

Neutral Citation Number: [2025] ECC Wor 2

OFS CASE NUMBER 2024-100464

IN THE CONSISTORY COURT OF THE DIOCESE OF WORCESTER

RE: ST STEPHEN'S, REDDITCH

RE: Extensive reordering works in two phases, building of mezzanine, raising of floor level, removal of pews, installation of air source heat pumps, etc

JUDGMENT

Introduction

1. This is a significant petition as it seeks permission for extensive works to St Stephen's, Redditch, a parish church chosen as a 'renewal church' and one of the first six to be resourced through the Strategic Mission and Ministry Investment Board (SMMIB) set up by the Archbishops' Council and Church Commissioners to invest £1billion over nine years to support the delivery of the Church's Vision and Strategy for the 2020s. Via the Diocesan Investment Programme, SMMIB has allocated £1m for staffing and resourcing and £700,000 for building re-ordering at St Stephen's to enable transformation over six years. This £700,000 plus a possible further £300,000 from an endowment will enable phase 1 of the proposed building project to proceed with further funding being sought for phase 2. The reordering of the building is seen by the petitioners as vital to the whole renewal project which aims to generate numerical growth, financial sustainability and missional vibrancy that will secure the future of St Stephen's as a viable and vibrant church community for years to come.

Details of the Church building and the Parish

2. St Stephen's Redditch is a grade II listed town centre parish church, located within the Church Green which has historically included a churchyard. This is no longer open for burials and is managed by the local authority. The church and the green form the central part of the Church Green Conservation Area in the centre of Redditch, which area includes 15 listed buildings and 17 buildings on the local heritage list. This is an important local public space, incorporating a small area of park, a war memorial, a tiny civic square, a marketplace, bandstand and fountain in addition to the church building itself. This space is adjacent to the main retail area of the town, which is suffering from the economic downturn experienced by shopping areas in many UK towns and cities due to economic changes and the advent of online retail.
3. Redditch is a town with a population of 87,000 at the time of the 2021 census. The civil parish of Redditch is within the most deprived 20% of areas in the country, with a higher-than-average amount of the population living in socially rented

accommodation. St Stephen's is the largest venue and largest indoor public space in the town.

4. There are currently 88 people on the electoral roll. Attendance figures for the main Sunday service was typically 30 but since October 2023 and the announcement of the renewal project this has increased to 46 adults and 16 children. The age profile of the congregation is 29% under 50 and 71% over 50. In addition to Sunday services the church runs messy church for around 20 primary and pre-school children and 10 adults with 6 adult volunteers. This has also recently grown to around 53 attendees. The church has a youth group on a Sunday night which has grown from 6 members to around 13. Traditional activities, such as bell ringing remain strong with 6-8 regular adult bell ringers and 8-15 young people engaging regularly with this.
5. The church building dates from 1855. It was built on the site of an earlier chapel, itself built in 1808 using stone from the 12th century Cistercian gatehouse chapel in Bordesley, that previously served the population of the Redditch area. The relocation of the main site for Christian worship was due to the large increase in the population of Redditch during the early 19th century, which in turn was due to the town being the centre of the needle making industry at that time. The continued increase in population lead to two extensions of the 1808 chapel, and its eventual demolition and replacement with the current building. The main nave of the current building was designed by the architect Henry Woodyer of Guildford and is made of Tardebigge sandstone in a simple Decorated style with an aisled nave and tower with spire.
6. The 1855 church underwent further changes, with chancel, vestry and side aisles in a Perpendicular style designed by Temple Moore being added in 1894. Significant further change took place in the 1970s when the rear third was screened off with partitioning, bifold doors, suspended ceiling and carpet to create an office, book shop, square room known as the Forum, kitchen space and toilets. This involved the removal of a significant section of the rear pews. Some pews were also removed from the front of the church. It is fair to say that the 1970s additions now look very tired and dated. The petitioners' Statement of Significance describe these alterations as follows:

The 1970s division of the east end to create the Forum has a detrimental effect on the original scheme. This is particularly the case in the choice of materials used – fibreboard walls, acoustic ceiling tiles, softwood joinery, flush sapele doors – and in the poor design of some practical features – dark uninviting corridors and plumbing header tanks visible from the nave.

7. However, the 19th Century elements of the building remain handsome. The nave has a painted vaulted ceiling and high-quality stained-glass windows – both of which are obscured in part by the 1970s developments. The chancel has a ribbed plaster vault and stone reredos designed by Temple Moore, regarded as England's leading ecclesiastical architect of the mid-Edwardian years. Sadly, the stained glass in the memorial chapel was destroyed by vandalism and was replaced by harlequin panels. The church has a peal of 8 bells.

