

IN THE CONSISTORY COURT OF THE DIOCESE OF GLOUCESTER

BEFORE ALICIA COLLINSON, DEPUTY CHANCELLOR

IN THE MATTER OF ST. MARY THE VIRGIN,

WOTTON-UNDER-EDGE WITH OZLEWORTH

AND IN THE MATTER OF A PETITION FOR A MAJOR REORDERING SCHEME

WRITTEN JUDGMENT

Introduction

1. St. Mary the Virgin's church, in the parish of Wotton-under-Edge with Ozleworth, has venerable antecedents going back in historical records to 940 AD and possibly earlier, in archaeological traces. Parts of the present church date back to the building consecrated in 1283. The structure has been repeatedly altered and reordered during the ensuing centuries up to the present, particularly during the nineteenth century.
2. The church has Grade I listing, reflecting its history and the significance of its varied architectural heritage. None of the structure is scheduled as an ancient monument, although the whole is in the Wotton-under-Edge Conservation Area and in the Cotswold Area of Outstanding Natural Beauty. The Cotswold Way runs through the churchyard, bringing many visitors to the site. The churchyard was closed to new burials in 1926, and contains 24 listed tombs. (The interment of cremated remains is still possible in a reserved section.) The Town Council is now responsible for the churchyard's upkeep.
3. The town of Wotton-under-Edge has expanded since the 1970s, with a younger demographic, although this has not yet been reflected in a younger congregation. The Church is looking to attract a wider age range and seeks to provide flexible space within which worship can take place in different forms. This is set out thoroughly in the Statement of Need. I observe that many of those who have written letters opposing some parts of the proposals have also acknowledged the need to attract new members to the church.
4. There is a vigorous programme of services: there are three Sunday services; daily Morning Prayer during the week; 2 midweek communion services; weekly Prayer Space; weekly Little Church for pre-school children and carers; monthly Messy Church; teaching and social events; weekly choir practice etc. There are large attendances at such services as Remembrance Sunday, Christingle, etc. The Church is also used for a wide variety of concerts and festivals.

The Petition:

5. The petitioners are the vicar, the Rev'd Canon Robert Axford, and the two churchwardens, Mr Adrian Davis and Mr Alan Bell. The petition, dated 31st July 2016, sought a faculty to allow the major reordering of the church, *"...to include removal of some pews, alterations to the wall between nave and chancel; creation of storage units in the Berkeley Chapel, raised platform in front of the choir, display cabinets near font, servery, toilets, glazing of tower arch and a new screen wall in front of the tower..."*.

6. The Petition was presented following a long consultation process with the parish and surrounding areas, beginning in September 2013, (with origins in 2000). There have been a number of DAC site visits, the most recent being on the 2nd September 2016.
7. The planned Architects are the Millar Howard Workshop of Stroud. The planned Quantity Surveyors are Adams Fletcher & Partners, of Gloucester.

The Statements of Need and Significance:

8. The church has been following a vision ‘to grow the church community to better serve the wider community’. They have identified a need for a fluid, flexible and adaptable space for worship, teaching, social activities and concerts. They would like to be able to accommodate 100 people for Messy Church breakfast or for Harvest lunches, 200 people for light refreshments after services and 300 people at concert intervals. The installation of a servery within the church is crucial to this plan. The existing parish room with limited toilet facilities is insufficient to accommodate such congregations and audiences. They seek a more welcoming entrance to the church with appropriate display facilities to provide information. The ability to accommodate variable numbers for services and large events would require flexible seating and storage facilities. In particular, the Statement of Needs says: *“To meet our stated priorities for worship we need a more versatile space at the junction of the nave and chancel.”* (The Statement of Needs makes reference to other possible changes to the heating, lighting and sound systems within the church, which are not part of the current petition.)
9. The significance for mission section at 1.7 makes it clear that the church: *“...has a sense of being a place of peace, prayer, presence and proclamation. It has a good acoustic. Its potential for new uses without change is limited as it is over pewed, under heated and the stone choir screen and railings divide the church. The screen wall between nave and chancel is a psychological barrier as well as being a physical barrier, it creates a sense of them and us. The altar table at the East end is very distant from the congregation and mitigates any sense of gathering around the Lord’s Table thereby preventing a sense of worship and mission as the body of Christ together.”* It goes on: *“the church is being widely used for worship and the whole life of the church community and now by the community for concerts and other activities, but the opportunities for mission and evangelism are severely limited as there are neither facilities for providing refreshments nor cloakroom facilities. Work with young families and the development of a variety of worship styles is very limited by the lack of flexible space.”*

Consideration of the scope of consultation and publication:

10. Consultation with the community has been extensive. Mr Davis’ letter of the 12th February 2017 noted that the proposals had first been put on paper on the 16th October 2000. More recently, they had been advertised in the parish magazine, on pew notices, on the parish Facebook page, in the Gazette local newspaper (including a half page article in December 2014) and on posters put up through the town. Advertisements in January 2015 included one in the Wotton directory, delivered to every household in the town. Displays about the proposals were put up in church and were available when concerts and church events took place. Over 100 questionnaires were returned. During late 2015 and early 2016, there were articles in the parish magazine. A fundraising launch on the 14th March 2016 was announced by a leaflet delivered to every household. A presentation was made to the Town Council on the 18th April 2016, followed by an article in the Gazette and a supportive editorial in May 2016. Although some of the writers of letters of objection have criticised the rigour of this process and have suggested that insufficient effort has been made to engage with those who do not regularly attend the church, I do not agree with them in the light of that extensive list of methods of consultation.

11. The PCC held a meeting on the 26th June 2016 and approved that the Faculty Petition be submitted with 12 in favour, 0 against, and 1 abstention, amongst the 13 members of the 17 strong PCC then present.
12. The DAC, after a further long consultation process, held a meeting on the 21st October 2016 and decided to recommend the works subject to the following provisos:
 - (a) *Further details of the retained section of chancel wall separating the existing Berkeley Chapel shall be submitted for approval.*
 - (b) *Full details of the screen wall forming the basis of the kneeler display shall be submitted for approval.*
 - (c) *Further large scale drawings (1:20) of all new joinery details (serveries, display cabinets, storage units and toilets) shall be submitted for approval.*
 - (d) *Details of the nave altar shall be submitted for approval.*
 - (e) *The design of the new chairs and tables shall be submitted for approval.*
 - (f) *A full photographic record of the building shall be undertaken before the commencement of any work.*
13. The public notices were properly displayed inside the church and on the external noticeboard, between the 14th November 2016 and the 12th December 2016. I have declared in my Written Directions of the 7th July 2017, at paragraph 1 that the wording of the Public Notice (using the words at paragraph 5 above) was a sufficient description of the proposed works for the purposes of Rule 6 of the Faculty Jurisdiction Rules 2015.
14. On the 19th May 2017, I undertook a private, unannounced, site visit and was able to see and examine all the proposed areas of change. I purchased a copy of the Church Guide, which has provided me with additional historical information to that contained in the faculty papers. I noted a prominent display table which set out details of the proposals and provided leaflets entitled '*St Mary's is changing - Bringing the mediæval St Mary's into the 21st century.*' The same display table is clearly visible in one of the photographs sent with a letter of objection on the 4th December 2016 by Mrs Shellard; so I gather it has been there for some time.
15. I handed down Written Directions on the 7th July 2017 to deal with a number of queries.
16. Those writing letters of opposition made representations that the Petition fell within Rule 9.9 of the Faculty Jurisdiction Rules 2015 and that consequently notice of the petition ought to have been posted on the Diocesan website. Although there was some suggestion that that had been done, there was insufficient documentary proof of continuous posting, particularly during a period when the website was being rebooted. By paragraph 2 of my Written Directions, I directed publication afresh. I am advised the Petition was displayed on the Diocesan website for more than the requisite 21 days between, the 12th July 2017 and the 16th August 2017.
17. In the circumstances, I am satisfied that all appropriate requirements for giving notice have been met and that opinion has been canvassed very widely within the parish.
18. I should add that the petitioners provided replies to my Written Directions dated the 6th August 2017, which accepted that the drawings submitted with the faculty petition showed 'indicative designs' for the joinery work proposed, on the basis that the DAC had indicated that such level of detail was sufficient for the application. It was suggested that providing "*full detail of these works would be expensive if the Petition is not granted*". Whilst I understand the concern about incurring unnecessary expense, this has proved something of a false economy, since I have needed to question more of the proposals to satisfy myself of the appropriateness of some of the proposed changes, and this has contributed to delay and greater correspondence costs.

The written letters of objection and their current status:

19. The Registry received letters of objection from 11 parishioners, following the public notices being aired, together with a further letter from a 12th parishioner following the publication on the website. In my Written Directions, I extended the period for written objections and I directed that the letter from Mr Davis of the 12th February 2017, in reply to the initial objectors, should be forwarded to any subsequent objectors so that they could comment on it, if they wished.
20. The writers of the letters of objection are: (in alphabetical order of surname): Mr John Downs; Mrs Mary Downs; Mr Kenneth Green; Mr Simon Herrick; Mr Brian Jones; Mrs Pauline Jones; Mrs Josephine Parry; Mr Francis Rea; Mr Brian Reynolds; Mrs Vanessa Shellard; and Mrs R.A. York. The later letters of objection were further letters from Mr Green and Mrs J Parry and a letter from Councillor Paul Barton of the 3rd August 2017. Rather than recite the main points of each of those letters, I propose to refer to their individual observations where they are pertinent to each of the proposals set out below.
21. Each writer of a letter of objection has been given the opportunity to become a party opponent, but none has indicated a wish to do so. All, apart from Mrs York and Mr Jones, were signatories to a joint letter dated the 18th January 2017, indicating they wished to be treated as informal objectors and to have their expressed views taken into consideration. Mrs York made similar representations in a separate, earlier, letter. No further communication has been received from Mr Jones and he is now outside the time limit to become a formal party opponent. Cllr Barton's letter did not arrive until the 4th August 2017, but I have taken all his observations into account. He has not sought to be made a party opponent.
22. In the circumstances, I reassure the writers of the various letters of objection that I have read and considered all their objections, as well as their points of approval. I mention 'points of approval' since some of the letters have been positive about parts of the proposals.
23. Two letters have also been received from Mr Graham Smith and from Mrs Anne Parry which are firmly supportive of the proposals. There is no formal mechanism to record specific levels of written support, but I think it appropriate to mention their observations. Mr Smith said: *"This scheme has great merit in furthering the vision of the Diocese as set out in the 'Life' vision documentation, endorsed by the diocesan synod."* Mrs A Parry said: *"The church is the central hub for Anglican worship in the benefice and needs adaptable areas to facilitate present day worship and associated activities."*

Consultations with external bodies

24. The Victorian Society (who have a clear interest given the nineteenth century alterations to the church) wrote by their Churches Conservation Adviser, Sophia Laird, on the 6th September 2016. She had visited the church in passing a few months before. She had specific comments on the pews, the chancel wall and railings, and on the uncertainty of 'future plans'. I will refer to each of those points at the appropriate place below. The Society specifically objected to changes to the chancel wall and railings, and in view of the strength of that objection I will deal with the wall and railings first, below.
25. ChurchCare wrote by their Church Buildings Officer, Lisa McIntyre, on the 29th September 2016. This was a lengthy letter, following the site visit on the 2nd September 2016, which recorded the usage of the church, the overall plans and the outline of the proposals. In general terms, the Council welcomed the aims to bring more uses into the church, to improve information and the 'overall visitor experience'. It was pleased to note that the parish was aiming to carry out the reordering in a way that preserved the

overall historic character. There were comments about the pews, replacement chairs, the font area, the servery, the toilets, the screen wall of kneelers, the glazing of the west tower arch, the move of the side altar from the Berkeley Chapel to the south aisle and the impact of possible future plans. There were detailed observations on the proposed removal of parts of the chancel wall and railings, both in the central section at the nave/choir stalls and to the north by the Berkeley Chapel. Again, I will refer to all of those detailed comments below.

