

HOLY TRINITY CHURCH

SUTTON COLDFIELD

JUDGMENT

NOVEMBER 2012

1. By a Petition dated the 10th December 2009, the Petitioners, William John Routh, the Rector and Colin Ingley and Michael Somers, the Church Wardens respectively of Holy Trinity Church, Sutton Coldfield sought a faculty which envisaged a major re-ordering of Holy Trinity Church.
2. The history of the Petition is somewhat tortuous. The nature of the church which is a Grade 1 Listed Building inevitably meant that the Diocesan Advisory Council ("DAC"), English Heritage ("EH"), The Victorian Society ("VS"), The Georgian Society ("GS"), The Church Buildings Council ("CBC") and the Society for the Protection of Ancient Buildings ("SPAB") have all been involved in the process and have made several comments. EH have lodged a formal objection to the Petition and have completed Form 4 accordingly.
3. In addition, during the currency of the Application Chancellor Cardinal was forced to relinquish his position through ill health and there was a gap of some 11 months before I was sworn in as Chancellor on the 9th November of this year. I should at this point express my gratitude to Chancellor Cardinal for the case management directions that he gave whilst in office because his astute oversight has meant that I have been faced with a much simpler task than might otherwise be the case.
4. I should also pay tribute to the good sense of the Petitioners who in their desire to seek changes to what on my inspection revealed itself to be a glorious church were prepared to compromise and to listen to views that were opposed to what ideally they would have liked.
5. Because of this entirely commendable approach the faculty application has been revised first of all on the 1st December 2010 and then finally on the 25th May 2012. This has meant that the areas of disagreement between the interested parties have been substantially diminished although all save the Petitioners are opposed to the

removal of the inner porch in the West End and some of the heritage bodies are opposed to the re-ordering of the Chancel and the creating of a new choir vestry. That is the broad position with which I am faced.

6. It is of course of great significance (although not determinate) that on the 24th May 2012 Birmingham City Council granted full planning consent for the proposed "partial demolition of the 20th century extension to the west elevation and to the erection of a new glazed timber framed entrance to provide level access for pedestrians, extension and alterations to north east porch and replacement timber doors to main entrance." That consent came inevitably with, in this case, 14 conditions and required the work to be commenced before the expiration of three years from the date of the permission.
7. I will deal with the petitioner's detailed proposals later in my judgment but broadly they relate to Petitions to alter and improve the access to Holy Trinity, to reorder internally so as to "modernise" (my words) the interior of the church and to replace the present pipe organ with a digital organ. For good reason, the petitioners decided not at this stage to proceed with the petition so far as it related to the organ and thus I only have to consider the question of improvements and changes to the access to the building and the internal re-ordering.
8. In considering the matter I should indicate that no party has sought to persuade me that I should hold a hearing of the Consistory Court but all are content that I should deal with the matter on the written material before me.
9. In addition to the written submissions, I have before me an extensive dossier prepared by the architects employed by the PCC, Brownhill Hayward Brown which is expressed to be revised on the 1st December 2010 and is entitled "Faculty Application Re-Ordering Project".
10. In addition I have a report, directed by Chancellor Cardinal, from Charles Tracy, a church furniture specialist which is entitled "a Significance Assessment of the Carved Woodwork at Holy Trinity, Sutton Coldfield" and is dated the 1st December 2011. Given the richness and the provenance of much of the carved woodwork in Holy Trinity that report was clearly necessary although I think it is fair to say that when Chancellor Cardinal directed the report to be obtained he had hoped that in addition to the detailed assessment of the provenance of the woodwork more might be forthcoming in relation to the significance of the woodwork in Holy Trinity rather than in the buildings from which, in the 19th century, it was purchased and installed

at Holy Trinity. The fact that much of the woodwork came from the Cathedral at Worcester and from St Michael's Church, Coventry (latterly Coventry Cathedral until destroyed by bombing raids in the Second World War) makes the carvings of exceptional historical interest. Important as these carvings may be, however, they are but a part of a church that is remarkable in its own architectural richness.