8. As its Grade II listing indicates, St Stephen's is clearly of special historic and architectural interest, warranting every effort to preserve it.¹
9. It is worth setting out in some detail the current layout of the church as it will help explain the discussion and reasoning below. The footprint of the church is rectangular, save for (1) the south porch which extends beyond the southwest corner of the rectangle on the south side and (2) the altar area of the chancel and the vestry that extend beyond the east wall of the rectangle. The altar area is the width of the central third of the east wall, extending beyond the wall by less than that width. The vestry is a small square on the north outer wall of the altar area and outside of the main east wall but not extending as far out as either the main north wall or the east wall of the altar area. The whole chancel area, including that containing the altar, is almost the same height as the nave, and has a clerestory with three windows on each side.
10. Within the church, to the west of the altar the chancel contains choir pews facing each other and other formal liturgical furniture. In the southeast corner is the chapel that extends towards the nave for the same distance as the chancel area. In the northeast corner is a smaller chapel and between that and the nave is the organ. The front of the organ is also aligned with the nave side of the chancel and the west end of the south side chapel. The floor of the chancel is higher than the nave, and in front of the chancel, extending into the nave is a raised stage area. There is a pulpit on the north pillar of the chancel arch. The font is in the northeast corner of the nave, in front of the organ.
11. The nave is separated from the side aisles by slim stone pillars of which there are four on each side (not counting the chancel arch or those integrated into the west wall, but counting the pillar incorporated into the southeast corner of the tower base). This means that there are, in principle, five bays in each side aisle between the west wall and the east end of the nave. I say 'in principle' because in fact several of those bays are filled. On the north side, counting from the west wall the first bay is the tower base through which the north door provides an entrance to the church, currently used as the ringing chamber and not used as an entrance. This is the door on the side of the church closest to the High Street retail area of the town. The second bay on the north side currently houses two regular WCs and an accessible WC, a kitchen and a small lobby through which kitchen and WCs are accessed. In the third bay the half closest to the north wall comprises a further narrow kitchen area. The north row of pews of the north aisle starts in front of that kitchen area and extends through the fourth bay but stops at the beginning of the fifth bay to provide open space around the font.
12. On the south side, the first bay, again counting from the west wall, comprises a narrow office space along the west wall and a corridor from the south porch into the

¹ Principles of selection for Listed Buildings, statutory guidance updated 30 January 2025.
<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings/principles-of-selection-for-listed-buildings>

lobby. It is not clear to me whether this entrance is currently in use. The second bay houses the bookshop. The southwest quarter of the third bay is another small room – perhaps for storage. The pews along the south wall run from around the middle of the third bay to just short of the east end of the fourth. There is an open space in the southeast corner of the nave.

13. The westernmost two fifths of the original central nave are screened off from the rest of the nave forming a square room, known as the forum, with the only natural light coming from the glass in the west door and the glass panels in the screen. The screen sits just to the west of the second set of pillars, and it, together with the infrastructure of all the rooms in the west part of the church comprise the work from the 1970s. The main entrance in use is the west door, set into the middle of the west end of the nave. As all the public entrances into the building come into this westernmost area, when the forum is in use, public access to the eastern two thirds of the building (chancel, chapels and main part of the nave) is not possible, without disrupting the activity in the forum.
14. The remaining three fifths of the nave and side aisles contain the remaining pews – 12 rows on the south side of the north aisle and north side of the south aisle respectively, and 11 rows on each side of the central nave aisle. The gap in the nave pews is 7 rows back, alongside the third pillar. The pews stop at the fourth pillar to make way for the stage area.
15. Although the ceilings of the 1970s rooms sit below the base of the west window, looking from the nave, stage or chancel, the bottom part of that window is obscured by the rooms.
16. There is also a small basement space under the current WC area which houses the boiler and on the first floor of the tower is the existing bell room. This is accessed from a spiral staircase, the door to which opens outside the church near the main north door.
17. I am grateful to the petitioners for setting out a very full Statement of Significance, which contains much detail of the history and architecture of the building, and of the significance of the key elements within it. The information in it has been confirmed and expanded by helpful historic summaries from Historic England and the Victorian Society.
18. The central location of the church makes it an ideal site for engaging with the local community for worship, evangelism and social action. It is open every day and is used regularly by local people for prayer and socialising. It also provides space for music performances and civil and community purposes. The current configuration of the space enables the 1970s enclosed forum to be used for a range of purposes including youth groups, social gatherings and informal smaller scale worship.
19. The strategic location of the church and its capacity for community use are part of the reason why it has been designated a resource church and the renewal plan

identifies various opportunities for community engagement including work with the probation service on the rehabilitation of offenders, work with Redditch baby bank (like a food bank but for baby necessities), hosting schools events and community Christmas tree festival etc as well as events supporting Redditch Business Improvement District.

The current petition

20. The petition is dated 20 March 2025 and seeks permission for a major re-ordering. The petitioners are Elaine Whitfield and Rhiannon Walpole, Churchwardens and the Reverend Dr Fraser Oats, the Associate Vicar and renewal leader.
21. The various elements of this are considered in detail below, but the biggest proposed changes comprise the removal of the remaining pews, the stripping out of the 1970s partitioning and replacement with new enclosed structures in the west end of the side aisles to house a kitchen, servery, toilets, ringing room and flexible welcome area, and the installation of further rooms on a mezzanine level above the ground floor rooms with an internal bridge linking them, the opening up of the north and south doors and the replacement of the gas boiler and heating system with underfloor heating powered by two new air source heat pumps. The works are intended to take place in two phases, most being included in the first phase for which funding has been obtained from SMIBB and the St David's Fund, but with the building of the mezzanine and improved external signage taking place in phase 2, if/when funds permit.
22. Prior to issuing the petition there has been substantial work on the proposals, including several rounds of consultation with the DAC, CBC, Historic England and the Victorian Society as well as consultation with the local community, both church members and wider society, including the planning authority. Their comments on earlier iterations of the design have been recorded in the development report and, at least to some extent, have informed later iterations. The design has been through several stages in attempting to meet all the needs of the worshipping community and its plans for development, whilst remaining sensitive to the heritage of the building. Part of the design brief has been to create 'sensitive and non-permanent divisions of space' to increase the flexibility of use of the building. Early plans to remove the chancel pews, remove the wrought iron screens from the side aisles and glaze the south chapel have not been pursued.
23. A formal application for planning permission for the air source heat pumps was made on 17 February 2025. At the time of writing this does not appear to have been determined. There are numerous indicative plans and drawings of the proposals provided with the petition together with a detailed statement of needs, the detailed statement of significance mentioned above and a witness statement from the Archdeacon dated May 2025 explaining the wider Diocesan significance of these proposals and providing additional evidence of the missional need for the proposed works.