26. Historic England wrote by their Inspector of Historic Buildings and Areas, Simon Robertshaw, on the 6th September 2016. There were comments on the pews, the chancel wall and railings, the move of the side altar from the Berkeley Chapel to the south aisle, the glazing of the porch, the toilets, the servery and the screen wall of kneelers. Again, their comments will be considered below.
27. No planning permission has been sought in relation to this Petition. The only external works being proposed are a fresh water supply and a foul water sewer across the churchyard, drive and Vicarage garden, which will run underground in a shallow trench. I note that these may require permission from the provider of the main sewer.
28. Following my queries about the scale of removal of the pews, I received on the 14th August 2017 written responses to my Written Directions from the Petitioners which acknowledged that the proposed percentage of removal of pews was in the region of 45%. I responded the same day by directing that the external bodies should be advised that the scale of removal was going to be in the region of 45% rather than 30% (a figure which had earlier been quoted): giving them the opportunity to make any further comments and to reconsider whether they wished to be parties opponent. Christopher Costelloe of the Victorian Society on the 21st August 2017 emailed in response to the notification of the change of percentage removal that they ‘... *would not like to become a party opponent, but would like the Chancellor to take our comments into account...*’ Christina Emerson, Church Buildings Officer, on behalf of the CBC, on the 29th August 2017 emailed in similar terms: ‘*The Council would not wish to become a party to proceedings in this instance. However, we would ask that the Chancellor take into account our letters of advice when making her decision.*’
29. I confirm that I will take full account of all the representations from those bodies. I record that none of them wishes to become a party opponent in relation to the Petition and that they have done so in the knowledge of the higher level of pew removal.

The Grade 1 listing:

30. The Grade 1 listing for the Church provides the following internal description, of which I take careful note: *Anglican parish church. Late C13 arcades (some reconstruction); early and later C14 tower; C15 main shell including clerestory, but early C19 roofs. Mainly good Cotswold stone construction, some squared and dressed work but principally ashlar, lead roofs. Very fine six-stage west tower, nave and extremely wide north and south aisles, all finished with crenelated parapets; south porch (reconstructed 1658), St Katherine’s chapel, north side, reconstructed 1780; chancel reconstructed 1848, including two new bays to arcading. Interior: Early 6-bay arcades, round pillars north alternate round and octagonal, south, all with foliage carving. Large three and five light windows and four-light clerestory window, all with plain glass. Extremely flat plastered vault ceilings with roll ribs springing from five-feathered corbels in aisles. St Katherine’s Chapel fittings of 1928 in oak including ceiling dado panelling and altar with rails. Wrought iron chancel rail on stone plinth wall, and wrought iron pulpit and reading desks by Waller, about 1885. Major brasses to Thomas Berkeley, 1417 and his wife, 1392 on table tomb in chapel east end north aisle.”*

The Law:

31. In relation to all the proposed changes listed below, I follow the framework and guidelines commended by the Court of Arches in the case of *Re St. Alkmund, Duffield* [2013] Fam 158, by considering a series of questions (the “Duffield questions”):
- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - (2) If the answer to Question (1) is ‘no’, the ordinary presumption in faculty applications ‘in favour of things as they stand’ is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals. ... Questions below (3), (4) & (5) then do not arise.
 - (3) If the answer to Question (1) is ‘yes’, how serious would the harm be?
 - (4) How clear and convincing is the justification for carrying out the proposals?
 - (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building ... will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses consistent with its role as a place of worship and mission) outweigh the harm? In answering (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade 1 or 2*, where serious harm should only exceptionally be allowed.
32. The Duffield questions have recently been considered by the appellate court at Canterbury in the case of *Re St. John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 (Court of Arches) and assistance with the interpretation has been provided at paragraph 22:
- (a) Question (1) cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church ... noting that there had been a material error in failing to identify what was the special character and historic interest of the church as a whole ... and then to consider whether there would be an overall adverse effect by reason of the proposed change.
 - (b) In answering questions (1) and (3), the particular grading of the listed church is highly relevant, whether or not serious harm will be occasioned.
 - (c) In answering question (4), what matters are the elements which comprise the justification, including justification falling short of ‘need or necessity’.... it is not confined to needs strictly so-called.
 - (d) Questions (1), (3) and (5) are directed at the effect of the works on the character of the listed building, rather than the effects of alteration, removal or disposal on a particular article.
33. I find myself additionally assisted in considering the relevant law by paragraph 24 of the decision in *Re Holy Trinity Church, Cambridge* [2016] Ecc Ely 1, where Leonard Ch. referred to the Duffield and Penshurst questions and said: “*where I am faced with a wholesale reordering and restructuring of the church, the need to have in mind the effect on the listed building overall rather than the effects of alteration, removal or disposal of a particular article is paramount. That said, where the work ... is to various delineable areas of the church, I ought, in addition, to have regard to the effect that the alterations proposed in any one area will have to the significance of the church as a building of special architectural or historic interest.*”

The structure of this judgment and the conclusion that there is no need for a public hearing:

34. I start with the fact that none of the writers of letters of objection, nor the external bodies consulted, wishes to become a party opponent, and consequently I question whether there needs to be a public hearing at a consistory court. I received information from the Registrar that the parish did not seek for there to be a public hearing.
35. Some of the opinions expressed in the letters are very passionately held. I take the view that they have all been exhaustively expressed in writing. I respect the fact that the writers each hold such views and I have done my best to convey them below (improving the punctuation where it goes astray, but leaving the original spellings). I acknowledge that some, such as Mr Reynolds and Cllr Barton, did not mention individual proposals but expressed a global disapproval for all the changes to the church, and I additionally take that into account. I have to say, though, that there is no material which suggests Cllr Barton is correct in saying: *“There is universal and overwhelming opinion by the people of our town against the proposed alterations.”* Had that been the case, I would have expected to have been sent a far greater volume of letters, with people volunteering to be a party opponent. I cannot attach any weight to such inchoate opposition.
36. I also took the view that cross-examination of any of the writers of letters of opposition, representatives of the expert bodies or the petitioners, was unlikely to result in the credibility of any of those persons being called into question. Prior to finalising this judgment I have re-read and considered each of the letters and documents which have been supplied. Whilst the petition is unopposed in a formal sense, I must exercise my judicial discretion by taking into account all relevant factors, including the representations which have been made, particularly those which are critical.
37. It follows I have concluded that there would be no benefit to the process of reaching my decisions in holding a consistory court. I apologise that the judgment is a lengthy document, but it is necessary to record all those various opinions in the absence of a hearing. For ease of consideration, I will give my decision in respect to each of the elements of the proposed scheme under individually lettered Section headings. (The order of the Section Headings is my own.).
38. I recognise that there has been considerable delay in preparing this judgment for a variety of reasons. I pondered in respect of a number of the parts of the scheme whether I had sufficient information to make a decision, even in principle. I recognise that many aspects of the scheme require further detailed specifications and plans, which have not been prepared due to cost constraints. I have left approval of those details to the DAC with the proviso that if they are not approved, they should be restored for my decision.

A THE CHANCEL WALL AND RAILINGS

The history and current appearance of the wall:

39. The Statement of Significance records that numerous changes to the church were made during the nineteenth century. When congregations were diminishing in the late nineteenth century, as the wool trade declined, changes were made by the Revd Henry Sewell to accommodate smaller numbers. The writers Verey & Brooks (in the Gloucestershire Pevsner) suggest that: *“...the final touches to the existing appearance are due to Rev. Sewell, who employed the Gloucester architects Waller & Son; in 1882-5 they repewed the church, removing [Rev’d] Tattersall’s galleries (moving the organ to its present unfortunate position at the E end of the S aisle), and, ironically, reclaimed the former chancel area as a choir. For this they raised the floor level and inserted their typical low painted stone choir screen, with wrought-iron cresting, across the width of the church...”* The floor tiling dates from this period, as well.