THE CHURCH

11. Holy Trinity is the original parish church of Sutton Coldfield and occupies a site upon which a church has stood since the 13th century. Sutton Coldfield was originally a market town but has been subsumed into the City of Birmingham. However it maintains an independent position although many of its residents commute to Birmingham for work. It has all the civic amenities once would expect from a market town. The parish of Holy Trinity covers a large residential area, most of the town centre and a large urban park.
12. At the time of the original Petition there were some 12,000 residents in the parish with a broad mix of ages and a reasonable cross section of socio-economic groups. The church's electoral role then stood at 213 adults and there was an average Sunday attendance of 102 adults and 10 children. There were 15 to 20 weddings, 15 to 25 baptisms and 15 to 25 funerals every year. The church also fulfils an important civic role. The annual Service of Remembrance, the annual Scouts Service, the Service for the Magistracy, the Civic Service and the Founders Day Service of Bishop Vesey Grammar School all indicate that the church has a central role in the public life of Sutton Coldfield.
13. Holy Trinity sits on the top of a hill overlooking the town centre. It is a Grade 1 listed building, built of sandstone. Although there are a few traces of the Nave and chancel built by 1300 the main structure of the current building dates from the 15th to 16th century with significant alterations in the late 19th century. By 1500 the Nave had been extended and a tower built. In 1533 John Vesey, born in Sutton Coldfield but by then Bishop of Exeter, funded the addition of two side aisles and his tomb lies in the Vesey Chapel to the east of the chancel. At about that time the south porch was constructed in its present form.
14. In the 18th century there was considerable re-ordering. The west arch of the tower was filled in at some stage and galleries were installed in the north, south and west

by 1750 and subsequently replaced in 1760, children's galleries being added to the North and South. The roof of the Nave was raised in 1760 and a Pulpit and Tester were introduced, the Pulpit dating from about 1740-1750.

15. In the 19th century major re-ordering took place under the Riland Bedford family, Rectors of the Parish for over 200 years. The children's galleries were removed, the pitch of the Nave roof was increased and the Clergy Vestry was built to the northeast in 1874. In approximately 1870 the carved woodwork to which I have referred above was introduced from Worcester Cathedral and from St Michael's, Coventry. There is some uncertainty as to the date of the original carvings but many of them come from the 17th century. In 1875 the west arch was re-opened, the north and west galleries were removed and a new north aisle with gallery over was constructed, requiring the raising of the previous north aisle roof.
16. The box pews in the Nave were replaced by open pews in 1878 and in 1885 screens were introduced which separated the chancel from the areas to the north and south. Around this time the font which according to Pevsner is of Norman origin was introduced. Around 1900 a north west vestry was added and by 1930 the area to the north of the chancel had been made into a side chapel. C E Bateman designed a new decorative scheme and in 1914 the painting of the chancel ceiling was completed (influenced by the Arts and Crafts movement) followed in 1929 by the ceilings of the Nave and the Vesey Chapel.
17. The grounds surrounding the church were used for burials until 1900 but in 1996 many of the grave stones were moved to allow for the construction of the Trinity Centre a separate building to the west of the church. It is apparent from the above and from visual inspection that the church possesses a broad range of architectural styles and that is reflected in the uncertainty expressed in "The Buildings of England-Warwickshire by Pevsner and Wedgwood (1974 edition).
18. Whilst I of course have to consider the Petition as a whole together with its individual parts, it seems to me that the most significant architectural features that are likely to be affected by the proposals for re-ordering are:-
 - (a) In the chancel, the pews in the choir stalls and the screens behind them which came from Worcester Cathedral and are carved oak of the 17th century (or possibly earlier).

- (b) In the Nave, the steps to the Pulpit, the removal of the stained pine pews which dated from the re-ordering of 1874, a change to the access to the northern gallery and a removal of the gallery at the northwest corner and a re-positioning of the font.
- (c) In the tower, a removal of the carved and glazed screen and a removal of the west door.
- (d) The construction of a new entrance to the north of the tower which would be set at the level of the main church floor.