24. Public notice was given on 20 March to 19 April 2025 and no objections were received from the public. The plans and proposals had previously been exhibited in the church between August and December 2024. During the consultation stage, it was clear that the local council, the Church Buildings Council, Historic England and the Victorian Society had concerns about at least some aspects of the proposals, so accordingly special notice was given to these bodies who have each confirmed that they object to parts of the proposals, but none wished to become parties opponent. Their objections are considered in detail below. The Diocesan Advisory Committee supports the proposals in the most part, but with some reservations and some provisos which I shall also consider below.
25. I conducted an informal site visit with the DAC secretary in April 2024 when these proposals were still at an early stage and before they had been submitted to me. This was so I could get a sense of the church as it currently is, and its location in the town, and look at the churchyard area that related to other faculty applications, since dealt with.
26. The works, if permitted, will require permission for worship to take place in an alternative space for the duration of the works. Dr Oates has explained that conversations with the Bishop of Dudley and Diocesan Transformation Team confirm that this will be agreed in principle, although detailed proposals have not yet been put forward, the petitioners choosing to wait on the outcome of the faculty process before making the final arrangements.

The legal test

27. In all cases where an application is made for permission to make changes to a building on consecrated ground, the legal test for whether such a faculty should be granted is set out in *Re St Alkmund, Duffield* [2013] 2 WLR 854 which directs the Chancellor to answer the following questions to determine the petition:
- (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 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.
 - (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 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.

28. This test broadly reflects the equivalent test set out in the 2012 National Planning Policy Framework, relating to works affecting heritage assets, including listed buildings that are covered by secular planning law, rather than the Faculty Jurisdiction. In *In re Holy Trinity, Clapham* [2022] ECC Swk 4 Chancellor Petchey set out some further observations (at para [36] et seq) on the meaning of the expression “serious harm” in the final Duffield Question, taking the view that it was legitimate to consider what the Government defined as “substantial harm” in the NPFF:

“Both because the concept of serious harm is derived from the NPFF and also because although the approach of the ecclesiastical courts is not the same as that of the secular planning system, the former is informed by the latter.”

I agree and have taken these matters into account in this judgment.

29. In the 2013 case of *Bedford Borough Council v Secretary of State for Communities and Local Government, Nuon UK Ltd* [2013] EWHC 284 (Admin), the High Court held that in order for harm to designated assets to be considered substantial, “the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.”.

30. On the 23rd of July 2019, the National Planning Practice Guidance (NPPG) was updated to provide additional clarity on assessing substantial harm. The NPPG at Paragraph 18a-018 states that:

“Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

The NPPG, like the NPFF, advocates professional judgement. Whilst the NPPG guidance is open to interpretation, it does not appear to explicitly set the bar for substantial harm as high as the Bedford judgement.

31. This matter was examined in *London Historic Parks and Gardens Trust v The Minister of State for Housing and Westminster City Council* [2022] EWHC 829 (Admin). Planning permission was granted for the memorial on 29th July 2021. In considering how substantial harm should be measured, the inspector stated that:

"The applicant relies on the definition of substantial harm (and the calibration of lesser harms that flow from it) set out in the Bedford case, broadly defined as a high test. Westminster City Council on the other hand prefer to rely on the example of substantial harm set out in paragraph 018 of the PPG, a definition, as I understand it from their oral evidence, which sets the test at a lesser height...

...My interpretation of this point, also bearing in mind paragraph 018 of the PPG has been formulated in light of the Bedford judgement, is that there is in fact little to call between both interpretations. Bedford turns on the requirement for the harm to be assessed as 'serious' (with significance needing to be very much, if not all, 'drained away') in order that it be deemed substantial. Alternatively, paragraph 018 indicates that an important consideration would be whether the adverse impact 'seriously' affects a key element of special interest. In both interpretations, it is the serious degree of harm to the asset significance which is the key test. Moreover, in accordance with the logic of the Bedford argument, 018 explicitly acknowledges that substantial harm is a 'high test'."

32. In disallowing the objectors appeal on this ground Thornton J confirmed that no issue could be taken with equating 'substantial' and 'serious'. She also confirmed that no issue could be taken with the statement that it is a 'high test'. She confirmed that the inspector had carried out his own 'straightforward, careful estimation and characterisation of the harm' and that the decision was therefore upheld on this ground.
33. Ultimately therefore, the determination of the level of harm to the significance of St Stephen's caused by the proposals is a matter for me, informed by the representations of both the petitioners, the objectors and by the other evidence in the case. Similarly, the weighing up of the public benefit of the proposals and balancing them against the harm is also a matter for me, taking into account the evidence filed in the case. As these proposals are detailed and extensive, I shall describe each major part of the proposal in turn and assess the harm it would cause, and the justifications put forward before coming to a conclusion on each element of the proposals.

The Proposals in Detail

34. These have gone through several iterations, with changes being made which are welcomed by the consultees. For example, no substantial change is being made to the east end, there is to be no dividing screen or doors between the forum and the main worship area, changes to the proposals for the lift have integrated it in a way now seen as satisfactory by all. What follows details only those proposals that remain controversial.

