

**DIOCESE OF NEWCASTLE  
IN THE CONSISTORY COURT**

His Honour Judge Simon Wood  
Chancellor

29 August 2023

In the Matter of St Michael and All Angels, with St Lawrence, Byker: The reordering and adaptation of the church for use as a multi-purpose building with a dedicated worship space, the creation of an outdoor activity and play area and a Youth Hub extension to the building including all necessary and associated work; the removal of a number of items of liturgical furniture from the church; a programme of tree management including the felling of some trees and the replanting of new trees; the entering into a lease agreement with the Lighthouse Project for the use of the building.

**JUDGMENT**

1. *“St Michael’s Church was built in 1862-3 in Decorated style to a design by the Edinburgh architect, W. L. Moffat, the north aisle being added in 1936. It occupies a distinctive site in the heart of the Byker Estate overlooking the Tyne Gorge..... In the 1970s the church became isolated by the Byker redevelopment. From 2001 the PCC has been seeking to redevelop the church site in line with the wishes of the local community, including themes of arts, heritage and culture. The Conversation Plan for the Byker Estate (published 2004) indicates the overall significance of the parish church.”*
2. Thus wrote Geoffrey Purves in his 2006 seminal *Churches of Newcastle and Northumberland: A Sense of Place*, a book at the constant side of this chancellor and a statement of real direct relevance to the Petition dated 27 July 2023 of the priest-in-charge and church warden seeking a faculty for a projected 15 month project to undertake major re-ordering and associated works of this Grade II church at an estimated cost in the region of £3.5m. The Petition follows a meeting of the full Parochial Church Council on 25 June 2023, attended by the Area Dean, which determined unanimously to proceed.
3. The background to this petition is concisely described in the Statement of Significance. Noting the history of the parish being carved out of the parish of All Saints and the gift of the land by Sir Matthew White Ridley to enable the construction of a new church in 1853, the site was described as “a prominent site in Byker fields” of which John Wesley, no less, had said: “There is no place more beautiful than Byker: I picture heaven as resembling Byker.” The north aisle extension already mentioned reflected the growth of the parish, organically, as well as a

consequence of the demolition of St Peter's Church in Oxford Street and arising out of the merger of other parishes.

4. However, this is a process which went into reverse:

*Towards the end of the 20th century the congregation declined and the building suffered significant deterioration and acts of vandalism. In 2000, when the church building became unsafe and inhibitive to the needs of the congregation, the PCC, supported by the Urban and Ministry Theology Project (UMTP), decided to relocate worship to an old bakery rented from Newcastle Council in Raby Cross, renamed as the St Michael's Centre, while options for the future of the Church building were discerned with the support of UMTP and a Church development officer.*

*A significant amount of work was undertaken during 2005 to stabilise the roof coverings, replace the internal plasterwork affected by dry rot and carry out significant timber repairs and replacements especially at internal valley gutters where linings had failed and allowed considerable water ingress and at the chancel arch for similar reasons. During this time most of the original fabric and mechanics of the building (including the organ and pews) was removed due to deterioration and damage. The Church has been without any heating system for the past 25 years.*

*In 2010 the site around the building was significantly relandscaped, involving the demolition of the vicarage and the church hall building that stood at the rear of the Church, to create a community space and garden.*

*In 2018 The Church received an HLF grant to carry out further urgent repair work to the roof caused by water ingress and decay. The most recent Quinquennial report was in July 2019 states that the "The fabric is generally in sound condition but neither of the last two grant funded works have been able to tackle the continued lack of space heating or proper electrical installation for the sort of fulsome use that would help to arrest future decline in the fabric."*

*The current parlous state of the Church building as a listed building under risk and the continued deterioration of its fabric means a substantial financial investment is required in the next five to ten years to preserve its heritage and secure a future.*

*While the PCC remains committed to serving the community, it recognises that it does not have the resources to sustain and manage the building and its site currently. Extensive consultation with the community and other charitable organisations over the past 18 months, including work with the Diocese of Newcastle, has recognised the case for a youth and community facility based at St Michael's Church and its site, responding to the clear lack of these facilities in the rest of Byker. This is viewed as the basis for a long-term plan to invest in the site that can provide a sustainable revenue stream and greatly enhance the mission and presence of the Church in the community.*

5. In fact, the small congregation that met at Raby Cross gradually grew such that the decision was made to return to the church which had been retained by the parish in the hope that a

vision could be found to redevelop it. Without any heating in the church itself, a temporary marquee was erected inside the church which was capable of being heated, creating an intimate and warm place for worship. The building, despite its condition, also became a popular space to be used by a variety of community groups, in a location ranked highly in almost all markers of social deprivation, 24<sup>th</sup> out of 12,599 parishes for child poverty. Engagement with young people with a need for local facilities has been the driver for a new and exciting vision for St Michael's.

