

Neutral Citation Number [2017] ECC Pet 1

DAVID PITTAWAY QC

CHANCELLOR OF THE DIOCESE OF PETERBOROUGH

IN THE MATTER OF A FACULTY PETITION

ST BOTOLPH'S CHURCH, LONGTHORPE, PETERBOROUGH PE3 6LU

JUDGMENT

Introduction

1. The Petition seeks the authorisation for a schedule of works for re-ordering at St Botolph's, Longthorpe, Peterborough in accordance with a specification dated August 2013 prepared by Marshall Sisson, architects. It is believed that the works will commence within 12 months and be completed in phases, when funding is available. It is estimated that the cost of the works will be £286,100. A resolution to apply for a faculty was passed unanimously on 15th February 2016 at a PCC meeting attended by 15 members. A Statement of Significance was prepared by the Petitioners in May 2015, which was later revised in November 2015 to take account of the issues raised by Historic England, Church Buildings Council, Victorian Society and Twentieth Century Society. The Diocesan Advisory Committee ("DAC") on 8th December 2015 recommended the proposals, subject to the preparation of a revised specification, fully updated to take account of the revised statement of significance and statement of need dated 11th May 2015, and asked that it be submitted to the DAC for approval. The Diocesan Advisory Committee approved the revised specification, which incorporated the revisions to the specification, on 17th January 2017.

2. Objections were received by Historic England, ChurchCare, Victorian Society and Twentieth Century Society. There is a comprehensive response from the Petitioners dated 23rd November 2015. Only the Victorian Society requested that they should become a party to the proceedings and asked to put in further submissions. In an email dated 27th October 2016 it confirmed that it did not propose to put in any further submissions. The Twentieth Century Society declined the request to become a party to the proceedings but asked that their letters should be considered, which I have done. I have also considered the matters raised in the correspondence with Historic England and ChurchCare.
3. Pursuant to Part 14 of the Faculty Jurisdiction Rules 2015 I asked if the parties agreed to the determination of this Petition by way of written representations, which the Petitioners and the Victorian Society both agreed to.
4. I visited the church on 2nd October 2016.

Historical Background

5. St Botolph's Church is one of the oldest buildings in Peterborough, having been on its present site for 750 years. The church is Grade 1 listed of the early English period dating from 13th century. It is constructed in course limestone rubble with limestone dressing stones and a Collyweston slate roof. The church consists of a chancel, nave, north and south aisles, cloister and porch on the south side together with a vestry, sacristy, office, kitchen and toilets. The roof was reconstructed in 1892 to a new level, being a king posted structure, fully boarded and covered with Collyweston slate. Major restoration work took place in 1683, 1869 and 1957. During the 1869 works the nave floor was replaced and new pews were installed. The rood screen was installed in 1914 and the rood cross and associated figures of St John and Virgin Mary are a WW1 Memorial dedicated to Lt Slaughter was installed in 1918. The communion rail, which is also a WW1 Memorial with seven brass name plates, was installed in 1920. A vestry was built on the south side in 1927 and was extended in 1981. A millennium

project, completed in 1999, involved the construction of a cloister and porch on the south side. Further work in 2005 provided an improved vestry and sacristy together with toilets, a small office and kitchen. The church seats 180 and the electoral roll of 242 is drawn from the parish of Longthorpe and surrounding parishes on the edge of Peterborough. It is used for daily and Sunday worship as well as for church related activities, which are held in the cloister and other parts of the building. There is a plan showing the alterations to the church attached to the Statement of Significance Part 1.

Proposals

6. The proposals are in respect of the internal areas of the nave, chancel and aisles. The structure of the church internally and externally is to remain unaffected. The proposals have been developed since 2008 in consultation with Julian Limentani, former church architect, Peter Clements, DAC organ advisor and structural engineers. There has been considerable dialogue between the PCC and the congregation, largely through regular bulletins.

7. The Petition acknowledges the importance of the relationship between the fabric of the building and its current contents, and the chancel where there are a number of WW1 memorials of historic importance. It also acknowledges the need to consider the whole building in the light of the identified needs. The application refers to a number of issues, which I set out as follows: (1) the celebrant faces east during communion, (2) the main altar is fixed to the east end of the church, (3) the space around the font is restricted, (4) the area at the head of the nave is restricted, (5) the present layout makes it difficult to hold services requiring a different liturgical layout, (6) the fixed seating and uneven floor restricts wheelchair users being part of the congregation, (7) the fixed pew seating makes it difficult to hold community events, and (8) the screen hinders the visibility of the altar and impedes the quality of the sound from the choir, losing crispness and brightness.