Removal of 1970s rooms and replacement with modern rooms on the ground floor (phase 1) and on a new mezzanine level (phase 2)

The proposals

35. These proposals are the core element of the intended re-ordering. They are shown in the plans and development report uploaded to the Online Faculty System (OFS). I note here that the plans provided, together with expanded three dimensional views, show what is intended in concept but unfortunately do not have the level of specification and measurements that would be needed by any building company taking these works forward. Where I have provided measurements in what follows, this is my own estimate working from the scale provided at the side of the drawings.
36. In phase 1 the 1970s screen, ceilings, rooms and fittings are to be removed and replaced by two wooden panelled rectangular rooms on both the north and south sides, filling the second bays and extending around one third of the way into the third bays. The whole of the church will then be in effect divided into three areas, similarly to at present, but more cleanly. The east end with the chancel, chapels and vestry, described as 'worship and prayer space' in the architect's Development Report dated January 2025 will remain largely unchanged. The central part, the main nave and aisles described as the 'nave and flexible community space' will remain the main area for larger services of worship and civic / social / performance events with some changes set out below and the west third described as the 'community hub', currently housing the 1970s developments, will be completely reconfigured.
37. On the north side the large rectangular room in the ground floor bays will be subdivided to provide a larger kitchen with servery having serving hatches both east and south of the southeast corner of that room, together with storage space, a rather small bell ringing room, and, in phase 2 a lift and stairs to the mezzanine level, including internal access to the ringing chamber in the tower. On the south side the large rectangular room will be subdivided to provide three WCs (one accessible) and further storage, and, in phase 2, a second staircase to the mezzanine level. I assume the relatively large amount of storage proposed is in part to be used for storage of chairs and tables when open space within the church is needed. Visually, these rooms extend just under half of the way from the west end to the east end of the original total nave area, although the usable area is restricted by the entrances in on the north and south sides and, particularly on the north side where the first bay forms the room at the base of the tower.
38. The rear part of the nave (the forum) will be opened up, so it returns to full height and is re-connected to the main nave area. The north and south doors are to be 'opened up'. The shop area will be located in the south west corner, but without walls separating it from the rest of the forum. This rear space is intended for flexible use, the drawings showing 7 small tables with four chairs around each, a free-standing servery in front of the kitchen door and some sofas and soft seating. The floor of this space will be slightly lower than the main nave with level access from the street and a ramp is proposed to ensure access for all between the forum and the raised central worship area.
39. In phase 2 the proposal is to have two further rooms at first floor level. On the northside this would be above the ground floor room, but larger, taking up the upper

level of the whole of the second and third bays and encroaching by approximately 1.5 metres into the central area, accessed by stairs and lift. The space above the first bay, in the tower, is not useable without permanent alteration of historic fabric, as the stone archway where the entrance would be is too low. On the south side the room would be larger still, extending not only above the proposed ground floor room but over the whole of the first, second and third bays at first floor level so that it is above the bookshop and the southern entrance way too, again encroaching onto the central space by the same distance as on the north side. A flexible partition would enable this large space to be subdivided into two rooms. The north and south sides would be linked by a bridge link in the second bays, so that the lift can be used to access both sides, and there would be an accessible WC on the south side, accessible from the bridge link.

40. These upper rooms would be supported by new pillars set about 1 metre further into the centre of the church than the current pillars and 3 metres further east than the eastern end of the ground floor rooms. These pillars would be toward the eastern end of the third bays on both sides, about 1 metre west of the third set of original pillars causing the rear part of the worship area in both aisles to in effect become small loggia, each having a ceiling supported by pillars, but no walls save for the outer wall of the church itself. Therefore visually, the first-floor mezzanines will take up 3/5 of the length of the original total nave area.
41. The proposed pillars and the frame of the mezzanine are of steel, set on their own foundations (to be foundation pads, or piling, if necessary, to be confirmed but to be installed as part of phase 1). Timber joists would then support the mezzanine floors with plywood decks. The profile of the ceilings / roofs of the mezzanine, where visible in the body of the church, is for them to be arched, matching the line of the existing pillars and arches, set within them but protruding out to the line of the new pillars. The steel frame of the pillars would be covered with timber and the arches and arched enclosures forming the visible roofs/ceilings will be timber. These spaces are to be soundproofed with glazing in the arches.

Views of objectors and consultees

42. The Church Buildings Council (CBC) is generally supportive but has some comments and concerns on the details. In respect of the west end reordering. Keri Dearmer, on behalf of the CBC, says:

The Council welcomes the different architectural approach to the west end intervention but remains concerned that the proposed intervention is larger than the existing and takes up more than half of the nave. It again asks that the west end proposals remain at the west end, to the west of the [third set of] nave columns in order that the nave remains a functional space in its intended orientation and that the new intervention is not overly dominant.

It supports Historic England's advice in general but also specifically with regards to establishing the appearance of the second phase of the west end

space at this stage in order to accurately prepare the space for the subsequent phase.

43. Although the CBC's concern is not to allow the west end development to extend further eastward than the third (from the front) set of pillars, they do not appear to object to the encroachment into the nave or the design of the wooden arched roofs of the mezzanine rooms. They say, 'The council welcomes the unusual approach to using the space between the arches of the arcade at the west end.'
44. Historic England have also welcomed the positive aims of the project, but with regard to the specific proposals for the west end was concerned in November 2024 that the new spaces 'extend too far east into the Nave'. In so far as this applied to the then ground floor proposals this appears to have been taken on board, and the spaces reduced. However, with regard to the mezzanine level Steven McLeish commented:

Visuals also appear to show a sea of supporting columns at ground floor which do not relate to the existing rhythm of structural bays, likely greatly affecting its sense of space and its architectural interest....