THE GROUNDS FOR THE PETITION

19. The Faculty is sought upon the basis that the church as presently ordered is not well suited to the needs of the early 21st century. The Petition, which seems to have the overwhelming support of the PCC is founded on the basis that Holy Trinity should be an "open holy, caring church". It is said that the building in its present form is a "major constraint" to moments of individual encounter and public expressions of worship. The building, it is argued, is currently in use for just a few hours a week but limitations on access, toilets and space mean that it is not practical to use the building for more than the limited amount that it is presently used. It is said that the resources allocated to maintenance of the church building are disproportionate to the use that is received from it. In particular the building has accessibility problems for those in wheelchairs or using pushchairs. A temporary ramp has been constructed at the south door but that is not health and safety compliant and certainly from my inspection does not seem to be ideal. The petitioners say that the building does not look welcoming from the outside and the south door (the present main entrance) is not visible from the car park. Once in the church, the pews are said to be uncomfortable and differences in floor levels present potential hazards. It is not possible to open up the building to greater community use, for exhibitions for concerts and for plays as the seating cannot be moved and the space is not capable of flexible use. It is not possible to use the building for Sunday School groups which have to be held in the Trinity Centre. The heating system is old and expensive to maintain, the toilets are inaccessible for those who cannot manage steps and the utilities are not conveniently placed together. The building tends to be dark and the

visibility from much of the Nave and aisles of the Altar is at best restricted. The font as presently placed cannot be seen by much of the congregation and the pulpit is not ideally situated. No place is presently set aside for quiet prayer, there is no space for coffee and conversation after services within the building and the use of the Trinity Centre creates a barrier between the congregation and the church which means that people do not stay long after the services.

20. The needs of the congregation, as found in the Petition are summarised as follows:-

- Improved and more visible access to the building
- Level floors throughout the main congregation area
- Seating which is more comfortable and more adaptable
- Improved toilets and space for Sunday School groups, meetings etc.
- Upgraded heating, lighting, insulation/energy efficiency etc.
- Removal of unneeded and fixed furnishings to release space and allow flexibility
- Altar and font moved to positions with better sight lines
- Removal of the west gallery (the original proposals to remove the South and North galleries having been withdrawn)
- Removal of Pulpit and other furniture to open space at the meeting of chancel and Nave (subsequently altered to allow for the pulpit steps to be moved to the north side of the pulpit.
- Creation of areas for welcome, quiet prayer and coffee.

21. That then is the general thrust of the Petition. What I propose to do in this judgment is to consider the legal principles under which I must act and then see how the individual proposals fit into that legal framework. I, of course, remind myself that each of the individuals has to be considered against the legal framework but in addition I must set each of the individual's proposal in the context of what it is desired to achieve.

THE LAW

22. My approach to the Petition has been clearly set out in the judgment of the Arches Court of Canterbury on appeal from the Consistory Court of the Diocese of Derby in **Re: St Alkmund, Duffield** which was handed down on the 1st October 2012.

23. At paragraph 87 of the judgment the Court said as follows:-

In our opinion Chancellors should be freed from the constraints of the Bishopsgate questions. We have much sympathy for the view ... that there is a danger of imposing an unduly prescriptive framework on what is essentially a balancing process. For those Chancellors who would be assisted by a new framework or guidelines, we suggest the following approach of asking:

- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?*
- (ii) If the answer to question (i) is "no" the ordinary presumption in faculty proceedings (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 3, 4 and 5 do not arise.*
- (iii) If the answer to question (i) is "yes", how serious would the harm be?*
- (iv) How clear and convincing is the justification for carrying out the proposals?*
- (v) Bearing in mind that there is 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 that are consistent with its role as a place of worship and mission) outweigh the harm?*

In answering question (v) 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.*

24. Bearing the above in mind I also remind myself that the burden of proving the need for change rests on the Petitioners and that that burden has to be proved upon the balance of probability.
25. I also remind myself that in this case the Planning Authority has granted permission for some of the works covered by the Petition. Whilst I am not bound by the decision of a Local Planning Authority the approach that I take is that I should accept the decision of the Planning Authority as a reasoned starting point from which to begin my deliberations unless the conclusions of the Planning Authority are demonstrated to be wrong by reasoned and cogent evidence.

In Re: St Marys Churchyard, White Waltham (2) [2010] 3 W.L.R.1560.

26. In coming to a determination following the guidance in **Re: St Alkmund** I must of course give considerable weight to the wishes of the parishioners particularly in a case such as this where they have been amenable to change when suggested by the appropriate authorities and when the Petition has only been presented after considerable debate and discussion.