8. The proposals include a new self-standing altar which is to be positioned in the western half of the chancel. The chancel pews are to be removed, retaining one shortened pew on each side to fit between the chancel windows. A new presidential chair will be designed with seats for assisting ministers. The screen will be removed except for the top portion which will be retained to support the rood cross and accompanying statues of St Mary and St John and placed in a slightly different position. The present pulpit will be replaced with a new specially designed lectern. The sanctuary floor will be lowered so that the flooring throughout is all on the same level. The reredos will be lowered to further reveal the east window, which is a major symbolic focus in the church. The high altar and platform will be removed. In its place a specially designed credence table will be used for ablutions after communion. The aumbry will be restored to its original position in the reredos. The two altar rails with WW1 memorial plaques will be made freestanding. The entire floor of the nave will be levelled. The current pews will be removed and a combination of chairs, some with arms, and moveable bench pews will be put in their place. The Lady Chapel altar will be removed. The west end of the nave will be remodelled. The font will be moved to the centre of the west end at ground level in line with the chancel altar. The panelling and seating in the children's area will be removed. The organ console will be at ground level, whilst the organ pipes and blower will be raised up onto the west wall either side of the west window. The proposals would increase seating from 180 to 191. The seating is shown on a plan prepared by the church furniture specialists, Treske Hardwood Furniture.

Objections

9. For convenience, I have summarised the positions taken by ChurchCare, Historic England, Victorian and Twentieth Century Societies.
10. ChurchCare in its letter of 1st November 2010 initially opposed the provision of removable seating, the removal of the screen and suggested further thought was required on the replacement and repositioning of the organ. It later considered in its letter of 30th June 2014, that further thought should be given to retaining the screen

and further research undertaken on the nave seating before its removal could be countenanced. Finally, in its letter of 27th August 2015, it said that it was pleased that the chancel ensemble of WW1 memorials had been recognised as of local and historic significance but whilst expressing a preference for the retention of the whole chancel screen recognised the need for its removal and it did not wish to register an objection.

11. Historic England, in its email of 20th March 2011, considered that further information should be obtained about the provenance of the pews and chancel furnishings. It considered that fixed seating in the chancel dignified the space and maintained a focus on the east end of the building. In its letter of 19th June 2014, it stated that the overall impact of the scheme would be highly inappropriate in a highly sensitive context. It considered that the removal of the church fittings had not been adequately justified, strongly objecting to the proposals. On 6th November 2015 it reiterated its previous advice that whilst in principle it did not object to reordering to facilitate more flexible usage, it continued to have serious concerns about the revised proposals. It strongly objected to the extent of the scheme which it considered would cause substantial harm to the significance of the building.

12. The Victorian Society, in its letter of 7th July 2011, expressed a general expression of concern over the impact of the proposals in the circumstances where the current appearance of the church is predominantly a product of 19th and 20th centuries. In its letter of 21st May 2014, it said that the Committee were shocked by the approach to the re-ordering of the Grade 1 listed church, describing it as a radically insensitive scheme which, in effect, gutted the church of its historic interior. There was criticism of the Statement of Significance, describing it as an apologia for the statement of needs. It considered that the retention of the chancel must almost certainly be a fundamental criterion of any acceptable re-ordering scheme. It also recommended that a critical mass of pews should be retained, adapted to being more easily moveable. Fundamentally it did not consider that the significance of the buildings fittings had been adequately assessed, as a result of which the scheme failed to strike

a reasonable balance between the needs of the parish and the historical and aesthetic interest of the existing building.

13. Following a site visit on 3rd June 2014, the Victorian Society wrote on 14th June 2014 that the site visit did nothing to shake its strong objections to what it described as a damaging and ill-thought out scheme. It conceded that there was scope for levelling the nave floor and disposing of a good proportion of the pews preferring a block to be retained in moveable form, however, it considered that the chancel should be retained intact as an ensemble of considerable historical and aesthetic interest and importance. It maintained very strong objections to the scheme. These views were repeated in its letter of 8th August 2015, when it also objected to the removal of the Victorian tiles in the chancel.
14. The Twentieth Century Society in its letter of 6th August 2014 objected to the removal of the internal fittings of the church with a particular objection relating to the 20thC fittings in the chancel and the rood screen. It contended that the screen and chancel pews were of good quality and were of historical, memorial and aesthetic significance.