40. Mr Alan Brooks added in an email of the 24th August 2016: *“Waller & Son erected a stone choir screen (usually with a wrought-iron cresting) in most of the churches where they had a free hand. Often these projected into the nave in order to create more space for the choir without having to rebuild the chancel (as at Wotton?). Quite a few of these survive – or did at the last count – so it would not be possible to make a case for rarity value. The one at Wotton-under-Edge is one of the grandest though and seems to work particularly well – visually I mean, though presumably not in terms of what the church hope to achieve in terms of their re-ordering”*
41. There is no indication in my papers that a wall previously existed, separating the east end of the church from the body of the church, nor that the choir or chancel were previously raised. Without wishing to get into precise calculations, I note that at least a third of the floor area of the church lies to the east of the wall.
42. The wall is not currently a continuous wall, since there are three gaps in it, each with full height wrought iron gates. One gap, to the south, gives access to the current position of the organ and would not be changed under the proposals. The second gives narrow access to the choir and the chancel at the centre of the nave. The third gives very narrow access to the Berkeley chapel. All three gaps clearly restrict access to the eastern side. The stone work at each of these gaps appears to be chipped, no doubt due to regular passage through them. There are places along the wall (which I observed on my visit and which can be seen on the photographs supplied by Mrs Shellard) where cracks have opened up in the stone work and need to be repaired. On my visit to the church, the gates leading to the chancel were firmly shut, but I was able to observe the position of the choir stalls and the High Altar from the nave.
43. The railings are painted dark grey and are made up of a repetitive design about 40 cm wide. The posts are surmounted by fleur-de-lys shapes painted in gold, and each panel of the repetitive design between the posts includes a further stylised fleur-de-lys with two five petalled flowers in the curls, also picked out in gold. The wall below the railings is embellished with a horizontal raised band of foliage and five-petalled flowers (similar to the designs of some of the column capitals), which is picked out with light red and gold paint. The red and gold jar with the terracotta and biscuit colours of the Victorian floor tiles and, if there is repainting to be carried out, should be more carefully matched.
44. At the gates, the walls are finished with buttresses which are embellished with four lobe medallions sporting similar raised foliage and floral designs. On each buttress, the railings have a twisted post with a small buttressing strut, at right-angles, to give strength to the railing. The gates have a similar design to the railings, continuing the repeat motif of fleur-de-lys and five-petalled flowers.
45. The pulpit and lectern are reported by some to date from the same period, but others point to a dedication for 1892 to suggest they are a later addition, replacing an earlier pulpit. Both pulpit and lectern have wrought iron metalwork of coordinating pattern.. This does not include the fleur-de-lys motifs, and the flowers are either six or eight petals, so they are not identical to the wall railings. There is no plan to change either the pulpit or lectern.
46. There are also two sections of similar wall and railings, running east-west, each some 6 metres in length on either side of the choir and chancel (the cross walls), which would remain intact under the plans. Where these two cross walls meet the north south walls, the position coincides with a railing post, providing continuity of design between the two different directions. On each sides of the current nave opening, there are 7 repetitions of the pattern, up to the intersection with each cross wall.
47. According to Mr Davis’ letter of the 12th February 2017, the effect of the proposed

removal of the three sections would be to remove 6.35 metres of wall and railings and to leave 11.85 metres, together with the 12 metres of the two cross walls.

48. Two separate changes to the wall and railings are proposed:

The Nave Opening:

49. The Nave Opening would be widened to nearly the full width of the choir and chancel, with the current end buttresses being repositioned on either side of the widened opening, but not going right to the points where the walls intersect with the cross walls. Plan 1004A shows the proposed reordering, which would involve the removal of the current gates and associated sections of the repeated wrought iron railings design – I assume six repetitions on each side.
50. Rev'd Axford, in the Addendum to the Statement of Needs said: *"... By providing a platform between the wall line and the front pews and extending the level of the chancel forward to the front edge of the wall, it is possible to have a properly designed altar table with adequate circulation space, an altar rail and kneeling step to the width of the chancel and reflecting the existing chancel arch at the sanctuary. To achieve this the wall needs to be reduced back as shown on the drawings but maintaining its integrity by reusing the returns... Having carried out a feasibility study we were clear that the nave altar was to be at the chancel step and not in front of the step."*
51. The words accompanying Plan 211C suggests that the wall would be shortened to the 'choir edge', but the drawing makes it clear that this would not be at the intersection with the cross walls. The elevation on Plan 710 suggests a wider opening. It is not clear which would be the eventual proposal. At present, Plan 1004A suggests that there would be a different length of wall on either side from the intersections with the two sections of cross wall, which seems unlikely, given that the fixed width of repetitions of the railing design are similar throughout the wall. This will need to be worked out in detailed scale drawings prior to commencing any work.
52. Mr Brooks' email of the 24th August 2016 continued: *"...So in terms of removing it, or part of it, this should depend on how well their architect (someone good hopefully) can come up with something that doesn't just appear to have been just ripped out without much thought. The church interior could appear very bland without it in my view, unless they have come up with something especially well thought-out and designed in their new scheme"*. I agree with Mr Brooks' observations.

The Berkeley Opening.

53. There has been a change of plan concerning the extent of the Berkeley Opening. As set out in the initial plans, this would have involved the removal of the entire section of low wall and railings from the current entrance to the Berkeley (or 'All Saints') chapel, up to the north wall. (This is currently obscured from the body of the church by a pew being placed in front of it.) The section to the south of the current opening, with the current buttress, would be retained intact. Plan 1003 shows that proposal.
54. Following representations by various bodies, the Addendum to the Statement of the 26th September 2016, proposed: *We recognise the view of some that the remaining section of the choir screen wall needs to be 'anchored' at the northern end and so we could modify the design to include approximately 1 m of wall working to joint lines and the line of storage cupboards for movable furniture. The return at the gated entrance would be repositioned to give a good termination to the wall and the stonework, where damaged, would be repaired."*
55. It was not initially clear to me that this was a firm proposal, but the replies from the

Petitioners of the 6th August 2017 have confirmed that change of Plan. They now propose: *“Following discussion it was broadly agreed that a balanced approach would be the removal of most of the existing north section of wall. However, the existing northern pillar would be relocated to the North, to meet the north wall. The complete piece of stonework, approximately 1 m in length would be removed and reinstated together with its railings. We have not prepared revised drawings for this detail, as we do not want to undertake potentially abortive work.”*

56. It should be noted that under the original proposal, which is the one which still appears on the current Plans, it was proposed that a radiator which currently stands just inside the chancel wall and railing should be relocated against the north wall across the point where the chancel wall currently joins the north wall. Taken in conjunction with the proposed building of cupboards along the north wall and the removal of the altar to the south aisle, this would open up the view of the Berkeley tomb, which dates from 1392.

Objections expressed as to the removal of the sections of the wall and railings:

57. The Victorian Society noted: *“The chancel wall, with its attached decorative railings, is a significant feature of the church...The ensemble of the east end is very characterful and the wall is important and interesting in its completeness. This wall spans the width of the church, and this is an important element of its significance. The proposals would see the loss of approximately half of the wall by removing large sections in front of the chancel and a large section in front of the Berkeley Chapel. The removal of this northern section of wall is especially harmful as the wall would no longer be anchored at each end of the east end and the remaining sections of wall would lose their context.”* They suggested siting a nave altar and flexible choir seating in front of the wall, instead of removal of the wall. They concluded: *“The loss of the intact wall would cause significant harm to the building and would seriously erode the character of the east end and we object to the removal of sections of the wall and railings.”*
58. Historic England observed: *“The plinth wall and rails are specifically referred to in the listing description. They make a strong visual impact and they have architectural significance. We are conscious that they are a later addition but even so the balancing act of considering the impact relative to need must take place. The way in which the railings prevent a connection between the choir, the altar and the main body of the church is acknowledged and so the need to physically interrupt the line of the railings in this central area is accepted. We do question however whether there is the same need to remove a section of the wall.”* They also questioned the need for the Berkeley Opening saying: *“The justification for this change seems weak in comparison with the impact that it will have. It is not supported.”*
59. ChurchCare said: *“... the cutting back of the dwarf wall at the chancel step will have a detrimental impact on a significant feature and in views towards the west. However, the Council recognised the need to create more flexibility and space in this area to allow different styles of worship. ... it was not opposed in principle to this element of the proposals, provided that great care is taken over the detail and execution. It also highlighted that the parish should provide a robust demonstration that the new arrangements at the east end – taking into account the dimensions and placement of the new dais and nave altar, as well as the modified wall – will be able to accommodate all worship (including processions) and other proposed uses, without requiring alteration to the choir stalls or other chancel furnishings. ... Whilst willing to accept the modification to the wall in the chancel, the Council was opposed to the part removal of the wall in the north aisle...”*
60. Of those who wrote letters, there were many in opposition to one or both parts of this scheme.

61. Mr Herrick, a chartered architect, who has written widely about the churches in Wotton-under-Edge, provided his personal assessment in quite scathing language. He asserted that the proposals are: “... acts of vandalism... Wanton destruction; ignorant or malicious hostility to works of art...” He continued: “The railings were designed by Frederick Waller and made in Wotton-under-Edge by Edward Hooper Organ around 1885. ... The design contains 2 flowers which are the symbols of St Mary: the lily (*fleur-de-lys*) and the thorn-less rose (5 petals). There are 96 *fleur-de-lys* and nearly 200 thornless roses within these beautifully designed and manufactured chancel railings. Given the dedication of the church, the proposed destruction (which is what it is) of this extraordinary work of art is the destruction of symbols of St Mary and therefore an act not only of vandalism but also of sacrilege.” He stated his understanding that to replace all the rails would cost £275,000 plus VAT.
62. Mrs J Parry said: “It is paramount these railings are not removed/tampered with. These railings were bequeathed to the church and removal is disrespectful. They add to the beauty of St Mary’s. Widening this area and putting a platform over the steps, where I was married, as were so many others, is not on. Why can’t we have a narrow mobile alter that can be placed at the bottom of the steps or in the nave aisle itself amongst the congregation. Why do we need a nave alter? The Eucharist is often conducted from the bottom of the steps at the moment...”
63. Mr & Mrs Downs, in their joint letter, said of this part of the proposals: “What possible benefit can that bring? Can we no longer experience ‘awe’ and ‘mystery’? Who will it benefit? I have many times had people complain when the altar is brought down for family services. These are the silent ones who like myself don’t like to make a fuss...” They continued: “... we see no reason to strip away the trappings of the past, even the fairly recent past, as it is the evidence we have of the reverence and devotion of faithful worshippers of years gone by.”
64. Mrs Shellard included photographs of the low wall and railings and pointed out that they are: “included in the grade 1 listing. The reason an item is listed is because it is regarded as being of national importance and to protect it, therefore I cannot understand how it can be proposed that part of the wall and railings can be removed.”
65. Mrs York observed: “It will be costly in proportion to what is achieved and has a real risk of alienating local people who identify with the church in a particular structure. I am aware that over the years, successive changes have affected fabric hugely: rood gallery removed; tomb moved; Lady Chapel destroyed; organ established and moved etc. But this is here and now and I do feel that it is a radical move which is not justified in the light of its cost and its local effect...”
66. Mr Rea said: “The church is a grade 1 listed building and this should be respected. Mentioned in the listing is the wrought iron chancel rail on a stone plinth wall, the wrought iron pulpit and the reading desk, by Waller, about 1885. The patterns on all three of these items match and, as such, they are a matched set. To alter any one of them destroys the integrity of the set and so removing part of the wall and rail is my chief objection. The proposed nave altar and rail is fashionable at the moment; this goes with the idea of ‘bringing the church nearer the congregation’ but I doubt that this structural change, in itself, would bring more people into the church. Therefore, I am against the nave altar but if it must be, then it should be below the wall and railings even though that would mean removing pews to make room.”
67. The reiterative letter of the 18th January 2017 from 9 of the opposers repeated these sentiments: “The wall and railings are Grade 1 listed and contain symbols of St Mary (the *fleur-de-lys* and the thorn less rose) and their removal is not only disrespectful but completely unnecessary.”