6. After extensive local consultation, in February 2022 the St Michael's Centre Partnership Byker was incorporated as a charity to develop and operate a youth and community centre from St Michael's Church and its site, known as "The Lighthouse", with the church as a key stakeholder with the incumbent and warden as trustees and the Area Dean as Chair of the Trustees. Its charitable objects are:

- 1) *to further or benefit the residents of Newcastle upon Tyne, in particular the east end of the city, without distinction of sex, sexual orientation, race or of political, religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time in occupation with the objective of improving the conditions of life for the residents in accordance with the teaching of the Christian church; in furtherance of these objects but not otherwise, the trustees shall have the power:*

- 2) *to establish or secure the establishment of a youth and community centre and to maintain and to manage such as a centre for activities promoted by the charity in furtherance of the above objects.*

7. Further to the foregoing, the PCC proposes to enter into a 30 year lease with the charity whereby it takes responsibility for a designated place of worship within the sanctuary and a connected community area with its own entrance to enable the whole church to be opened up for occasional larger services. The Lighthouse, operated by the charity, will provide facilities and activities for young people offering open access youth work, events and programmes. Local community organisations will be offered access to the space for their events, room hire will be offered on a commercial basis, and the overall vision is supported by local councillors and Newcastle City Council which has also supported bids for funds.

8. An extensive local consultation in 2020 and a tender process resulted in the appointment of Bradley McClure Architects who, in their design and access statement, describe their brief thus:

*The Lighthouse Project is a registered charity and an umbrella organization with the strategic ambition of developing St Michaels Church into a facility that provides accommodation and resources for several charities and community projects, with the aim of working alongside each other in a shared space that actively supports their activities. The space is also to accommodate the members of St. Michaels Church itself, and to provide an enhanced space for worship.*

*The brief to the design team as we understand it, is to evaluate the whole site considering the needs of the stakeholders and surrounding local community, rather than just the church building, and explore a vision for a larger masterplan. The developed proposals should be socially and financially sustainable and make best use of the resources and assets the site has to offer.*

*The building is Grade 2 listed, and the existing fabric requires particular attention in terms of its renovation and maintenance going forward.*

9. Secular planning permission and Listed Building Consent was granted by Newcastle City Council in respect of the extension, which is the subject matter of this judgment, on 6 July 2023 on terms which it is not necessary to repeat here.

10. Among the consultees ahead of petitioning were the following bodies:

- (i) The Church Buildings Council (CBC)
- (ii) Historic England (HE)
- (iii) Historic Buildings and Places (HBP)
- (iv) The Victorian Society (VS)
- (v) The 20th Century Society (C20S)

11. The CBC was content to defer to the DAC. The DAC has recommended the proposals for approval subject only to construction drawings and specifications being submitted to the Committee for review when available. All others, so far as I can tell, save for the HBP and the VS, did not respond. The HBP ecclesiastical caseworker responded thus:

*I know St Michael from several visits to Byker.*

*I came away the last time taken aback by the neglected state of the setting. The present scheme has an audacity that is welcome in the circumstances.*

*A radical approach such as this is a potent way not just to save St Michael's as a listed building but will greatly assist in its becoming relevant to, and held in esteem by, the local community. The multiplicity of uses, the transformation of the setting and the brave juxtaposition of the new with the old tells the people of Byker, in the most dramatic way, that St Michael's is once again to be a community hub. A building to gravitate to not an irrelevance from the past to be vandalised.*

12. The Victorian Society describes the plans as having “a grand and worthy aim, and it is one which we are glad to support in principle”. All but one of its concerns have been addressed leaving out outstanding area of controversy, namely the design of the proposed extension, hence the need for this judgment.