Law

15. In respect of the proposals the relevant questions are contained in paragraph 87 *In re St Alkmund, Duffield* [2013] Fam 158 (Arches Ct):

“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 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 (see Peek v Trower (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in In re St Mary’s, White Waltham (No 2) [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 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 (see St Luke, Maidstone at p.8), 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 (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 I or 2*, where serious harm should only exceptionally be allowed."*

Decision

16. The conclusion that I have come to, based upon the written material before me and on my visit to the church, is that the proposed scheme would cause some harm to the significance of the church as a building of special historic interest. I do not, however, consider that the level of harm approaches the level of concern expressed by Historic England and the Victorian and Twentieth Century Societies. I am satisfied that the degree of harm is low, except for the removal of the rood screen, which I consider is moderate. I am satisfied that it is a well thought-out scheme which has given due recognition to those matters which are of special historic interest, in particular the WW1 memorial fittings, thereby reducing the amount of harm likely to be incurred.
17. I have gone on to consider whether a clear and convincing justification for the works has been provided. I have listed in paragraph 5 above the matters raised by the Petitioners and have concluded that they raised number of legitimate concerns about the current configuration of the church. I have paid particular attention to the response which the Petitioners provided on 23rd November 2015 to the objections raised by the various organisations and societies, and concluded that the Petitioners have discharged the obligation on them to put forward a clear and convincing case. As I have already said, the level of harm is low (except for the removal of the rood screen) in a church which has seen substantial reordering over the past millennium and where there is no change to the external or internal structure of the building.

Whilst there are significant changes to the layout of the internal furniture and fittings within the church, it does not seem to me, having considered the quality of the fittings, that it can be said that the scheme seriously harms the significance of the church as a building of special historic interest.

18. I am satisfied that the furniture and fittings consist of an accretion of items that have been acquired typically during various improvements that occurred over the 19th and 20th centuries and are not of any significant historic merit (except for the rood screen and WW1 Memorials). In particular, the present Victorian pews show signs of wear and tear, which is to be expected for furniture of this age. I am satisfied that the harm caused by their removal, and that of the chancel and other furniture, including the pulpit, is outweighed by the substantial public benefit that will be achieved by the re-ordering contained in the scheme.

19. I agree with the analysis provided by Treske that the proposals for lighter weight moveable and stackable hardwood seating enable the nave to be used for a variety of different uses and create a lighter more flexible space. I agree that it enables the seating to be split into core seating for standard use and additional seating when required. I also agree that the provision of armchairs offer the less able bodied members of the congregation a solid means of support to lower themselves into and raise themselves up from the seat. They also create visual end to the rows of chairs. They can be easily moved to make space for a wheelchair user. I agree that stackable benches are particularly suitable for use by children and families for church services, and can also be used by visiting choirs and music groups.

20. I am also satisfied that the reordering is part of an overall holistic scheme for a thriving church community, which will be a major public benefit outweighing any harm. In particular, I single out the new positions for the font and organ, the replacement of the floor at one level and the lowering of the reredos, exposing the east window. The other aspects of the scheme set out above are not repeated here but form part of the holistic plan for the church. I do not recognise the serious concerns

raised, in particular by the Victorian Society, which after careful thought I consider are exaggerated in this case.

21. The one aspect of these proposals that has given me cause for concern has been the removal of the rood screen, which sits below the rood cross, a WW1 Memorial. I have already acknowledged that its removal is likely to cause moderate harm to the significance of the church. It seems to me that the removal of the rood screen will be mitigated by the retention of the rood cross fixed at a slightly different position. I am conscious too of the Petitioners' submission that the proposals would be seriously disadvantaged if the rood screen remained in position. On balance, I have come to the view that the public benefit, contended for by the Petitioners, outweighs the harm caused by the removal of the rood screen. It will enable the whole of the nave and chancel to be one large space at one level with a complete set of new complimentary church furniture, which will grace the church for a considerable period to come.

22. In these circumstances, I am prepared to grant the faculty in accordance with the recommendation contained in DAC Form 2 subject to the condition that (1) the works are undertaken in accordance with the revised specification prepared by Oliver Architecture dated January 2017.

10 March 2017