 So what have I, as any Chancellor, to consider when face with this kind of situation; an active and successful church promoting radical changes which they consider will increase and cater for the various needs of their congregation or the views of the Victorian Society eager to protect Cheltenham’s architectural heritage in this set piece church.

64 As Chancellor acting under the ecclesiastical exemption, I must start from the strong presumption against changes which would **detrimentally affect the special architectural character or historic interest of a listed building.**

- 65 This is a Grade11* listed building but that does not mean that certain changes (as have happened in the past to it e.g. the kitchen and the columbarium) cannot be carried out. Heating/lighting etc. can (perhaps even should) be positively looked at, and, to be fair even in this particular case of St Philip and St James, the Victorian Society themselves recognise this , and do not object.
- 66 What they do object to is the detrimental effect of what is proposed.
- 67 I have to decide :-
- (a) Is what is proposed detrimental to this listed church?
 - (b) How serious would such detriment be, as detriment to a Grade 1 or Grade 11* church should only be permitted exceptionally.
 - (c) I must then assess the strength of the Parish's justification for their proposed changes , and whether that justification outweighs any detriment such changes would cause to this listed building.
- 68 In many cases the Chancellor has to conduct a delicate balancing act between (at the extremes) a parish driven by enthusiasts for a scheme to which they resent any questions being raised as to its necessity or extent, and objectors (whether statutory or otherwise) for who all change is to be opposed as being unnecessary or so highly damaging that a national asset is being destroyed in the process. I postulate the extremes, although, happily, in this present case the Petitioners have conducted a thoughtful and rationally argued case for what they want, and the Objectors have also provided balanced objections, accepting that many of the proposals are unobjectionable, but taking a stand in respect of certain matters which they consider would be irreversible and highly detrimental.

THE TESTS FOR CHANGE

- 69 Why does the parish want to do it? Is it necessary?

This church has an active and vibrant congregation, and wishes to make these proposals to enable it to become a hub for the community and ***“a place of hospitality which is also a home to a pilgrim community”***. This church parish is in a successful, socially vibrant area of Cheltenham. It has a Church school, a university campus and desirable accommodation and

old peoples' homes. The Petitioners describe their churchmanship as "liberal Catholic family friendly". There are numerous differing services during the week, which cater for a congregation of differing ages. After some decline in congregations, growth in numbers has resumed. They hope that these proposals as set out in their petition will provide the necessary architectural aids, lavatories, a kitchen, dedicated spaces etc. to assist additional growth together with better heating, lighting and sound. All churches have this kind of hope but I do find that here, albeit after much work and research that the Petitioners have put forward a realistic and workable package to justify their proposals. I do find that they are being realistic, not idealistic, and that were they not to push forward these proposals there may be a risk of stagnation and just coasting along. They have built on the earlier alterations they have made. Even a cursory look at the church's website shows an active thriving parochial community. They seek to maintain "the Victorian ambience" in spite of later piece meal changes, but to provide an interior fit for a modern congregation. Putting aside their Petitioners' views on "*holy unrest*" and that their considerations that.

- 70 ***"a congregation worships and witnesses despite its building rather than because of it"***. Many congregations might not share that view, and the Petitioners should consider whether their attitude might be seen as somewhat patronising. Worshipping Enthusiasm should not be insulting about the equally firmly held worshipping beliefs of others. In the same way, financial success of "bottoms on pews" is not in itself a sufficient justification for change. Anyway, putting these infelicitous phrases aside, I have to consider the current needs and desires of this generation of worshippers, views which in 30 years time may well be regarded as outdated.

Will it assist the mission of the Church in Cheltenham?

- 71 Probably, at the moment with its current congregation. If the changes do not take place, those involved will feel disappointed and will, possibly, look for somewhere else to go and worship (although a really successful congregation may /should also want to split and move by way of a church plant).

If the alterations do not take place, is there a downside?

- 72 The church will look significantly different. It will not be as it was before . Much will remain in the chancel and Choir. Much is reversible, such as the pods.

Are the proposals supported by the worshipping congregation?

- 73 The Parochial objections are very few, and the plans have been widely discussed.

Can they afford it?

- 74 In the initial Petition of September 2016 the cost (now probably increased) was estimated at some £2,090,000. At least the delays in obtaining a Faculty have enabled fund raising to be concentrated upon. How can this be raised? The Parish plan to sell the adjacent Church House, which they have owned since 1967, for residential conversion. It is estimated that will raise some £1.5 million (possibly now more?) this leaves a manageable sum to be raised by an active parish. They have recently been in receipt of a substantial legacy to assist in the necessary fund raising. I was concerned about the objection that the church owned house next door could be utilised for additional space rather than sold and all its activities crammed into the church itself. The Petitioners say they have not got sufficient funds from rentals from that building to provide for capital maintenance expenditure, so that the Church House has now become a financial liability, notwithstanding the rental it produces and the use of these premises by many groups and as a church office. Even disabled access improvements cannot be afforded.
- 75 It is right to say that the Parish have grappled with the financial aspect of Church House since about 2011. Various schemes were considered but fell by the way side. The current one has to be seen against the background of earlier difficulties in respect of this building, and I am satisfied that the present proposals has merit, given the financial/practical difficulties over the years. I have looked at the financial documents before me, and I recognise that this church has been able to raise some £300,000 from 2015 for necessary repairs. However, on balance I consider it may be more inclusive for all the church activities, in so far as that is possible, to take place inside the actual church building, if it is big enough to facilitate that. Such an arrangement stresses the inclusivity of the church as a religious and social provider. The sale of that Church House is without my remit but the funds it should raise make this, together with the legacy, a financially viable proposition. The decision of the wisdom of sale lies with the PCC, in discussion with the Archdeacon and, possible, the Diocesan Board of Finance. I have to work on the assumption that sensible financial decision have been taken. If this is the case, together with the legacy, the finance will be available for this project. There is a downside in that sale of this property would result in the eviction of a flourishing nursery school with all the attendant bad publicity in the local community and press. The PCC has considered this as the least bad option when weighed against upkeep costs