13. The need for the extension arose from the inability of the main church building to provide a relaxed youth social space and facility for the practice and performance of music as such would have conflicted with the uses envisaged for the church itself and there was insufficient space to create somewhere suitable for these purposes. Thus, the architects concluded that a new building was needed and, after considering various options, including a stand-alone

construction, it came up with the final iteration which is intended to serve as an entrance to the church, linking the new building and church by a light and transparent structure and for which secular planning permission and listed building consent have both been granted. It is this which is opposed by the Victorian Society.

14. The architects describe the extension concept thus:

*The form is dictated firstly by the continuation of the edge of Byker which defines a kind of pedestrian street or route. The building seeks to respect this line and respond to the movement coming from Byker. Secondly the extension is deliberately disconnected from the form of the church and the link is to be designed as a light and transparent structure which sits between the vertical façade structural elements and under the window. To further simplify this link the entrance is kept away from it, to keep the glazing as light as possible. The view of the building should capture the original building in its entirety due to the transparency through the link.*

15. In terms of the materials to be used, the architects say:

*The proposed structure is intended to be a timber frame in the interests of sustainability. The cladding reflects this and refers to the sense of nature within the site, as the cladding will be left unfinished and allowed to age naturally as timber. Timber cladding isn't unusual within Byker and the style of rough sawn cladding will be used. The timber structure sits on a simple concrete plinth. The function of the youth hub within is reflected externally using Corten steel panels and glazed openings. The façade opens towards the view and southwest light, allowing the building to engage with the external space. The window into the music practice space is small in the interests of acoustics.*

16. The following photograph is taken from a massing model produced as part of the design response, pre-planning application:



17. As to the space it offers, it is designed to include two principal spaces, one of sufficient size to accommodate 25 young people comfortably and a music practice space that will be suitable for a 5-piece band and equipment.

18. The VS initial reaction, having raised a number of points not relating to the extension, accepted the principle of, and rationale for, an extension to the north west corner of the church:

*However, we must question whether quite so large a structure is required; could not its volume be reduced? More significantly, we are concerned by the proposed treatment of the southern tip of the proposed extension, which would protrude across the west end of the church, greatly disrupting one of the church's principal facades, and would terminate in a needlessly assertive, even aggressive, prow-like form. The west end is a fine architectural composition, and, particularly as one approaches from the access to the site to the west, it is one of the key views of the listed building. It would be hugely undermined by the proposed extension. As presented the union of the nineteenth-century structure and the proposed extension is architecturally extremely unsuccessful. Much of that effect could be remedied by simply reducing the length of the extension at that southern end (entailing the loss of relatively little useable space), and removing the aggressive prow.*

*Our other query concerning the extension related to its proposed materiality. Quite simply, we cannot see the rationale for utilising timber cladding to much of the extension's external walls. It does not appear relevant either to the 1860s church building, or the surrounding 1970s and in our view risks looking highly un-contextual and architecturally alien. In addition, given the problems highlighted in the Statements with antisocial behaviour on the site, using a cladding material that is flammable also seems ill-advised.*

19. The parish responded as follows:

- The nature of what the project is seeking to achieve determined the scale of the extension
- The planning authority, at pre-application, sought a change in scale with reduced volume, height and roof line
- The authority's principal concern concerned the relationship with the Byker Estate, so the "prow" was designed to create a simplistic form that took its building lines from the neighbouring estate and the southerly point provided shelter, housed a modern expression of a main entrance and represented the link between community and the new community asset.

20. As to the proposed use of materials:-

- Timber was chosen for its connection with the community (a significant proportion of the estate is clad in timber thus offering inspiration, relevance and context), its humility, the fact that it is softer and more tactile than the stone of the church itself

- Part of the project's raison d'être is to address antisocial behaviour and offer the community an asset of which they can take ownership and be proud alongside daily usage and other sensible precautions to protect it.

21. Finally, noting that the church is on the "buildings at risk" register of HE, it is emphasised that those leading the project will be working with HE throughout the process in order to document and record a case study of a re-purposed listed church whose vulnerability is self-evident.