The legal considerations concerning the Nave and Berkeley Openings:

68. I am satisfied that the proposals for changes to the sections of wall and railings would result in harm to the significance of the church as a building of special architectural and/or historic interest. I therefore need to consider Duffield questions 3, 4 and 5.
69. How serious would the harm be? The proposal involves the removal of three sections of the wall and railings to create two larger openings through the existing structure.
- (a) I take note that the structure is a relatively recent introduction into the church in 1885, as opposed to the foundation in 1283, and therefore carries a lesser level of historic harm.
 - (b) I observe that the wall and railings are made up of a repetitive pattern of the simple motif of the fleur-de-lys and the five-petalled rose, approximately 40 cm wide. There is no necessity to retain a specific number of repetitions of the pattern. They do not constitute a single continuous design. This carries a lower level of artistic and architectural harm, if some are removed.
 - (c) I observe that very substantial sections of the wall and railings would remain in place, augmented by the retention in full of the two east-west cross walls, thus retaining the full iconographic significance of the floral designs.
 - (d) It is suggested that the wall, as a continuous structure, has importance. Since there are already 3 openings in the wall to allow passage, it is inaccurate to describe it as a continuous structure.
 - (e) From the general architectural point of view, it appears that this is a relatively frequently encountered structure amongst churches of the area. I note it is said that this may be the 'grandest' example still remaining, but the size of a structure is not especially persuasive.
70. I conclude that the removal of the three sections would indeed cause some harm, but I do not categorise it as serious harm to the special character of the church, from an architectural or an historic point of view, in the light of those ameliorating factors. The strongly articulated views of the external bodies overstate the case, in my view.
71. Next, will the resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses consistent with its role as a place of worship and mission) outweigh the harm? I carefully consider these points in relation to each of the openings in turn.
72. At the Nave Opening, the public benefit is clearly demonstrated in the Statement of Need. This is a church where the High Altar is currently separated and distant from the body of the church, and where a temporary nave altar has regularly been used. Such separation is no longer in keeping with modern liturgy, and also prevents those spaces to the east of the wall from being readily used for worship. The benefits for holding appropriate concerts with good sight lines is also clear. Circulation between the High Altar and the nave will be improved, even with the introduction of the nave altar.
73. At the Berkeley Opening, the public benefit is less immediately apparent. However, the opening up of the view of the important Berkeley tomb will be a very substantial architectural and historical benefit to that area of the church. The introduction of the storage cabinets (see below) will mean that chairs and tables will need to be carried through what is currently a rather narrow passage on a frequent basis. I note, too, that it will be easier to store the piano in the Berkeley chapel, if the entrance is wider. The prospect of damage to the stonework and the furniture are both a potential detriment if the section of wall is not removed. The argument that space for greater circulation of people is needed, is of lesser merit, although it would clearly still be a benefit.

74. On balance, and weighing all the arguments which have been advanced, I conclude that the public benefit of creating both the proposed Nave Opening and the widening the Berkeley Opening very substantially outweighs the harm likely to be caused.

Decision as to the removal of the three sections of the wall and railings:

75. At present, the Petitioners have not provided a detailed specification for the removal of the three sections of wall and the refashioning of the three buttress ends. They seek a decision in principle, which I give together with conditions for implementation.

76. I give permission for:

- (i) The removal of the two sections of the chancel wall and railings (involving no more than 6 repetitions of the railing pattern on each side) and associated buttresses to create the Nave Opening as set out on Plans 1004A and 211C. The two buttresses shall be repositioned at least one section of the railing pattern towards the centre of the nave, so as to retain the integrity of those design features, and the twisted iron posts and struts shall be reattached to those buttresses.
- (ii) The shortening of the northernmost section of chancel wall and railing so that it includes two repetitions of the railing design, including moving its associated buttress.
- (iii) The removal of the gates at the Nave and Berkeley Openings.
- (iv) The removal of the current concrete threshold at the Berkeley Opening and its replacement with tiles in keeping with the existing adjacent Victorian floor tiles and/or wooden parquet flooring (Plan 1003), to run from the remaining chancel wall buttress to the resited northern buttress, so as to retain a level floor between the north aisle and the Berkeley chapel.
- (v) The disposal by sale of the Nave Opening gates, the Berkeley Opening gates and such sections of the railings as are no longer required on completion of the works. (Alternative uses for the gates within the church may be proposed by the petitioners and will be considered within this faculty application.)
- (vi) The cracks in the existing stonework to be repaired.

This permission is on condition that:

- (a) The Petitioners shall forthwith instruct the Architect to prepare detailed drawings (1:20) and a specification for the exact detailing of all these changes to the chancel wall, buttresses and railings. These drawings and specification must be submitted to the DAC for approval, and work may not commence on the wall, buttresses and railings until these details are all approved by the DAC.
- (b) Any relocation of the radiator which currently stands just east of the northernmost section of chancel wall will need to be included within those plans and will need to be approved by the DAC.
- (c) The buttresses at the widened Nave Opening shall each be sited so that there is at least one full repetition of the railing design beyond the railing post which is at the intersection with the cross wall, in the direction of the centre of the nave.
- (d) The retained section of wall at the northern end of the Berkeley Opening shall include at least two full repetitions of the railing design.
- (e) In the event that any repainting of the retained sections of the chancel and cross walls is required, the colours to be utilised shall be matched as far as possible with the existing hues of the Victorian tiled floor in the vicinity and shall be approved by the DAC prior to work commencing.

B THE RAISED PLATFORM IN FRONT OF THE CHOIR AND NAVE ALTAR

Proposal for the building of a raised platform, which would be removable for other events:

77. As set out above, the proposal is that the High Altar should remain but that a smaller Nave Altar should be installed, so that the president at Eucharistic services can be closer to the congregation. There would be a removable raised platform for this at the widened Nave Opening.
78. Mr Davis noted in an email of the 12th August 2016 in response to original concerns expressed by Mr Saunders, the Secretary of the Ancient Monuments Society, that *“the Nave Altar has been sized and positioned to allow the free movement of processions around the new altar, so that the existing [choir] stalls can remain in use...”* Plan 1004A shows the approximate small size of the proposed Nave Altar.
79. Plan 1004A sets out the proposals for the raised platform, reaching on either side as far as the lectern and the pulpit, which would involve one step up in line with the front of the existing pews, onto a stone tile floor finish laid on a timber deck structure placed upon the existing floor tiles (which would remain in situ) and then a further step up onto the chancel level. This would replace the two tight steps currently at the level of the wall and railings. The two step edges would have a durable and visible brass/metal edging strip, which would be an improvement on the current worn stone steps. Kneeling at the altar rail in front of the nave altar would be in line with the existing steps. I have not been provided with any details of the proposed stone tile finish for the platform.
80. As to the design of the Nave Altar, the responses of the 6th August 2017 indicated: *“If our Faculty Petition is granted, we will seek designs for this landmark piece of furniture from potential craftsman. Once we have accepted a preferred design, this will be submitted to the DAC for approval.”* This is not an especially helpful indication. I am left with no idea as to the likely design brief which will be given to any designer.

Views expressed as to the raised platform and nave altar:

81. It will be appreciated that many of those opposed to the raised platform and the nave altar combined that opposition with their views about the changes to the wall and railings, which I have already set out above in Section A. I take them into account in this section as if they had been repeated here.
82. I note that some parishioners who were married or who know others who were married at the current step feel that this should remain available for future generations. I have considered this carefully, and I am satisfied that there will remain a step in the same location of the church at which couples may kneel when they are being married.
83. In relation to the suggestion that the nave altar could be placed in front of the wall and railings, Mr Davis, in the email of the 12th August 2016 said: *“... We considered moving the proposed new altar into the Nave, though this would have required the removal of a number of the pews that we wish to retain, and have pushed the congregation further back into the Nave, or into the side aisles. We would also have had to move two-no radiators and pipework, which would have required removing a large area of tiled flooring. We feel that this would be a less satisfactory solution.”*
84. Similar comments were made in the Addendum Statement of the 24th September 2016. In his letter of the 12th February 2017, Mr Davis added that movement around a suggested nave altar would also have been restricted by the location of the lectern and the pulpit, which are not being moved.

Decision as to the raised platform and nave altar:

85. I am satisfied that these proposals will cause only modest harm to either the architectural or historical significance of the church. I am satisfied that both the platform and the Nave Altar will be removable when necessary. I am satisfied that the parish has made out a good and compelling case for installing the raised platform and the Nave Altar.
86. I give permission for the construction of the proposed raised platform as set out in Plan 1004A and for the siting of a new Nave Altar, together with an associated moveable altar rail in the new Nave Opening. This permission is conditional on:
- (a) The Nave Altar shall be no wider than the current width of the nave between the two banks of nave pews.
 - (b) The Petitioners shall submit to the DAC for approval full details of the proposed stone tile floor finish to the platform and no work may commence on the raised platform until these details (and those set out above in Section A for the creation of the Nave Opening) are approved by the DAC.
 - (c) The design brief for the new Nave Altar and the moveable altar rail shall be submitted to the DAC for approval prior to it being circulated to potential craftsmen.
 - (d) The preferred design and specification resulting from the consultation amongst potential craftsmen shall be submitted to the DAC for approval and no commission shall be placed until the DAC has signified its approval.

C THE RELOCATION OF THE SIDE ALTAR

History of the side altar:

87. The side altar was originally in the Catherine chapel (formerly spelled Katherine) and was moved to its present location in the Berkeley chapel during the 2007-2010 reordering of the Catherine chapel. I enquired about its provenance in my Written Directions, and have received a detailed (but slightly inconclusive) description of the enquiries which have been made.
88. There is a suggestion (reported in Mrs J Parry's letter of the 30th July 2017) that the altar was a piece by Ernest Gimson, a prominent designer of the Arts & Crafts Movement. However, this is unlikely, since he had died in 1918 and the work on the Catherine Chapel took place in 1928. The Statement of Significance and Need more accurately reported that Mr Herrick had said that the altar was 'in the Gimson manner'. Deeper investigation suggests that Sir Stanley Tubbs commissioned works to repair the Catherine chapel in 1926 from Sidney Barnsley, a leading Arts & Crafts architect, who had previously worked with Ernest Gimson. That work was then carried out by Humphrey Gimson, a nephew of Ernest Gimson, in 1928. The Statement of Significance and Need makes reference to a letter from Humphrey Gimson to the carpenter, Mr Grimes, in 1929, thanking him for his contribution to the works, but not specifically mentioning the altar, which leaves the precise designer and carpenter unclear.
89. Representations in 2007 from Mr Christopher Bladon of Stroud District Council, at the time of the Catherine chapel reordering, suggested that the altar was a fine piece of craftsmanship by 'Peter Waals' (another associate of Ernest Gimson). However, investigation in the archives of Pieter Van der Waals (through the National and Gloucestershire archives) failed to confirm him as the maker of the altar.
90. A further doubt was raised about the provenance of the side altar in notes left by the

Rev'd Dr John May, vicar between 1990 and 2007, who suggested that the altar might date from the 1950s and that the reredos might not be original to the altar table, being of lesser quality.