DISCUSSION

27. Following the guidance in **Re: Alkmund** the approach that I must therefore take is to identify the proposals for which the Faculty is sought and then examine them in the light of the five "Alkmund" questions.
28. Before I go on to consider the proposals in greater detail than I have already, it is important that I should ask myself the question as to the exact significance of Holy Trinity as a building of special architectural or historic interest. As one would expect from a building of such age there have been many alterations and I have to bear in mind that the building, as a Grade 1 Listed Building, represents a continuum of varying architectural styles. In many ways it is this contrast between the architectural styles which makes Holy Trinity such a special architectural and historic

building. I have referred earlier in this judgment to the entry in Pevsner. What makes Holy Trinity so remarkable is that there are still a number of questions as to the provenance of different parts of the church which are unanswered. I have read with considerable interest the archaeological report of Dr Ferris which is contained in the revised Faculty Application and the report of Charles Tracy as to the carved woodwork. What comes out of all the documentation that I have received is that even the most eminent experts do not always agree as to the origins of parts of the church and that is the basis for much of the special nature of Holy Trinity. Whilst I accept that individually some of the proposed alterations are of relatively minor importance (for example the re-siting of the stairs to the pulpit from the south side to the north side) it seems to be that my proper approach is to regard the church as it presently stands, with all its architectural idiosyncrasies as being of such architectural and historic interest that the alterations proposed will result in harm to the significance of the church as a building and then to proceed to examine against each individual proposal the seriousness of the harm, the justification for carrying out the proposals bearing in mind the strong presumption that there exists against proposals which will adversely affect the special character of a listed building. As the Alkmund questions point out, I have to consider any resulting public benefit from changes in particular in relation to the liturgical freedom, pastoral wellbeing, opportunities for mission and putting the church to appropriate viable uses and then consider whether the advantages conferred by the changes outweigh the harm. I must factor into this the recognition that fashions in church worship change and that I would more readily accede to the proposals if I found that the items to be affected by the proposals could be relocated and possibly, at a later date, reinstated.

29. I am reinforced in that view by the passage quoted in the judgment of Chancellor George QC in **Re: Alkmund from Re: St John the Evangelist, Blackheath (1998) 5 Ecc LJ 217** he says:

“it is part of the joy and interest of listed buildings, and in particular churches, that they include accretions, many of which are not entirely consonant with what was there before. If the accretion has merit, then normally it should not be removed, even in the interest of historical or architectural purity.”

30. What then are the works proposed? I take them from the revised Faculty Application at page 7, and incorporate what I understand to be the subsequent alterations.

To create light and space

- *Remove the west gallery, relocating the staircase to give access to the north gallery.*
- *Remove the clergy stalls and screens under the Chancel Arch to create space for a new altar.*
- *Remove the choir pews to open up the Chancel and make it more flexible, relocating some of them to the east end (and placing those that are not relocated to the east end against the wall in the southern aisle).*
- *Clean the internal stone*
- *Install a new lighting scheme*
- *Replace the tower doors with new wooden doors and build a new entrance and foyer using glass.*

To improve worship

- *Extend the Chancel floor into the Nave and install a new altar there.*
- *Replace the pews with moveable seating to give better sight-lines and increase flexibility/space.*
- *Make the Vesey Chapel a quiet area*
- *Make the Chancel a chapel for smaller services with moveable seating facing west between the altar and the relocated choir pews.*
- *Raise the font to be under the Tower so that the space under the tower becomes a Baptistry.*
- *Alter the stairway to the pulpit*

To improve facilities

- *Demolish the toilet "block" and create a new entrance way requiring no ramps or steps. Removing therefore the present ramps from the south entrance.*
- *Install new toilets and a coffee area in the north west corner.*

- *Move the choir vestry to the south east corner.*
- *Make rooms underneath the north gallery to be used for Sunday School during main services, and as meeting rooms at other times, these having folding glass screens so that the rooms may be incorporated in the main worship space when attendance exceeds 500.*
- *Install a new heating system and attend to energy efficiency.*