The present mezzanine designs, scale, massing and resulting sense of encroachment are such that Historic England would be strongly opposed to such a design. We would stress, however, that we remain supportive of finding an appropriate, and more modest, mezzanine design at the west end.

45. After some amendment to the plans Historic England have commented further, by their letter of 20th February, stating clearly:

We are still not convinced by the mezzanine design, but remain confident that a number of successful alternative approaches could be explored through a fundamental redesign.

However, if this current design concept is still to be pursued, further amendments are required for the new insertions to sit more comfortably in the space and more harmoniously with its significance. Having considered the designs further, we have suggested ways of achieving a constructive solution below to avoid or minimise harm.

46. The suggested amendments were:
- a. The reduction of number of steel uprights
 - b. Setting the protruding parts of the mezzanine back into the arches of the nave arches, ideally into the reveals
 - c. More continuity between ground and first floor mezzanine elevations
47. Historic England referred the petitioners to what they regard as more successful examples of mezzanine levels in other churches and also offered to meet with the

architects to discuss solutions in greater detail. That offer was not taken up and the petition was issued with no further substantial changes to the design.

48. Overall Historic England confirm their objection to the current proposals in their letter of 20th February, stating:

Until the concerns over phase two can be addressed, we have no option than to object to the scheme as it currently stands. We remain confident that the harm caused to the building's significance could be avoided through further changes to design, and we are happy to continue discussions to help achieve a solution that could be supported.

49. The Victorian Society have also commented on various aspects of the overall scheme in the letter from Tim Bridges dated 5th November 2024. They welcome the removal of the 1970s developments in the west end, and agree the west end is the best location for facilities such as meeting rooms, WCs and kitchen facilities. They welcome the proposal not to have any doors / walls between the forum at the west end and the main worship area in the central section of the nave.

50. Nevertheless, the Victorian Society like Historic England are unpersuaded by the design of the mezzanine level, describing the arched roofs protruding out of the arcade of Victorian pillars as 'overbearing' and their design like a 'Dutch barn' or 'railway viaduct arches'.

51. Mr Bridges also emailed on 3rd March 2025 concerned that the Victorian Society had not received formal consultation on amended plans and therefore had missed the deadline for response of 27th February. I have seen an email generated by the OFS suggesting that notification was sent to the Victorian Society on 6th February – but do not have enough details of the working of that system to be sure whether it was received as it appears to have been sent to 'churches'. However, the Society did provide a detailed response in their email of 3rd March, which I am taking into account because it was sent promptly once they were properly aware of the situation and because it is important for me to be assisted by their views in respect of major reordering proposals to a grade II listed Victorian Church.

52. This email confirms that they remain broadly aligned with Historic England with the primary concern in respect of this aspect of the proposals being that the mezzanine level pods are 'too dominant against the nave arcades, where they should be subservient to the Victorian architecture.'

53. Response to consultation was also received from Mary Worsford, the Conservation Officer at Redditch Borough Council. This welcomed the reorganisation of the west end, describing the 1970s works as 'to say the least, tired'. Nevertheless, they also share the concern that the projection of the mezzanine levels beyond the aisle and columns into the nave would be overbearing, detracting from the appearance of the building, stating 'more modest upper floors would be preferred'.

54. All objectors were invited to become parties opponent, but declined, requesting that their comments be nevertheless considered by me. I have done so, and am grateful for their detailed responses.
55. Finally, I turn to the DAC notification of advice on this aspect of the proposals. The DAC recommends the proposals for acceptance. They recommend various conditions relating to other aspects of the proposals which are considered below. But no conditions are recommended for this key aspect of the proposals. The DAC has helpfully given a brief response to the concerns raised by the objectors, noting that 'the size and impact of the proposal has been reduced but that any further reduction would make them ineffective for the purposes for which they have been designed'. They also note that the location of the new pillars is necessary to support the floors of the mezzanine rooms.

Assessment of the level of harm to the significance of the building

56. Little harm to the significance of the building is caused by the proposed ground floor rooms for the kitchen, WCs, storage and bellringing etc. Indeed, the proposed spaces will be an improvement over the 1970s arrangements.
57. However, the same cannot be said of the proposed mezzanine. This is the aspect of the petition that has caused me the most difficulty. It is regrettable that the petitioners were not able to find a design for a mezzanine level that met their needs whilst also alleviating the concerns of the consultees as to the 'overbearing' aspects of the development. It would have assisted me to have seen greater consideration of alternative solutions to create the space required, and the reasons for preferring the solution proposed. Simply stating that the petitioners 'stand by' their proposed design and describing it as 'ambitious' is not particularly helpful. More helpful would have been explaining why the reduced amount of space that would be created if the mezzanine rooms remained within the footprint of the first two aisle bays would not have met the needs of the church. As it is, I have had to deduce that myself from more generalised evidence provided.
58. The western two thirds of the church comprising the historic nave with its arcade of slim columns, attractive barrel-vaulted ceiling and tall slim windows, is clearly a significant element of the original 1853 design. If it were currently its original state, I would have no difficulty regarding this aspect of the church as of moderate-high, or high significance. However, the 1970s changes have caused a significant degree of harm to that significance already so at present it is hard to see it as of more than moderate significance. Aspects of the current proposals would positively enhance the significance of the building, by opening the central area of the rear portion of the nave, so that the clear view of the west window from the chancel is restored and the division of the original nave into two entirely separate areas is reversed.
59. Nevertheless, I do agree with the view of all consultees that the mezzanine design could have been better and more sympathetic to the historic fabric. I do consider it to be overbearing. In my judgment I do not find that the shape of the wooden arched

roofs of the mezzanine objectionable, but I do consider that in sticking out in the central part of the nave beyond the aisle columns, and extending eastward such that they fill the third bay of both aisles will impact negatively on the space, constraining the formal worship area in the centre part of the church. I also agree that the additional columns out of alignment with the existing columns risk looking somewhat cluttered.