91. As to its re-siting from the Catherine chapel, at the time of the reordering in 2007, it was anticipated that the altar would be moved to the Berkeley chapel and would be placed against the north wall, rather than in its current position. It seems this was not possible as the seating could not fit in front of it whilst maintaining the processional route from the sacristy/vestry. Instead the altar was placed facing west, partly concealing the Berkeley tomb, and with a small number of pews in front of it. (This was not what the Chancellor anticipated when she gave permission for it to be moved.)
92. The outcome of the enquiries is that the precise provenance of the side altar remains unclear. It seems likely it may date from about 1928. It is accepted by the Petitioners as being an important piece of ecclesiastical furniture. It is plainly in an unsatisfactory position at present. I have set these matters out in detail, since I anticipate there may be questions in the future about the provenance of the altar, and it may be helpful to have this current record, unsatisfactory though it is in providing precise details.

Proposal concerning the side altar:

93. The proposal (Plan 211C) is to move the altar from its current position in front of the Berkeley tomb to the eastern most end of the south aisle, to be placed against the chancel wall and railings, facing west down the aisle, with its altar rail standing in front. The plan is to set out some of the new chairs in front of it to provide a prayer space. As I have already mentioned, this will have the added benefit of opening up the Berkeley tomb for viewing. Historic England support the relocation of the side altar and reredos.

Decision in respect of the side altar and reredos:

94. The Duffield analysis of the proposal identifies no harm arising from the move, and many positive benefits. Its position has already been changed in the faculty of 2007, despite its mention in the Grade 1 listing for the Catherine chapel.
95. I direct that the side altar, with its reredos and altar rail should be moved from the Berkeley chapel to the eastern end of the south aisle, and should be placed with its back against the low wall and railings, so that it faces westwards.

D THE PEWS

History of the pews:

96. The pews date from the 1885 reordering of the church, so are now approximately 130 years old. They do not have a named pedigree, being of catalogue design, but are of attractive and coherent Victorian design.

Current usage of the pews and the fluctuations in the size of congregation:

97. The capacity of the pews was initially expressed as being 365 in the Schedule of Works or Proposals, but it has been subsequently accepted by the Petitioners in their response to the Written Directions that there are currently 303 'seating positions', when considering the number of kneelers, as set out on the drawing attached to the replies.
98. The average main service Sunday congregation is said to be about 80. The proposed remaining pews would have 'seating positions' for 168 people, so that would be about double the average regular attendance.

99. Considering the peaks of demand for seating, the Statement of Significance records that large funerals and weddings can be attended by over 300 people. Remembrance Sunday attracts 600 (who can clearly not all be seated on the pews, as it is). Christingles are so popular that they hold two services, each with about 450 people attending.

Calculation of the extent of the proposal for the removal of the pews in the aisles and rear of the nave:

100. The Schedule of Works or Proposals of the 31st July 2016 proposed: *'To remove approximately 30-number existing pews to the north, south and west parts of the Nave.'* It was perfectly apparent to me, on reading the papers, that the application would involve the removal of more than 30% of the overall pew space in the church and by my Written Directions I invited reconsideration of the calculations.
101. It had assumed that it was that bald number '30' which somehow led to the appearance of the figure for removals amounting to 30%. The Petitioners' response to the Written Directions of the 6th August 2017 put it somewhat differently: *"The quoted figure for the percentage of pew removal in the Faculty Petition was 30%. This was originally a rough estimate, prepared in haste, to give an order-of-magnitude for the extent of pew removal. It was not a calculation, and unfortunately it was quoted as fact when it was a rough estimate. We always understood that the precise extent of pew removal would be determined by reference to the scheme specific drawings."*
102. Mrs J Parry and Mrs Shellard responded to the Written Directions most diligently by carrying out a set of calculations, dated the 10th August 2017, which were on the basis of the pew benches which they said were present. Calculating the lengths of pew bench proposed to be retained and removed, they estimated removal to be 48.9%. In an alternative calculation of 'bums on seats' they estimated the removal would be 45.5%.
103. The Petitioners, on the basis of current seating positions for 303 and a remaining seating capacity of 168, gave the figure for removal at 44.55%
104. The problem with all these calculations is that they do not completely compare like with like. I identify the following discrepancies:
- (a) The pew benches in the Berkeley Chapel cannot realistically be counted as pews for use in services in the main body of the church due to their extremely limited view. They are excluded from the Petitioners' calculations but are included in Mrs J Parry and Mrs Shellard's calculation.
 - (b) Some of the pew benches in the Berkeley Chapel and in the north-west corner, which have been included in some of the calculations, were not physically present at the time of my informal visit, and others were no longer apparently in use as seating for services (being utilised as a crèche corner).
 - (c) The pews in the north and south aisles have many interruptions in the sight lines to the chancel and the high altar, due to the columns and choir lampshades and are probably less desirable for seating than those in the nave.
 - (d) Some sections of the pew benches in the body of the nave are immediately behind columns or directly in front of the pulpit or the lectern, with no adequate leg room. These are, in my opinion, properly excluded from the Petitioners' calculations.
105. On any consideration, whatever the source of the 30% figure, it was plainly inaccurate. This does not, however, in my judgment, challenge the validity of the Faculty application. I cannot accept the assertion of Mrs J Parry and Mrs Shellard that: *"Any building planning application has to be adhered to. If the removal of the pews is*

passed, then the proposed 30% must be that.” Nor do I accept Mr Herrick’s assertion that: *“the architectural plan and application are inaccurate, misleading and possibly legally invalid”*. Further, I was not assisted by the assertion in the letter of the 18th January 2017 from the 9 objectors that: *“The actual percentage is over 50%”* in respect of removals. That was apparently a different calculation on the basis of the number of pew benches concerned, irrespective of the seating capacity of each.

106. My reason for concluding that the use of the 30% figure does not invalidate the application is that the original proposals and the plans have all been crystal clear about which pew benches were ear-marked to remain. It is the erroneous suggestion that the proportion of the total represented by the removed benches was only 30% which can rightly be criticised. That does not detract from the identified effect on the lay-out as set out on the plans and upon which people have commented.
107. Given I did not wish there to be any misunderstanding about the scale of removal, my Written Directions invited a recalculation of the figures. The Petitioners accepted that the 30% figure was inaccurate and conceded the figure was in the region of 45%. There is no great disagreement between the figures of those objecting. This was duly conveyed by the Registry to the Victorian Society and the Church Buildings Council. Neither body made further comment on the figure and, more specifically, neither sought to object to the proposals on the basis of the higher figure.

Proposal for the removal of the pews in the aisles and rear of the nave:

108. Plan 200 shows the existing layout, and Plan 210C shows that the pews in the nave would be retained, save for those north in the north aisle, those south in the south aisle and those to the west of a line drawn straight across the church from the south entrance door. The pews in the Berkeley Chapel would also be removed.

Views expressed as to the removal of the pews:

109. The Victorian Society, at the 6th September 2016, stated: *“We have no objection to the proposed removal of some pews and we are pleased to see that a central block of pews will be retained.”*
110. ChurchCare, at the 29th September 2016, observed: *“The Council was not opposed to the partial removal of pews, seeing this as an acceptable compromise which will allow more flexible and diverse use of the building without having a detrimental impact on the significance of the interior.”*
111. Historic England, at the 6th September 2016, stated: *“The pews do make a valuable contribution to the significance of the church. That said we acknowledge that they are relatively late in age and also that there is a good explanation of why the creation of open spaces in the aisles and at the rear is desirable. Importantly though we note that the retained pews will maintain the line of sight from the tower through the nave to the chancel and across from the south porch. This is critical. Given the balanced assessment and conclusion we support this element.”*
112. Mr Herrick said he had given a talk on the 15th April 2016 in which he: *“carefully described and analysed the unique design and construction of the pews. They are 130 years old. They are all in excellent and wonderful condition and in 100 years’ time they will be 230 years old. My great-grandparents and their contemporaries would have contributed to the cost. ... The replacement value at today’s prices (allowing for the difficulty and expense of obtaining oak and elm) of the pews to be removed would be in the region of £180,000 + VAT. Their removal makes no economic sense whatsoever.”*

113. Mr Rea said he supported the removal of some pews to create a flexible area. He said: *“I understand that even the pews are special in that they are made with three different sorts of wood and should be preserved, if possible.”* (There is some suggestion that the third wood is beech, but although this is attributed to Mr Herrick by Mrs J Parry in her further letter of the 30th July 2017, it does not appear in his own correspondence.)
114. Mrs Shellard objected to the removal, fearing the church would *“feel empty and there is no guarantee that if these proposals are implemented that more people will use the church”*. Mr Green was concerned that: *“removing large numbers of pews to create open spaces will destroy much of the attractiveness of the interior”*. Mrs Jones said: *“I do not object to the removal of pews so long as they are kept and stored. I feel that no change should be irrevocable.”*
115. Mrs J Parry wrote in favour of retaining at least 3 rows of the pews in front of the tower, saying that they were *“..frequently used, particularly during Sunday services I have attended and the service of All Souls. This is because it allows the congregation an excellent view straight down the nave without having to sit near the front. Some prefer to sit further back and the view here is better than from the side where the view can be obscured by a pillar.”* (That will not, of course, be so important with the installation of the Nave Altar.) She was not in favour of removing pews excessively down either side of the church, suggesting that increased attendance could be achieved by rethinking what would attract teenagers, such as a youth group.
116. Further enquiries were made about the pews and their component woods, following my Written Directions. The response was received from the petitioners: *“We sought the opinion of Mr Philip Taubenheim, Managing Director and senior auctioneer of Wotton Auction Rooms... His opinion is that the pews are made solely of oak, and he estimated their value to be about £200 per pew.”*

Decision as to the removal of the aisle and rear nave pews:

117. I am satisfied that the removal of the aisle and rear nave pews (and associated pew fronts) will not cause harm to either the architectural or historical significance of the church and that the parish has made out a good case for removal. I am not persuaded that the removed pews need to be retained and stored.
118. I give permission for the removal of all pews in the aisles, at the rear of the nave and in the Berkeley chapel, as shown on Plan 210C. I give permission for the removed pews to be sold. This is conditional on:
- (a) The Petitioners shall provide to the DAC a detailed specification of any proposals to amend the rear-most pews (as suggested on Plan 211C) so as to relocate hymn book shelves on the back of the pews, and shall not carry out any such work without approval from the DAC.