THE PROPOSALS AND THE OPPOSITION

31. **The New Entrance to the Northwest**

It was readily apparent from my visit that there are major difficulties with access to the body of the church and that the considerations that must be taken into account in the early part of the 21st century were far from the minds of the previous builders. There is no wheelchair access from the west end and the present compromise whereby a temporary ramp is installed from the south porch is unsightly and not, in my judgment fit for purpose. From a historical and architectural perspective it must be in the public interest that as many people as possible are able to access the church and from a religious perspective the same must be true. The Planning Authority have granted permission for a new entrance between the tower and the Bidlake construction at the northwest corner and the proposals are to incorporate in the northwest vestry modern toilets and to construct under the North Gallery a number of rooms for Sunday School, meetings etc. There will be glass fronting between the rooms and the Nave and a refreshment area will be provided in the most westerly bay of the north aisle. The provision of such access (and I should say that there is no other situation where flat access may be constructed to the inside of the church) is clearly in everybody's interest. It is perhaps unjust to say that the buildings that are presently there and which will be replaced are unsightly but they are certainly not of the quality of much of the other building. Inevitably the West Gallery will have to be removed to allow for the access and the stairs to the North Gallery will have to be repositioned. However as I was told that the North Gallery is not regularly used because of health and safety issues and it would provide the Parish with an opportunity to improve the North Gallery and to enable it to function in the way that originally it was intended. Planning consent has been granted and the

DAC supports what is a much amended Petition so far as this part of the building is concerned. In terms of opposition to these proposals SPAB defer to the Victorian society. The VS' initial concerns about the proposals have been met by amendments and by e-mail to the Registrar dated the 26th October. They confirm that they have no objection to these proposals. EH are of like mind.

32. It seems to me therefore that there is acceptance by all parties that this part of the Petition, if implemented, would not result in harm to the significance of the church as a building of special architectural or historical interest and I am satisfied that the presumption "in favour of things as they stand" is rebutted by the desirability from all points of view of the work covered by the Planning Consent being carried out. I accept, however, the suggestion that final details regarding the materials, manifestations and decorative finishes of the West (and tower) doors are submitted to the DAC for approval. The opening up of the access will necessitate the removal of the west gallery and the repositioning of the access steps to the North Gallery. Any adverse effect of this work (and I am by no means convinced that the work will produce an adverse effect) is outdone by the improvements that the work will bring about, providing an access that is appropriate for the 21st century.

33. **The West Entrance**

The original proposal was for there to be a glass door with a glass lobby, replacing the wooden West Door and the wood and glazed screens which presently form the lobby. There is agreement about the pattern and design of the external West Door and I am satisfied that the replacement of the existing wooden doors (which do not seem to me to be of particular significant interest) by doors that may marry better with the work to be carried out at the new entrance to the North West would result if anything in an improvement and thus the presumption against change is rebutted.

34. I am however far less satisfied about the Petition to remove the inner lobby and replace it with a glass structure. On my visit I carefully inspected the inner lobby and it does seem to me that it contains carving which came from Worcester Cathedral and St Michael's Coventry and has a number of architectural features which are of considerable significance. All who have been consulted object to its removal and given the fact that the West Door will be of solid wood, arguments about visual access greatly diminish. I am not satisfied that the status quo should be altered given the historic significance of this screen and I do not feel that the Petitioners have advance evidence of a sufficient cogent nature to rebut the

presumption against alteration. I am grateful, however, to both the DAC and the VS for making suggestions about how the visual access through the retained lobby could be improved. I was particularly grateful to Mr Bridges, of the VS for sending me some photographs of similar screens at Hereford Cathedral. I am quite prepared to give permission, subject to consultation with the DAC for the existing lobby to be sound proofed and to be glazed in a way that achieves at least some of what the PCC are seeking. This is a remarkable piece of craftsmanship and the presence of carvings that in effect were saved from the now destroyed Coventry Cathedral means that the evidence needed to persuade me that it should be removed is not there.

35. Given the consent to the proposals for a new disabled access via the North West porch, it will be necessary to restore the south porch, to remove the internal wheelchair access ramp leading from it into the Nave and to reinstate the internal steps. In my judgment that will provide a significant improvement to that area.