22. Although the VS was appreciative of its other unrelated points being noted or answered, it was unpersuaded that the intended design and treatment of the extension are appropriate:

*This is, however, with one exception, and that is the specific form and detailed design of the southern end of the extension, which would jarringly and crudely cut across the west end of the church, hugely undermining its balance, composition and setting. It is greatly to be regretted. Having reviewed the plans again, we find it inconceivable that the design could not be rationalised and the concealment of the west end of the church greatly reduced, even if the building line of the estate were to be maintained (though in our view it would make sense to defer to the listed church building, which the extension would form part of, rather than the neighbouring estate). We would therefore urge a review and refinement of the design, which in its present form we remain opposed to.*

23. That said, despite its opposition, the VS has expressly not sought party opponent status on the parish standing firm with the support of the DAC which, in notifying the petitioners of its formal advice said:

*The Committee felt the issues raised had been satisfactorily addressed by the project team. The Committee strongly felt that the missional advantages of the project outweighed any concerns raised by the Victorian Society.*

24. It is unfortunate that the widely praised vision and initiative which has resulted in the emergence of the plans for St Michael's have caused such a jarring note from an amenity society. It is, perhaps, the more so when such strident objections have not been met with a request for party status to enable the issues raised to be debated properly and openly so as to inform the court in its decision making process. As it is, the court is left with around thirty lines of criticism, all quoted above, and little by way of constructive suggestion as how the position be ameliorated. In the final analysis, the court is left with a determination to be made on a site specific exercise balancing the harm likely to be caused by the intended work against the benefits that are said to inure to the advantage of those for whom the building in its refurbished form are intended to benefit.

25. The planning authority was under a statutory duty, amongst other things, to pay particular attention to the effect of the proposed works on the character of the church given its listed status and their effect on the setting of the church. It plainly did so in reaching its decision having regard to the terms it has imposed. The VS has complained that planning permission was obtained without it having been consulted and there is little point in the Church of England engaging amenity societies if they are to be excluded from the secular planning

aspect: there is merit in its contention that amenity societies should be engaged at an early stage in the process, that may be said particularly to be the case in a project on this scale, although, ultimately, the planning authority publicises such applications as well as notify adjoining property owners and others it considers should receive notice. It cannot be said that the failure of the planning authority to notify the VS vitiates its decision

26. It is acknowledged that, in planning terms, the principal factor will be the external appearance of the extension, its overall design quality and the manner in which they relate to the setting, the surrounding buildings including but not limited to the church and spaces available. That includes the impact on, for example, the historic nature of the site, trees and other natural features and wildlife habitats. To that end the local planning authority had, and the court has read, independent expert assessments carried out in respect of the archaeological, ecological (including a bat survey) and arboricultural impact of the proposals all of which informed its ultimate decision.
27. Although, in the final analysis, the VS is plainly affronted by the scale, design and materials proposed, it seems to this court that it is ill equipped to reach a reasoned, contrary view to that arrived at by the planning authority. This is a listed building at risk, that is, and has been for some time, unsustainable in the form conceived by its Victorian forefathers. To use EH's word, the audacity of the scheme that has been devised to restore and repurpose the building but maintaining it as a place of worship, in an area crying out for a project with the breadth of the imagination that is being proposed is one to be greatly welcomed. The court respectfully adopts the response of the DAC quoted at paragraph 23 above: the missional advantages outweigh the harm alleged.
28. In short, notwithstanding the position of the VS, I am satisfied that the faculty which will issue will include the extension as now conceived as well as the myriad of other proposals which are uncontentious.
29. Separately, the parties to the proposed lease will be the Bishop (as the benefice is in vacancy) and the PCC in favour of St Michael's Centre Partnership Byker (more commonly known as The Lighthouse Project), such lease falling within the provisions of the Mission and Pastoral Measure 2011. Although not contentious, I am satisfied that the draft lease complies with section 68 and, as such, authority should be granted to enable the identified parties to enter into the lease and consent given pursuant to s.68 of the Measure.
30. A faculty therefore issues for the entering into the lease and for the proposed works to which these terms shall apply:
  - (i) The works authorised by this faculty shall commence and be completed within 24 months of commencement;
  - (ii) There shall be strict compliance with all terms and conditions imposed as part of the grant of planning permission and listed building consent by Newcastle City Council;
  - (iii) No material variation to the proposals as approved by this faculty shall be permitted until full details of the same, whether by drawing, plan, specification or howsoever,



have been approved in writing by the DAC after appropriate consultation with the relevant amenity societies or, absent agreement, by the court.

**Simon Wood**  
**Chancellor**  
**29 August 2023**