of a Grade 11 listed building which is becoming unfit for purpose. I have to accept that the PCC have given this church house sale option consideration and come to the decision which they have, and that that decision makes sense.

As nothing lasts, liturgically, congregationally or architecturally are all/any of these changes reversible?

76 The floor covering, the glass pods, the glass screening are all reversible. The boiler, lighting and heating will and can be altered as time goes on as technical improvements take place and/or they wear out.

77 The pew ends can be photographed, measured and recorded. Such pews that cannot be utilised in other churches may have to be sold at arm's length, and the proceeds put to this project. It might be hoped that some of the pew end carvings can re-utilised as others have been.

78 Very importantly the Chancel and the architectural aspects east of the Chancel Arch, pulpit and roof will remained unaltered (save for improved lighting and heating).

79 The petitioners here describe themselves as :-

“...Creative liturgists working with inherited texts and forms and proclaiming these afresh through art, movement, worship and prayer this is also a well read congregation that enjoys wrestling with the Christian faith in the context of a post modern, multi faith and globalised society...unfortunately this congregation in habits a building designed for a different liturgical age ...these furnishings symbolise a formal hierarchy , a division between sacred and profane [sic] areas of the Church, unchanging theological truths delivered from on high and a passivity of worship to be received by those seated in serried ranks of pews.... The profusion of pews provide real problems in offering a flexible and creative range of worshipping opportunities and in exploring fresh expressions We explored the idea that pews have stolen the Church of England from the people of England, creating often empty spaces and a requirement for church halls, From this we explored a vision of flexible hospitable space, without pews, that could host banquets, exhibitions, concerts, workshops, a café or a temporary night shelter,”

- 80 Many churches faced with these aims move out to an ex-cinema or former department store which can be adapted, but why should they have to? At the end of the day this is a worshipping congregation I have no doubt there may have been objections to the rebuilding of the 1840 church in 1869.
- 81 In the polls taken by the church itself 28.5% of the congregation considered the removal of the pews to be disastrous or unnecessary, while 71% considered their removal to be desirable or essential.
- 82 The Church is open all day and every day. This reordering will enable this building to be put to even fuller use than now.
- 83 I grant approval for the final scheme as set out in reordering proposal documents of October 2017. I bear in mind as I must the St Alkmund test, and the recent decision in the Bath Abbey case (which I find to have been a stronger case against the removal of pews than in this present case, yet the removal of those pews was sanctioned.) I have considered each aspect of this overall re-ordering, but in reality it is an “all or nothing” application. Tinkering would be the worst of all worlds. Either the Petition is approved as a whole (subject to DAC advice as to installation etc.) or its rejected. Very little could be achieved by a bit of re-ordering. The overall appearance of the church would be (partially) altered but the Parish would not have what they want. I have, of course, considered the St Alkmund, Duffield test. Are these “exceptional circumstances” where the public benefit outweighs the level of harm proposed it?
- 84 It is with a somewhat heavy heart that I have to find that the needs of the parish and its current congregation are such that that test is made out. The ability of much of the scheme to be reversible weighs in its favour. Were this church to be an outstanding and singular example of Middleton’s work, I might have found otherwise. It is a competent set piece, but there are other examples of his work. The fact of it being a good example of his work does not justify its unaltered continuation substantially unaltered if the needs and wishes of the worshipping congregation justify the change they want.
- 85 From 2001 onward under one proposal or another, this Parish have wanted to make changes. The time has now come for a decision. The time taken has shown just how worrying and edgy such a decision is. However, I consider that on the evidence before me from all sides, and giving particular

weight to the amenity societies' objections, the Petitioners have made out their case. There is just insufficient evidence before me to refuse this petition on the St Alkmund test. I find that the Parish have made out their pastoral need. I accept that it is a finely balanced decision. The intellectual and emotional doubts reflected in the split votes I received on advice from the DAC is indicative of this.

86 This church is not just good enough or exceptional enough to justify a reversible scheme. However, its external presentation as a "landmark church" will remain unaffected, and the surrounding landscaping will improve it in its urban setting.

87 I do grant this petition but I would want the details to be finalised with the assistance of the DAC. For instance, underfloor heating must be properly installable above the columbarium. If it is still proposed to continue with a new stained glass window, the detail of this should be approved by the DAC. The pews must be photographed and recorded. It might be possible to, as the church already has, retain and reuse some of the carved pew ends, but if some pews could be rehoused in another church that would be best.

88 I direct that the DAC, now that the overall permission has been granted, liaise with the church to finalise the technical details and specifications of what is now to be done.

89 The work should be completed in 18 months.

15th July 2018

June Rodgers

Chancellor