36. The changes to the layout of the church in the North West corner necessitate a removal of the boiler and the Petition requests permission to extend the north east porch to provide for a boiler for a proposed new heating system (see later in this judgment) and a flower arrangers' area. This proposal has been the subject of a successful planning application, subject to conditions and no objections have been raised to this proposal. This does not seem to me to result in any harm to the significance of the church as a building in any sense and given the decision of the Planning Authority and the necessity to re-house any boiler the presumption that things should remain as they are is rebutted and I accordingly grant that part of the Petition for Faculty.

37. **The Chancel**

The altar is presently situated at the east end of the Chancel. The Petition to re-position it under the Chancel arch is supported by the argument that the sight lines from the congregation are very poor with only those sitting in the Nave aisle seeing the altar. The theology which, it is said, this symbolises is that God is distant and unapproachable; it impacts on liturgy by severing any connection between Priest and Layate. The Parish believes that it is inappropriate from a theological perspective of an open, welcoming church worshipping an approachable, graceful God. It is proposed therefore that the altar should be at the east end of the Nave on a raised dais with the pulpit steps being re-orientated to the north side as opposed

to the present south side. Furthermore it is said that there are serious problems with audibility of the choir whose stalls are presently in the Chancel. The proposal therefore is to move the choir into the Nave in a position in the south aisle. That renders the choir stalls redundant but would enable the Chancel to be used for small services with the congregation facing west. The proposal is that the choir stalls which originate from Worcester Cathedral should be moved with one set being placed at the east end of the Chancel facing west and the other set being positioned against the wall of the south aisle so as to retain their use (as seating against the south wall) and their presence in the church. The proposed position of the altar would require the removal of two low screens in the arch which contain woodwork from Worcester and which it is intended shall be relocated to the south aisle.

38. These proposals are supported by the DAC but are opposed by SPAB as the proposal, it is said, will result in the fittings losing their historical and visual coherence – *“like breaking up a set”* – and also mean that they cannot be used as now to fulfil their original purpose. The VS also opposes the proposals as they consider that they represent inappropriate alterations to the present arrangement of the furnishings and strongly object to their removal from the Chancel. They say “it is a positive aspect of the 19th century re-use of the historic woodwork from Worcester that in its present location it is appropriately situated within a part of the church which largely dates from the 16th century”. They object to any proposal to replace the present “Jacobean” style altar and suggest that if a new altar is to be placed under the Chancel Arch this altar can be retained. If that is not possible it should be placed somewhere else within the building. They support the proposals to retain the panelling to the south and north of the Chancel and oppose any proposal to dispose of the 1906 lectern and the clergy desks and kneelers which were installed in 1940.

39. As a result of discussions between EH and the Petitioners, and amendments to the proposal it does not seem that EH raises any objections to the proposed re-ordering of the Chancel.

40. This seems to me in many ways the most difficult part of my decision. Applying the Alkmund test it does seem to me that the proposals would result in harm to the significance of the church as a building of special architectural or historic interest given the remarkable provenance of much of the contents of the Chancel in their

present constitution. The argument advanced by SPAB that in effect the present configuration represents a "set" is a powerful one but against that the difficulties raised by the present "traditional" layout in terms of visibility and audibility are even more powerful in the context of the primary purpose of the Church as a place of worship and mission. I attach considerable significance to the support from the DAC and from the lack of opposition from EH. Perhaps the determining factor is that the choir stalls and low screens are to be retained albeit not in their present position. The new proposed layout will have clear liturgical advantages, will open up the church for other viable uses consistent with its role as a place of worship and mission and have the support of the congregation. The retention of the items and their "redeployment" can be reversed and if it is later felt to be appropriate the Altar can return to the east end.

41. There is also one clear advantage from a historic perspective of the proposals. Charles Tracy in his report highlights a serious consequence of the present layout

"you could be excused for hardly noticing one of Holy Trinity's most precious furnishings, the 17th century reredos, from Worcester Cathedral. The sanctity of its location may well have inhibited visitors from enjoying its finer points. It is closely guarded by the Italianate Bateman Altar Table which is just a little too big for this position."

Above the reredos are Baroque architectural festoons, rare survivors of the English Baroque, which on my inspection were virtually impossible to see. The removal of the altar and the consequent opening up of the space to the east of where the altar is presently positioned will open up to inspection these two remarkable pieces of carving. In my judgment the advantages of visibility, audibility, the placing of the altar in a much more central position in terms of the congregation and the increased accessibility to the reredos and Baroque festoons outweigh the adverse effects of "breaking up the set". I am reinforced in my view by the proposed retention of the stalls and screens to be moved and the retention of the screens to the north and south of the Chancel. So far as the more recent furniture is concerned and the Lectern I would invite the Parish to discuss with the DAC possible alternative uses.