E THE CHOICE OF ADDITIONAL CHAIRS:

119. It is accepted that there will be occasions when the church is fully occupied and chair seating will be needed in addition to the retained pews. As I understood the faculty application, the Schedule of Works stated that the proposal was to buy 200 Howe 40/4 stacking chairs together with matching dollies to move the chairs when stacked. These chairs would be plain wood seats and backs on metal frames, and those numbers would make up the bulk of the seating lost by the removal of the proposed pews. (That is a good design of chair, well used since 1964 in many churches across the land, since they provide an extremely flexible seating option.)

120. On my visit to the church, I noted that the church had at least two Howe 40/4 chairs around the font area (these may have been samples). They appeared appropriate within the architectural and historical context of the building as temporary seating. I also compared the very modern design of the upholstered chairs in the Catherine Chapel.
121. The Victorian Society observed: *“The proposed chairs, the Howe 40/4, are also an acceptable form of new seating for the church, we would recommend that these are stained to match the remaining pews to blend in with the historic joinery”*.
122. For reasons which are unclear, the replies to the Written Directions of the 6th August 2017 stated: *“We are considering potential designs of commercially available furniture. We have received a number of sample pieces, which have been widely reviewed by a large number of members of the congregation. At this stage, no decision has been made on a preferred design of chair or table. If our Faculty Petition is granted, and a preferred piece of furniture is selected, this choice will be submitted to the DAC for approval.”*

Comments on the additional chairs:

123. ChurchCare has highlighted the importance of high quality replacement seating, recommending that it is timber and un-upholstered, in keeping with its guidance on seating.

Decision as to the additional chairs:

124. I am satisfied that the Parish has made out a case for the purchase of additional chairs to supplement the remaining pews for when the church is full.
125. If the Petitioners are content to purchase 200 Howe 40/4 chairs, with the wood stained to tone with the other woodwork in the church, as originally proposed, I grant approval.
126. Alternatively, I give permission for the purchase of 200 stackable chairs, capable of being housed in the storage cupboards to be built in the Berkeley Chapel, of a style and design to be approved in advance of purchase by the DAC.

F THE NEW STORAGE CUPBOARDS IN THE BERKELEY CHAPEL:

Proposal about the new storage cupboards:

127. Plans 701 and 1003 show the new storage cupboards proposed for the Berkeley chapel along the north and south walls, in order to provide storage for the 200 stacking chairs, in 5 dolly racks of 40 chairs each, 12 folding tables and other equipment. The cupboards on the north wall will have a total of 8 doors, opening in 4 pairs and will fit below the line of the window embrasure. The cupboards on the south side will be no higher than the chancel wall at 700 cm above floor level.

Comments on the new storage cupboards:

128. Of those who wrote letters, the provision of storage facilities was supported by Mrs York.
129. Mrs Jones made the point, attaching a photograph of a suitable cupboard design to her letter, which had a distinctive curved upper line: *“These have not been sufficiently described in the architects’ plans. Most of the people involved in the reordering have no feel for an ancient building.”* She suggested the cupboard should be painted matt black. At present there is no proposal by the petitioners for cupboards with anything other than a straight roof line.

130. Subject to the finish of the cupboards, these appear to be uncontroversial. With the removal of the side altar and the current pews in the Berkeley Chapel, this will be a reasonable use of space.
131. I have not received information about the three pictures/memorials/coat of arms on the north wall which I noted on my visit, which will be obscured by the storage cupboards. It will be important to make arrangements for their relocation if they are fixtures.

Decision as to the new storage cupboards:

132. I am satisfied that the Parish has made out a case for the creation of the storage cupboards on the north and south sides of the Berkeley chapel, as set out in Plans 701 and 1003. However, since these were designed for the storage of the Howe 40/4 chairs, dollies and tables, they may not be suitable if an alternative style of furniture is to be chosen. I accept that there will be a need for storage of furniture and I approve construction of such cupboards, but this will be subject to the following conditions:
- (a) Confirmation shall be provided to the DAC that the proposed storage cabinets against the north wall will not obscure any permanent memorials. In the event that permission is needed to move any of the 3 items from the wall, this shall be sought in writing no later than 2nd January 2018 to the Archdeacon with details of the alternative location(s).
 - (b) Confirmation shall be provided to the DAC that the dimensions of the proposed storage cabinets on the north wall will comfortably accommodate the final choice of furniture, whether that be 5 stacks of Howe 40/4 chairs and associated dollies and the tables or otherwise.
 - (c) The storage cabinet on the south side shall not be higher than the top of the chancel/choir wall behind it.
 - (d) Large scale drawings (1:20) of all new joinery details including full details of the colour and appearance of the woodwork for the cupboards on the north and south sides of the Berkeley chapel shall be submitted to the DAC for approval prior to the commencement of work.

G THE INTRODUCTION OF TWO TOILETS IN THE TOWER LOBBY WITH ASSOCIATED DRAINAGE WORKS, A RAISED FLOOR AND A RAMP AND STEP:

Current availability of toilets for the congregation:

133. At present, two toilets are available in the Parish Room, which can only be reached by leaving the church and going across the church drive, a distance of some 30 to 40 metres away. It appears these are not suitable for access by wheelchair users, given the step at the entrance door.

Proposals for toilets in the church:

134. The Plan is to install two unisex toilets on either side of the west end of the nave, within the buttress arms of the tower. One would be accessible to wheelchair users and would have baby changing facilities. Both would be acoustically baffled and separately ventilated. There would also be a small cupboard for cleaning equipment. A new wall would be built and the floor would be raised.
135. The Schedule of Works and Proposals also set out the need for a foul water sewer which would run from the church, across the churchyard and the church drive to the Vicarage garden to join the main sewer. This appeared on the plans as a simple dotted line without any indication as to how it would be laid out under the masonry of the building or through the churchyard. I was unable to find any reference in the Schedule to the

source of water into the church for the toilets, servery and flower cupboard. There was merely a mention of a 'pipework conduit' on drawing 1000.

136. I sent through a list of further questions on the 19th September 2017, requesting (1) information about the route by which water was to be brought into the church; (2) calculations about water pressure and the location of any cistern; (3) a clear plan of the route for the water pipes; (4) queries about water metering; (5) the precise route for foul water drainage; (6) details about the point of exit of the foul water drainage from the church, confirmation that there would be no internal excavation under the tower, and the effect on the structure; (7) whether permission had been obtained to link to the main sewer; (8) confirmation that planning permission in relation to the drain was not required; (9) the result of consultation with the Town Council, who are responsible for the maintenance of the churchyard.
137. I chased the Registry for an answer on the 11th October 2017, and was surprised by the response forwarded to me on the 25th October 2017 which suggested that *"Whilst the water supply to the proposed works was fully considered in the outline designs prepared for the Faculty petition, this has not been documented in detail. To provide evidence in support of our answers to the Deputy Chancellor's questions, we have had to engage our architect to prepare additional detail drawings and supporting text..."* The reason that I was asking the questions was that none of those details about the water supply was apparent from the papers which had been submitted to me. It had not been possible for me to 'fully consider' the proposals.
138. Eventually, on the 30th October 2017 a limited bundle of documents was forwarded to me with a freehand drawing for the new route of the foul water drain (which has been reconsidered and is different to the route shown on the earlier plans, in that it would no longer run under the tower floor). I am told that: *"The drainage pipe will exist from the toilet at the SW corner ... The hole through the wall will be formed by diamond coring. This method is non-percussive and will form a neat cylindrical void with minimal effect on the wall. A 110 mm diameter drain pipe will be inserted into this hole and mortared into position using an appropriate mortar. We will employ a company well experienced in this work and in particular its use in ancient buildings. The existing floor in the church at this point is about ½ metre below the external ground level at the point the pipe will emerge and the pipe will therefore be entirely below ground level. The stone work in this location is sound and in good condition. Foundations will not be affected."*
139. There was also a very rough sketch of the route for fresh water to be piped from the existing point of entry to the church in the Parvis over the south porch, to where it will be needed. I am advised that this water supply is sufficiently well pressured that it supports an external fire hydrant, and that there is no concern about the likely pressure for the toilets (and the servery). This is some improvement on my previous lack of information, although not yet complete. The location of the pipework, particularly around the walls behind the font, has still to be precisely considered.
140. As to the noise limitation, I am advised in the notes forwarded on the 30th October 2017: *"Noise limitation to the toilet walls and roof will be done using 2 layers of 15mm Soundloc (a product from British Gypsum or similar) and then 100 mm of Rockwool RW3 (a dense mineral wool batt), with a plywood outer layer to form the back of the screen. This is a specification that was used approx. 5 years ago in nearby Horsley church. This has been shown to give very adequate sound protection"*
141. It will also be necessary to ensure some soundproofing of water running in the pipework around the walls being the font, since the noise of water running through such pipes might negate the usefulness of the soundproofing around the toilets.

Comments on the need for toilets in the church:

142. Of those who wrote letters, the provision of toilets was supported by Mrs York and Ms J. Parry (although she would prefer both them and the servery to be in front of the sacristy, which would put them in the Berkeley Chapel). Mr Green said he had “*mixed feelings*” about toilets in a church. Mr Rea said he had some reservations about the provision of toilets within the body of the church.
143. Mr Jones’ letter of opposition was solely concerned about the toilets: “*I am against the installation of lavatories. There is no compelling need to have them in the church since there are already two in the Parish Room which is no more than thirty yards from the North Door. Lavatories in a church is a current fad, but I see no reason why we should blindly follow it. The expense is quite unjustified.*”
144. Mrs Jones wrote to the same effect: “*I object to the installation of lavatories in the church as we already have two in the Parish Room only yards away (suitable for disabled people and nappy changing). Some people believe that it is the thing to do without giving it any serious thought. When there is a reasonable alternative, why have anything as undignified as a lavatory in a church?*”
145. (It should be noted that Mr Davis’ letter of the 12th February 2017 made it clear that the Parish Room toilets have no accessible provision as required by legislation and only very limited provision for baby-changing.)
146. Mr & Mrs Downs recognised “*the modern generation’s need ... to have immediate access to toilet facilities*” but listed a set of objections to toilets in church:
- i. *Noise disturbance and distraction during services (creaking/slamming/clicking doors/footfall/water running/flushing)*
 - ii. *Toilets attract children*
 - iii. *Smells (cleaning fluids/sprays)*
 - iv. *Cleaning (very high standard needed)*
147. Mrs J Parry suggested parents would normally accompany their child to the toilet and that that could be done by going to the Parish Room toilets. She also suggested that the access to the toilets in the Parish Room: “*could easily be altered to accommodate a disabled access*”.
148. Whilst I take note of all those views, I disagree. I am firmly of the view that toilets are needed inside this church, and I am satisfied that sufficient steps can be taken to minimise their use being an intrusion on the solemnity of church services.