60. Therefore overall, this main aspect of the proposals will cause harm to the significance of the church. However, in view of the fact that the central worship area is already wider than it is long, and that the proposals remove some of the very negative features of the 1970s developments, the degree of harm can be categorised as significant, but it could not fairly be termed serious or substantial harm under the high threshold of the test set out above, such that *'very much, if not all, of the significance was drained away'*. There is no destruction of historic fabric and minimal alteration of it. The ground floor pods are largely self-supporting, and the mezzanine would be supported on its own columns. Both would require minimal tying into the existing fabric, although detailed proposals for that would need to be agreed with the DAC before work starts. Therefore, although these proposed changes will have large impact on the internal appearance of the building for the duration of their use, which given the costs involved would hopefully be for a lengthy period, it is not possible to say they will cause substantial harm to its significance. Ultimately if at some stage in the future they no longer meet the needs of the worshipping community they could be removed, and the original 1855 interior layout would be restored with little if any continuing impact of the current proposals. Further, the historic columns will remain visible, as will the arches above the curved mezzanine roofs. And the proposals will enhance the contribution of the west window and the barrel vaulting to the overall significance of the church, by making them much more visible again. Nevertheless, some appreciable degree of harm would still be caused by the proposals, so I need to consider whether that is outweighed by the need for the proposals and what public benefits they would provide.

What is the public benefit of these works, including in respect of worship, pastoral wellbeing and mission?

61. The public benefit of better kitchen and WC space is obvious and uncontested. Storage space is also necessary and uncontroversial. Bell ringing space, if this activity is no longer to take place in the base of the tower, is also needed to enable ringing to take place, which heritage and artistic activity is easy to see as conferring public benefit. I can therefore find without difficulty that any modest harm caused by installing the ground floor rooms is outweighed by the public benefit in installing such facilities.
62. The mezzanine rooms also provide public benefit. The first key observation is that these mezzanine rooms will be the only soundproofed spaces available to the church community for worship, teaching, mission, ministry and fellowship. The loss of the separate forum space provided by the 1970s development through opening up the church to make the west window and ceiling visible throughout the central part of

the church, means that such space needs to be provided at the mezzanine level. There is no church hall available to this church, and it is not appropriate to use the chapel spaces alongside the chancel for such activities as they would not be fully separate from the main worship space. For example, the south chapel is separated from the nave only by a metalwork screen. Any attempt to sound-proof those areas would themselves adversely impact upon the significance of the building.

63. This church needs space for children's ministry. There are already around 16 children attending regular Sunday services, and a youth group on a Sunday evening. The tradition of the church emphasises teaching and the teaching element of Sunday services is seen as best done grouped by age, with the adults in the main service and the children split into several different age groups with the teaching tailored to their respective stages of development. Ideally, this requires several separate spaces for the children's teaching to take place.
64. In addition to providing good spaces for teaching young people in Sunday services, the church also needs rooms for meetings and community events. Suitable spaces are needed for one-to-one work, small group work and administration, for alpha groups, staff meetings, addiction recovery groups, and a baby resources bank together with more informal use.
65. There is no dispute by anyone that space for such activities is required. The question therefore arises as to whether the suggestions of the consultees that the mezzanine level should be kept within the footprint of the back two bays of the side aisles would provide sufficient space for those activities, both now and in the foreseeable future.
66. To determine that I need to consider how much space would be lost, and again it is regrettable that the plans provided do not have dimensions on them. Broadly speaking the east/west space between the existing columns is 4 metres and the columns are around 5 metres from the side walls. Looking at the plans for the north side, where the first bay is largely lost to the tower, if the mezzanine did not extend south or east out of the second bay, any meeting / teaching room there would be less than 5 metres east/west by c.2.5 metres north/south, narrowing where it goes slightly into the first bay up to the edge of the internal tower wall. This assumes no extra space in that room would be needed for the staircase to access the room from the ground floor. Approximately half of the space within second bay would be needed to house the lift and a return / landing from which either the room or the overbridge could be reached from the lift. All parties are now content with the integrated lift design and it is right that a lift is included to ensure accessibility for all to the mezzanine space.
67. On the south side the space in the first bay would be around 4 metres square and in the second bay would be under 4 metres east/west and 2.5 metres north/south, to allow for the accessible toilet and its landing at the end of the bridge link, again assuming no extra space is needed for the south stairs.