42. The repositioning of the present altar is necessary but I am not clear in my mind as to why it could not be moved to the proposed site of the new altar. I support the

suggestions of the VS as to possible alternatives and would invite the Petitioners to liaise with the DAC to achieve a solution.

43. I would also endorse the proposals by the DAC that the seating in the new "Chancel Chapel" needs careful consideration and that bench seating would be preferable to upholstered chairs. I would grant this part of the Petition upon the basis that the final details regarding the materials to be used shall be submitted to the DAC for its approval.
44. The removal of the altar to its new central position will require the erection of a dais to enable disabled access and approval for that flows from the approval of the re-ordering of the Chancel. In turn the dais will mean that the pulpit steps will need to be reoriented. Whilst I understand the reservations of the VS in relation to the partial obscuring of the screen to the Vesey Chapel I anticipate that this can be dealt with by way of a sympathetic design and this too can be the subject of discussions with the DAC. In my judgment, however the positioning of the altar and the extension of the dais necessitates the reorientation of the steps and that such reorientation follows logically from the decision as to Chancel re-ordering that I have already taken.
45. I now turn to part of the Petition which deals with the proposed removal of the choir vestry to the south east corner. That involves the lowering of the floor level, the creation of a screen containing the robe cupboards and, to ensure sufficient space, the re-positioning of the "Worcester Screen" further to the east, towards the south aisle. The claim in the Petition that the area is much under used was borne out by my inspection. At present it is separated into two sections one holding the body of the choir organ together with some cupboards which are used as a music library; the other, the organ console and a Book of Remembrance. The position of the Book of Remembrance is the subject of a Petition regarding the Vesey Chapel but the original Petition involved a proposal to removal the organ console and indeed to replace the present pipe organ with a digital organ. That is not being proceeded with and it is unclear to me as to whether it is intended at this stage to move the organ console regardless or whether the re-positioning of the organ console is dependent upon the granting of a Faculty to replace the pipe organ.
46. If the console remains where it is, there is a need for this area to be extended by the repositioning of the Worcester Screen which can in my judgment be done without any major adverse affect to the historic or architectural significance of the area and

a need to remove the raised part of the floor so that it in effect becomes one room. There is nowhere else for the choir vestry to be placed and given that the proposal is that the choir stalls should be in the south aisle, their proximity to this area is obviously desirable. The need to accommodate the space that the choir requires in its vestry means that the area needs to be enlarged. However before that work can be undertaken I would require consultation with the DAC as to the positioning of the organ console and as to the use to which this area would be put if permission is not forthcoming to move the organ console. If the organ console is to be moved I think it would be appropriate to re-examine the positioning of the Worcester Screen; if the organ console remains where it is, there is a much more powerful argument to be made in respect of the re-positioning of the Worcester Screen and the enlargement of the area to accommodate the choir vestry. Given the extent of the other work proposed and the present estimate as to when the work will commence, I would hope that the need for further consideration of this area would not jeopardize the necessary fund raising nor delay the project if an agreement can be reached.

47. Whilst not, as I understand it, being the subject of any Petition, I do endorse the suggestion made by the VS that the Royal Coat of Arms, presently in the south east area, could be displayed to greater effect, possibly in the tower area and I note that the Rev. Routh in his letter to the Registrar of the 25th February 2011 felt that that would be appropriate.