Comments on the proposed location for the toilets in front of the choir vestry under the tower:

149. Is this the right place for the toilets? Historic England observed: “*it is ... not clear why these facilities could not be incorporated within the tower itself rather than projecting forward into the nave. The design would we feel jar in the context of the nave... we are not persuaded that the design adopted is appropriate or that this is the best location for the new facilities*”.
150. It is clear that considerable thought has gone into the location of the toilets, with a number of different locations being reviewed. The addendum to the statement dated the 26th September 2016 provided an extensive list of locations. I am satisfied that the choir vestry would not be an appropriate location as there is insufficient space for toilets whilst still allow passage through from the West Gate, and suitable storage of vestments.
151. Having considered all the proposals, and taken into account the comments of those who suggest other locations, I am satisfied that the proposed location is the best available

and will enable them to be properly sited, sound-proofed and serviced.

Should the toilets be at a raised level compared with the nave floor, leading to the need for a ramp and a step?

152. The Schedule asserts: *‘Drainage: There is currently no foul water drainage within the church. The only form of drain is a soakaway from the sink in the Sacristy, in the north-east corner of the building. It is therefore proposed that a new foul water drain will be provided from the west end across the church drive and churchyard, into the Vicarage garden, to connect to the existing main sewer. Raised flooring: As part of the design process, we considered the installation of a raised floor to the whole of the Nave, together with underfloor heating installation. However, once the detailed cost estimate was prepared, this was deemed to be too expensive, and the provision of a revised heating installation has been postponed to the Second Phase. At this stage we propose the installation of raised flooring to the toilets, servery and the choir vestry (in the base of the tower), to allow the installation of the foul drain without the need to excavate the existing floor. If we later decide to install an underfloor heating system, then no additional work will be required to the toilets and servery.*
153. ChurchCare was not opposed in principle to the new facilities at the west end, seeing this as an appropriate location in terms of architecture and functionality. However it had (when writing the letter in September 2016) some concerns about the details of the tower base, with the toilets being installed at a raised level, with the need for ramping and balustrade.
154. There are clear benefits for an installation which does not require excavation of the church floor to lay the foul water drain, and which only intrudes upon the fabric of the church to the extent of the diamond coring of a hole through the wall. The provision of the ramp, with a hand rail, will also help to separate the toilet area from the nave. I make it clear that in approving this arrangement, as I do; I give no indication that a raised floor in the Nave with underfloor heating would be approved in the future.
155. The provision of a step down from the ramp will allow unfettered access when the West Door is in use, through the choir vestry and straight up the nave. The ramp will permit access for those using wheelchairs, and will face towards the south entrance.

Decision on the toilets, the drainage system and the new ramp and step:

156. I am satisfied that the current toilet provision is inadequate for the modern and proposed usage of the church. Access during bad weather, outside daylight hours, by those with limited mobility or by children, accompanied or otherwise, is clearly unsatisfactory, if the church is to pursue its aims. I am satisfied that the particular area of the church affected does not have such architectural or historical significance as to be adversely affected by this change.
157. I approve, as per Plans 1001B, 712A and 713, as amended as to the foul water drainage system by sketch Plan 215C (which was amended by hand dated the 13th October 2017):
- (i) The installation of the two toilets and a cleaning materials cupboard with a raised floor level;
 - (ii) The installation of a new raised floor level in the choir vestry on a level with the floor of the toilet lobbies, to be laid over the existing floor and without excavation of the existing floor.
 - (iii) The amended route for the foul water drain, such that it will pass under the new floor of the two toilets and will exit the church by means of a single hole in the south west corner of the disabled access toilet, as set out in the response of the

30th October 2017 and sketch Plan 215C (as amended).

- (iv) The drilling of a pipe conduit through the south east tower buttress to enable fresh water to reach the toilet complex.
- (v) The formation of the ramp, with toughened glass sides and timber rail, and a step in front of the toilets.
- (vi) The re-location of the existing doors between the choir vestry and the nave to a position as part of the new wall between the toilets and the ramp and step.

158. This approval is subject to the following conditions:

- (a) Large scale drawings (1:20) of all new joinery details including full details of the colour and appearance of the woodwork for all parts of the toilets and cupboards shall be submitted to the DAC for approval prior to the commencement of work.
- (b) A formal plan must replace the sketched Plan 215C (amended by hand as at the 13th October 2017) which was provided with the response of the 30th October 2017, which shall set out exact detail of the foul water drainage hole to be cut through the wall, the pipe conduit for fresh water through the south east buttress and of the specification for the sound proofing. This must be submitted to the DAC for approval prior to the commencement of building works.
- (c) A full detailed specification for the route of the fresh water supply inside the church to the toilets and to the servery beyond must be submitted to the DAC for approval prior to the commencement of building works. This must include provision for sound proofing of the piping so as to minimise the sounds of water movement being audible in the church.
- (d) Save for the cutting of the hole for the foul water drain and the creation of a conduit for the freshwater pipe through the existing masonry of the south east and north east tower buttresses, there shall be no excavation of the existing floor of the choir vestry or the rear nave for the purposes of such works without first obtaining approval from the DAC.
- (e) There shall be further discussion with the owner of the main sewer to which it is proposed the outflow will be attached. Any necessary permissions required from the owner or the local authority must be obtained prior to commencement of the works.
- (f) As set out in the Schedule of Works and Proposals, an archaeologist must be retained to carry out a watching brief during the excavation for the sewer. Although the proposed route has been chosen to avoid affecting graves, there may well be other burials which are not marked by stones at the surface.

H THE GLAZING OF THE TOWER ARCH:

Reason and proposal for the tower glazing

159. The Schedule of Works and Proposals puts forward a plan to install a glass screen above the choir vestry and new toilets, since the void above the choir vestry in the tower currently allows cold air to descend from the west window. The screen would be contained within the existing arch.

Comments on the tower glazing

160. ChurchCare: *“queried the glazing of the upper part of the tower arch, suggesting that draught-proofing could be achieved with a less costly solution, and one which did not risk having an adverse effect on views of the west window with glazing bars and light*

reflection.” They do not, however, go on to suggest a different solution. I am being asked to consider this petition and not to hypothesise about alternative schemes.

161. Of those who wrote letters, the glazing of the tower arch was supported by Mrs York and Mr Green.

Decision in respect of the tower glazing:

162. I am persuaded that the proposed tower glazing as set out on Plans 712A, 713 and 1001B should be permitted. This is on condition that:
- (a) A specification for the glazing materials proposed to be used, so as to minimise light reflection and retain good views of the west window, will be supplied to the DAC for approval prior to the works commencing.
 - (b) Details of the ventilation of the space behind the tower glazing so as to avoid condensation forming shall be provided to the DAC for approval prior to the works commencing.

I THE SCREEN OF KNEELERS:

Proposal for the relocation of the choir vestry door and the creation of a screen for kneelers:

163. The proposal shown on Plans 1001B and 711B is to move the existing choir vestry wall and doors forward into the church, together with the existing cornice (extended as necessary) at its crest, and to create a gridiron style screen which will display those of the kneelers which will be made homeless by the removal of the aisle and rear nave pews. The drawing suggests the screen would be 11 spaces high and 17 spaces wide, (less 24 spaces where the doors are) giving a display of 163 kneelers. The responses to my Written Directions stated: *“The drawings submitted with the Faculty Petition showed an indication of the proposed kneeler display”*. As a matter of strict numbers, I am not sure that as many as 163 kneelers are going to be orphaned by the removal of the aisle and rear nave pews. I assume, though, that new kneelers are frequently stitched, and that a sufficiently complete display will be possible. It may also be that when the existing kneelers are properly measured, that fewer will be able to be accommodated within the available space.

Comments on the kneeler screen:

164. Historic England observed: *“Just in front of the tower arch a screen is proposed which appears to be clad in hung cushions as a front to the new toilet facilities. This is a significant new introduction and complete clarity on what is envisaged, along with an explanation of the design rationale, is needed. ... Whether this is supported hinges significantly upon the constructional detail of the proposal – further information is essential.”*
165. ChurchCare: *“had some concerns about the proposal to incorporate the kneelers as the strong colour of these will have a considerable visual impact on the interior. Even if this approach is accepted, the Council advises that the screen and joinery should be detailed to stand alone as a high quality design, in the absence of the kneelers.”*
166. In the Addendum to the Statement of the 26th September 2017, Canon Axford said: *“These kneelers will become redundant by the removal of some pews but they form an important part of our heritage. They were worked by members of the church and wider community over a period of 11 years from 1990 to 2001 and represent the history of the town, the church, individual families, local and national organisations and world history. The intention is that they be carefully selected and placed there as a permanent display and record of the life of this community. There is no intention*

that they be moved or that this wall will be used for storage, it will be a representation of our history.”

167. I have considered those concerns in the light of the colours of the kneelers on view in the church. The colours did not appear to me to be strong, and the overall area involved for the screen is not great compared with the remainder of the structure. I do, however, agree that the screen and its joinery need to be detailed so as to stand alone as a high quality design.
168. Of those who wrote letters, the new screen was supported by Mrs York and by Mr Green.

Decision in respect of the relocation of the screen of kneelers:

169. I am persuaded that the creation of the screen of kneelers as set out on Plans 712A, 713 and 1001B should be permitted. This is on condition:
- (a) Careful measurement will be made of the existing kneelers which are likely to be housed in the structure, to ensure they can be properly accommodated within the planned grid.
 - (b) A scheme for the layout of the proposed kneelers, showing their range of colours will be prepared and shall be submitted to the DAC for approval.
 - (c) Thereafter, a detailed specification for the screen of kneelers, setting out high quality finishes for the display shelving, with large scale drawings (1:20) of all new joinery details including full details of the colour and appearance of the woodwork for the screen and shelves shall be submitted to the DAC for approval prior to the commencement of work.

J THE SERVERY AND THE FLOWER PREPARATION CUPBOARD:

Current arrangements for serving drinks and refreshments and preparing flowers:

170. Collapsible tables are brought over from the Parish Room each Sunday, together with a portable urn, in order to be able to provide refreshments at the end of a service. Crockery and utensils also have to be carried over to the church from the Parish Room and back again every time they are needed.
171. Since the 1980s there has been a large free standing cupboard in the north east corner of the church which has been used to store materials for the Flower Guild.