68. The loss of useable meeting space on the north side would be around 20-22 square metres and on the south side around 25-26 square metres. This would be a loss of 45-48 square metres overall, leaving around 38 square metres of useable meeting space. Whilst accepting the limitations of this comparison, I consider I can take judicial notice of the government recommended size of a regular school classroom for 30 primary school age pupils, which is between 55 and 62 square metres.
69. So, there would clearly be sufficient space for the existing 16 children currently attending on Sundays to have 'Sunday school' type arrangements made for them. And a small youth group would also be viable. But, as set out above, this church is intended to be a renewal church, into which significant funds are being poured in terms of finances, personnel and diocesan support with the aim of growing the church both in terms of numbers and in terms of social engagement.
70. There is some evidence for that growth taking place already. The number of regular attenders at Sunday worship has doubled from 30 to 62 (including children) between the beginning of the renewal project and the statement of needs, a period of about 6 months. The youth group has doubled from 6 members to 13 over the same period. Messy church attendance has also grown. This suggests genuine potential for increased numerical growth with better spaces to facilitate it. The current attendance is less than 0.07% of the local population, in an area that self-defined as 49% Christian and 40% no religion in the 2021 census, so there is clearly scope for significant growth in the regular worshipping congregation as well as a lot of opportunity for community engagement identified due to the level of deprivation in the area.
71. The witness statement from the archdeacon, the Venerable Nikki Groake, has emphasised that this particular church has been selected for strategic growth supported by diocesan and national resources. It was chosen because of its potential to meet the objectives of increasing regular attendance and making the overall demographic of church members younger, together with meeting local community need. She highlights that such work requires the proposed reordering to obtain multiple spaces for a variety of worship and community uses including more than one activity taking place at any one time. She notes that if there is not substantial growth in membership, the ability of the church generally, to maintain the large numbers of heritage buildings for which it is responsible is in doubt. Starkly, her view is that without significant re-ordering to facilitate the intended growth, the congregation at St Stephen's Redditch will shrink, and the church building will 'be on a trajectory towards closure within twenty years.'
72. Having considered the matter myself in detail, I agree with the view of the DAC that 'any further reduction in size [of these rooms] will make them ineffective for the activities for which they are being designed'. It is hard to see how a similar amount of useable space could be created without extending out of the first two bays of the side aisle, either as proposed, or by extending out across the west end of the entire nave, blocking the west window again. Building an extension to the building does not appear to be a viable alternative. That would likely be more expensive and

arguably cause greater harm to the significance of the building and surrounding conservation area, even assuming that there is sufficient external space into which such an extension could appropriately be built.

73. I therefore find that, on balance, and despite the overbearing nature of the mezzanine design, the additional useable space that design provides confers public benefit that outweighs the appreciable harm that it will cause to the significance of the building. I shall therefore grant this aspect of the petition, subject to various conditions set out below.

Air source heat pumps and enclosures

74. The heating for the newly reordered church is proposed to be provided by underfloor heating, powered by two air source heat pumps located on the external north wall of the church, in separate enclosures. None of the consultees have taken issue with these proposals, which clearly promote the national church's objective of becoming carbon neutral by 2030. Underfloor heating is desirable to provide uniform heat distribution. No harm of significance will be caused to the building by the installation of external air source heat pumps, nor underfloor heating, provided that an archaeological watching brief is agreed.
75. As the plan for this building is for it to have heavy use, both in the community and by the worshipping congregation(s), the growth plans would have had potential to have vastly increased the carbon footprint for this particular church building. Installing air source heat pumps reduces this significantly, especially if twinned with sustainable electricity sources for other energy usage. The public benefit of this part of the proposal, to move towards net zero carbon thereby playing its part in the increasingly urgent need to avert climate breakdown, is also obvious. Therefore, the installation of the air source heat pump is an essential element of this project, without which public benefit would be harder to identify. I shall therefore adopt the DAC's proposed condition requiring this element to be essential, and a precursor to all other aspects of the project.
76. It is not clear to me how the underfloor heating is proposed to be installed in the forum or chancel areas where no new flooring structure is proposed, and the details of this will need to be supplied to the DAC before works commence and will form part of the conditions set out below. I also have seen no plans for the proposed location of electric radiators and radiant panels to replace the existing pendent lighting, nor any photographs of the proposed radiators / radiant panels. These details will also need to be agreed with the DAC before any work commences.

Removal of pews and replacement with chairs

77. The petitioners wish to remove all pews from their current location in the nave and aisles and permanently dispose of all but two which they propose retaining in the southeast Chapel. They wish to replace the pews with stackable upholstered chairs in the style SB2M supplied by alpha-furnishings.

78. The pews that remain in this church building are part of Woodyer's original scheme. They are well made, in good condition and retain their numbering.
79. Each of the consultees have both highlighted the harm to significance caused by removing them and acknowledged the need for flexibility in worship set out by the petitioners. Each have asked for the retention of a representative sample of pews.
80. The petitioners propose retaining two in the lady chapel. The DAC has suggested this be increased to four. In view of the amount of flexible space being created elsewhere in the building, having four rows of pews in the Lady Chapel is unlikely to inhibit the activities of the church, and indeed having a more traditionally laid out Chapel for private prayer and more intimate occasional services is likely to appeal to some members of the wider community.
81. In view of the fact that the pews are original to the design of the church and are being permanently disposed of, I find that the removal and disposal of the pews would cause substantial permanent harm to the significance of the church. However, I also find that this harm is outweighed by the need for flexible space for worship and mitigated by the retention of at least 4 rows of pews in the Lady Chapel, which I shall impose as a condition. I shall also impose a condition that a good photographic record is made of the nave pews before they are removed, such record to be lodged with the churchwardens' terrier and inventory and a copy provided to the Registry. I shall also adopt the DAC's suggested condition of reusing the wood from the pews where possible and finding methods of disposal where they or their materials will continue to be used. They must not be burned or placed in landfill.
82. Identifying appropriate replacement chairs is also contentious in this petition. The CBC guidance states that wooden chairs should be preferred, and they therefore object to the proposed chairs as falling outside that guidance.
83. Historic England do not object in principle to chairs, but take the view that timber chairs would better reflect and maintain the character and quality of materials currently present in the church. The Victorian Society also object to upholstered chairs and recommend wood. The District Council also express the view that the replacement chairs should be of a high quality, possibly wood to reflect the pews they have replaced.
84. Finally, the DAC are not content with the proposed chairs and suggest that the proposed chairs are rejected and that suitable replacement chairs are agreed with the DAC subsequently.
85. The reasons put forward for the proposed chairs are comfort, light weight (4.9kg) and ease of stacking and moving. They also like the 'sleek modern design' which is a matter of taste but these chairs are simple standard metal framed office style chairs with separate upholstered back and seat. They also say they are 'value for money' which I interpret as lower cost overall rather than based on any assessment of quality