48. One of the most magnificent features of Holy Trinity is the Vesey Chapel which contains the memorial to Bishop Vesey. Whilst architecturally and historically it is of the utmost significance, the utility of the space, given the presence of the memorial limits its use as a chapel, the use to which it is presently put. I have already approved the proposal for the Chancel area to become a west facing chapel, increasing, in my judgment, the facility with which the remarkable woodwork can be seen. I accept that from a practical and liturgical point of view there is no need for the Vesey Chapel to be used for small services if the chancel can be. The Petition envisages the Vesey Chapel to be used as a quiet area for prayer with flexible seating. It is also intended that the Book of Remembrance should be placed there. At the east end of the Vesey Chapel there is a raised floor. That would serve no purpose and it is proposed to remove that together with the communion rail, altar and piscina probably dating from 1929. By arrangement with the 20th Century Society, the VS on its behalf comments that in the absence of any other chapel, the retention of the present arrangement in the Vesey Chapel is appropriate. It appears that during the currency of the Petition the proposal to remove the wooden piscina

has been abandoned but of course my decision to grant that part of the Petition which allowed a small chapel to be created in the Chancel has the inevitable consequence of undermining the objections from the VS in so far as they relate to the need for there to continue to be a small chapel. The removal of the altar and rails which are of architectural significance, being probably designed by Bateman who decorated the ceiling seems to me to be an inevitable consequence of the proposal to make the Vesey Chapel a more flexible area, containing the Book of Remembrance for quiet prayer. In my judgment their removal is necessary but given the identify of their designer, they should be retained at Holy Trinity so that they would be available should there be a need for future re-ordering, re-positioning or reinstatement

49. **The Seating in the Nave**

The present seating comprises wooden pews from the 19th century which are of stained pine. As the principal motivation behind the Faculty Petition is to enable greater flexible use of the nave and aisles for the purpose of worship and of other appropriate events I am asked to grant permission for the removal of the pews and their replacement with moveable chairs. Significantly, and subject to the proviso that a sample of the pews should be retained within the church as part of the historical record of the development of the building and subject to the request by the VS to be consulted on the design for replacement chairs (as must the DAC) I believe that this is an appropriate proposal which is entirely consistent with the missionary aims of the Petitioners. The proposal to pave the nave and aisle floor with limestone flags to match the existing flags is appropriate and removes the problem of tripping hazards from the present arrangements. It also enables a new under floor heating system to be incorporated into the building which once again is an entirely appropriate and sympathetically modern improvement to what is presently there.

50. There is at present a raised floor at the west end of the south aisle and the Petition includes a proposal that that area should be investigated with a view to lowering the floor to match the general level of the remainder of the nave and aisles. I understand that that area has been the subject of some archaeological investigation beforehand. In principle I can see the sense of that work being carried out, as indeed can the Heritage Societies who have been consulted. It seems to me that the position of the VS is entirely appropriate which is that the Petition should be granted, subject to completion of satisfactory archaeological investigation. The Faculty Petition as it presently is before me sets out at pages 98 to 103 the

specification of the archaeological watching brief which would cover all works the subject of the Petition. I would therefore make it a condition that such watching brief is implemented fully in respect of all items of the proposed re-ordering scheme.

51. Finally, there is a proposal to move the Font to the position under the tower and thus create a Baptistry. The rationale for the removal is that the Font is currently located in a place where it cannot be seen by the majority of the congregation during a baptism, baptisms taking place, as I understand it, usually during the main services. The proposal to remove it to the Tower is a proposal which reflects its former position. I am asked to consider whether the proposed position would cause difficulties with disabled access for parents and godparents. That is of course a valid consideration but on balance I find that the desirability of increased visibility and the creation of a Baptistry outweighs the possible negative consequences of difficulties of access; I am also told that such problems are rarely encountered and that if they were arrangements could be made for making alternative arrangements if the necessity arose. I also am aware of the fact that the West Doors will from time to time continue to be used both for civic services and probably for weddings and I have no doubt that these needs will be borne in mind when the precise position of the Font is decided upon.
52. The Faculty that I have granted will inevitably mean that the electrical systems have to be updated and I grant such Faculty as is needed, subject to agreement with the DAC as to satisfactory positioning of fittings and cable runs.
53. In conclusion, I appreciate that some of my findings will disappoint Bodies for whom I have the highest regard and I am particularly concerned that they should be disappointed when, as I have indicated earlier in my judgment, a commonsense approach has been shown from all sides in seeking to resolve the tension between the retention of a glorious heritage and the development of Holy Trinity at the centre of spiritual and temporal life in Sutton Coldfield. I hope that this judgment can be seen as an attempt at such resolution.

Chancellor Mark Powell QC

11th December 2012

A handwritten signature in black ink, appearing to read 'Mark Powell', followed by a flourish consisting of two loops.