Proposal for the servery and the relocation of the flower preparation cupboard:

172. It is proposed the servery will include an instantaneous water heater, a dishwasher, a fridge, a sink, a water supply and storage for crockery. The Schedule of Works or Proposals makes it clear that food preparation will continue to take place in the Parish Room, rather than in church. The drawings at Plan 1000 show a high quality appearance to the proposed fittings, using stained Douglas Fir wood, in keeping with the remainder of the wood furnishing of the church. All counter surfaces will need to be treated so as to be resistant to hot water damage.
173. It is proposed that the existing flower cupboard be removed and that the existing wood panels be reused to build a smaller cupboard near the servery which will have its own water supply and sink. I wholly support the plan to have a separate sink for flower preparation (which may include potentially toxic plants) and that this should be kept separate from drink preparation. That way, the flower arrangers will be less likely to be tempted to use the servery sink.

174. My enquiries as to the water supply for the toilets (set out above) have satisfied me that there will also be an adequate fresh water supply to, and foul water drainage from, the servery area. This will, however, necessitate drilling two conduits through the north east tower buttress between the servery and the new toilet areas.

Comments as to the servery and the relocation of the flower preparation cupboard:

175. Historic England said: *“The existing arrangement at the west end of the north aisle is not ideal. The proposals submitted here are supported.”*
176. Of those who wrote letters, the servery was supported by Mrs York, Mr Rea, and Mr Green. Mrs Jones said she accepted the servery *“as inevitable”*.
177. Mr & Mrs Downs said: *“We have come to terms with the modern generation’s need to be fed and watered at every venue ... and realise the servery/kitchen facility is going to be well used in spite of the facilities which already exist just yards away from the church door in the Parish Room”*

Decision as to the servery and the relocation of the flower preparation cupboard:

178. The Duffield analysis of these proposals involves only very modest intrusion on the architectural or historical significance of the building overall, with a very high level of benefit.
179. The proposals for the Servery and the alterations to the Flower Preparation facilities, set out on Plan 1000 are approved, subject to the following condition:
- (a) The work surfaces and the servery counter shall be treated so as to be resistant to damage from hot water.
 - (b) Large scale drawings (1:20) of all new joinery details including full details of the colour and appearance of the woodwork for the servery and flower preparation cupboards, including the plans to reuse existing wood panels, shall be submitted to the DAC for approval prior to the commencement of work.
 - (c) A detailed specification for the drilling of the pipe conduits between the servery and the adjacent toilet through the north east tower buttress, to carry fresh water and waste water, shall be provided to the DAC for approval prior to the commencement of work.
 - (d) A list of all proposed appliances to be used in the servery shall be submitted to the DAC for approval prior to the purchase of such appliances and the commencement of such work.

K GLAZED PANELS TO THE INTERNAL ENTRANCE DOORS IN THE SOUTH PORCH AND DRAUGHT EXCLUSION WORKS:

Current observation of the doors and frames:

180. The internal entrance doors at the south porch comprise a double set of boxed in wooden doors. These were no doubt intended to avoid draughts, but the draught needs to be diminished. They also have the effect of reducing visibility from outside into the church.

Proposals concerning the glazing of the internal entrance doors:

181. Plan 710 shows the proposal for new toughened glazing to larger inset panels to the innermost door only. The Schedule mentions the need to refurbish the South double doors where the closers are in poor condition and there is a need to fit draught excluders. It also mentions that the West door requires draught exclusion works. This,

no doubt, makes the choir vestry particularly cold, and is uncontroversial.

Comments on the glazed panels' proposal

182. There were limited comments about this proposal. Mr Herrick wondered: "... *How do glazed panels in this context create a more welcoming entrance? They will generate condensation. They will destroy any sense of discovery, surprise and awe*".
183. Historic England stated: "*Subject to the submission of appropriate technical details this element of the scheme is supported.*"

Decision as to the glazing of the innermost internal entrance doors in the south porch and general draught exclusion measures:

184. I approve the proposal to introduce glazed panels in the innermost entrance doors in the south porch; to fit automatic closers on those doors; and to carry out draught exclusion works to those doors and to the West door under the Tower subject to the following conditions:
- (a) A comprehensive large scale specification (1:20) in relation to the internal doors to the south porch, detailing:
 - (i) The use to which the existing doors and door furniture will be put in this part of the reordering;
 - (ii) The new materials proposed to be used; and
 - (iii) The design of the glass panels, including the design of glass manifestation:
shall be submitted for approval to the DAC and no work shall commence until approval of all parts of the design has been received.
 - (b) Detailed specifications for all proposed draught exclusion and automatic closer works shall be submitted for approval to the DAC and no work shall commence until approval of the specified works and closers has been received.

L DISPLAY BOARDS AROUND THE FONT AND FREE STANDING CABINET:

Proposals for the area around the font:

185. The Schedule of Works and Proposals and Plan 1002 details a set of 4 display boards on the West wall of the font area, with hinged leaf doors which could be closed in on themselves to make an appropriate backdrop for baptism services. They would also like to replace the current makeshift facilities around the font, selling books and greetings cards, with a freestanding timber cabinet with two shelves and cupboards below.

Comments concerning the display boards and other improvements:

186. This is an uncontroversial proposal, which will tidy the area around the font. The folding leaves to the display cabinets will mean that notices will not impinge on the solemnity and intimacy when baptisms are being held.
187. ChurchCare has welcomed the plans to improve the area around the font.
188. It is noted that the freestanding cabinet may obscure the list of past clergy displayed on the South wall of this area (Plans 710 and 1002).
189. I also note that the current font dates from 1841, from the Perkins' reordering (the original mediaeval font now being in St Andrew's at Leighterton) and that it was only moved to its present location in 1929. The impact on the architectural or historical context of this area of the church will consequently be minimal.

Decision in respect of the display boards and other improvements:

190. I approve the proposal to install a set of 4 display boards on the West wall of the font area as shown on Plan 1002, with hinged leaf doors which will be capable of being closed during baptism services. This is conditional upon:
- (a) Large scale drawings (1:20) of all new joinery details including full details of the colour and appearance of the woodwork for the boards and their cover leaf doors shall be submitted to the DAC for approval prior to the commencement of work and no work shall commence until approval has been received.
 - (b) Confirmation being provided to the DAC that the proposed freestanding cabinet will not obscure the display board listing past clergy at its eastern end beside the small door leading to the priest's chamber above the porch. In the event that permission is needed to relocate that list of past clergy, (which appears to be shown by Plan 1002) this shall be sought in writing no later than 2nd January 2018 to the Archdeacon, setting out details of the proposed new location.

ADDITIONAL DIRECTIONS

Note as to the storage options in the choir vestry under the tower:

191. The Plans appear to show the introduction of storage areas in the choir vestry under the tower. There were mentions of 'additional storage' at the time of the DAC visit on the 2nd September 2016. I have not, however, been provided with any written details about such storage facilities and would need to have more information if they are sought.

Note as to the choir stalls:

192. For the avoidance of doubt I direct that there shall be no changes to the choir stalls or to the choir stall fronts, notwithstanding that the Plans (210C, 211C, 214C, 215C) appear to suggest the removal of the choir stall fronts. That was not part of the faculty application and it was confirmed by Mr Davis in an email of the 12th August 2016 that there was no intention as part of this application to move or remove any of the choir stalls or frontals. It should be noted that a number of the writers of letters of objection, the Victorian Society, Historic England and the Church Building Council have all expressed profound anxiety about such changes being put forward, and it may be presumed that such concern would lead to specific objection to such a proposal.

Note as to the possible future plans for installing underfloor heating in the nave:

193. Nothing in the permission granted in this judgment should be assumed to indicate any decision as to any future proposed works to install underfloor heating in the nave. In particular, the permission to site the toilets at a higher level than the current nave floor is given due to the need to simplify the sewerage arrangements and is not an indication that a possible plan to raise and level the nave floor to include underfloor heating would be favourably received.
194. It would appear possible underfloor heating was considered, but the cost was reckoned to be too great. Further consideration can be given to the heating needs of the church once the draught proofing plans for the glazing of the tower arch and the south entrance doors have been implemented and their effect assessed.

Alternative venue for worship during the period of the works:

195. Alternative arrangements will need to be agreed with the Bishop for worship during the particularly dusty and noisy parts of the works. I direct that work shall not start without the alternative arrangements being put in place.

The funding of the works:

196. The Petition provided a rough estimate of the cost of the works at £250,000. Of this, it was said that £40,000 is currently available in the PCC's funds. This had risen to £44,875 by the time of Mr Davis' letter of the 12th February 2017. That still leaves a considerable shortfall. The Schedule of Works and Proposals noted that a local individual had offered match funding of a further £30,000, but there appears to be considerable reliance on a further fund raising appeal and applications to external bodies, at a time when money is frequently found to be tight.
197. I have noted that the Facebook page for the church announces a sale of worked items in the church in support of the reordering proposals. The sums raised will be small compared to the overall costs but the involvement of members of the local community in the project will be as important.
198. In the circumstances I direct that full costed estimates for the work covered by Sections A to L above, which I have authorised, must be provided before any portion of work is commenced. I recognise that the petitioners intend to carry out the works in stages.
199. I further direct that before entering into any binding contract the Petitioners shall certify that 90% of the contract price has already been pledged or banked, or shall otherwise satisfy the Registrar of their ability to meet the contact price when the same falls to be paid.

Insurance issues:

200. I direct that confirmation of full insurance cover for the works, including any risk of subsidence caused by creating the hole for the foul water drain or for introducing fresh water conduit pipes through masonry, shall be provided to the DAC prior to the commencement of any works.

A photographic record of the church:

201. I direct that a complete colour and black & white photographic record of the interior of the church building needs to be made and deposited with the Church Records and the DAC secretary prior to the commencement of any works.

Further Directions:

202. I direct order that the works listed above in Sections A to L be completed within 3 years, namely by the 1st December 2020. (The suggestion of 2 years is over-optimistic.)
203. In the event that any matters are put to the DAC and are not approved by the DAC, the same shall forthwith be submitted to the Deputy Chancellor for determination.
204. There is liberty to the Petitioners to apply by letter for further directions as to implementation, if so required.
205. There will be no order as to costs save that the petitioners shall, in the usual way, pay the Registry costs of and incidental to the petition including an enhanced correspondence fee to the Registrar in a sum to be agreed with the Registrar or as I shall direct in the event that it is not agreed, following further representations.

28th November 2017

Alicia Collinson.

Deputy Chancellor, Diocese of Gloucester