and durability in relation to price, as I have seen no evidence of any such assessment. The petitioners suggest that these chairs ‘compliment the lively and informal style of worship.... which is integral to the growth we hope to see.’ The petitioners undertook some consultation with (presumably) congregation members to obtain feedback on the preferred chair which they provided in a table. The preferred option based on the subjective opinions of the consultees was the metal framed double upholstered chair SB2M. Interestingly the second-best preference, not far behind the first choice, was for LAMSU, a wooden framed double upholstered chair also by alpha-furnishings. This chair is significantly more expensive than SB2M (£50+ vs £150+ per chair) and heavier at 6.5kg yet still popular. This suggests that whilst upholstery is popular, the weight, price and frame material were of less significance to the consultees.

86. My own view is that generally wood is to be preferred within worship spaces, especially when replacing wooden pews of historic significance, but upholstery can be acceptable in meeting rooms and more informal spaces. In the current proposals, the informal space at the west end flows into the worship space. There does not appear to have been thought given to whether the same seating should be used in both parts (and in the upper rooms) or whether two (or more) different styles might be appropriate, if they can be kept in their appropriate areas. I note that no investigation has yet been made of the LAMSH which has the same wooden frame as the second highest scoring LAMSU but has upholstery on the seat only, with a plain wooden back.
87. Therefore, I shall adjourn this part of the petition for up to 3 months² for the petitioners to work with the DAC to see if a more suitable chair than SB2M can be found that is sufficiently lightweight but completely or substantially of wood and further proposals, preferably agreed with the DAC, made for me to consider. If after further consideration any part of a chair is proposed to be upholstered for use in any part of the space, I require details of the fabric and the colour, noting that in the cases where I have exceptionally permitted chairs with some upholstery the colour has always been neutral so as not to detract from more significant elements of the building and its decoration.
88. Also, if other furniture is to be introduced - I note there are pictures of tables and sofas / easy chairs in forum area in the drawings - that could also be confirmed and identified within the same up to 3 month if preferred. Alternatively, those elements could form the subject of a separate petition later, but the petitioners are reminded that introducing any furniture into any part of a consecrated church building requires faculty approval. Reusing furniture already present in the building does not require a further faculty. Using wood from the pews to make new furniture – such as a coffee table if sofas are proposed or the free-standing servery – also provides a positive link to previous generations of worshippers in the space as well as being environmentally conscious and therefore is encouraged and is likely to be quickly approved by this court if the design has DAC support and is otherwise acceptable.

² The petitioners do not need to wait 3 months if their revised proposals are agreed sooner.

89. Finally, an earlier version of the proposals envisaged disposing of the chancel furniture, including the choir pews. That proposal was also objected to by the consultees and has not been pursued by the petitioners. Therefore, no part of this faculty permits the removal of any of the furniture or fittings of the chancel or chapels.

Raising the worship area floor level with the chancel

90. The proposal is to raise the level of the central section of the church, the main worship area by c.140mm to be level with the chancel floor. There are two main reasons for this, one is to install underfloor heating in the main worship area and the other so that there is level access between the worship area in the nave and the chancel. A consequence of this that there will need to be a ramp for accessibility between the forum area and the worship area but this is seen by the petitioners as less intrusive than having such a ramp between the nave and the chancel.
91. The Victorian Society initially opposed the raised floor due to the impact on the bases of the columns becoming invisible. This was addressed by the grille design through which the bases remain visible and the Society is now content with this proposal. The CBC strongly support equal access to the chancel. Their preferred approach would be to have the existing floor level along the whole of the nave (forum and worship area) with the column bases visible, but with the chancel being made 'fully accessible' from the nave, presumably by way of ramp. Historic England make no comment on this aspect of the proposals and the local Council is also concerned as to how this will impact upon the column bases, and note the limited detail in the plans.
92. The petitioners comment that they found putting a ramp between the nave and the chancel 'limiting to flexibility and future growth and development' by which I understand that movement between the chancel and worship area of the nave is intended to be free flowing, allowing clergy, musicians and congregation members to move freely between the spaces including those with mobility issues. Also, levelling the areas would allow a large worship band to be placed across the area between the nave and chancel without anyone tripping on a step or a ramp. In my view, placing a ramp centrally would disrupt this flow. It is not possible or desirable to place such a ramp other than in the central third of the step up, to ensure equality of access for all.
93. The petitioners also say putting a ramp between the forum and the worship area a 'more natural transition'. This is not further elaborated. However, I understand it to mean that a step plus ramp transition between the forum area and worship area provides a gentle distinction between the two spaces, the forum being the location of outreach and informal community engagement whereas the worship area and chancel area were more expressly reserved for formal worship and larger community gatherings. The alternative of raising the floor of the forum too would simply move the issue of ramps to the three doorways. This does not appear to be advocated by

anyone and I would agree that it is better to have free flowing street level access at each of these points.

94. In my judgment, whilst losing clear sight of the base of the pillars does cause harm to the significance of the building, that harm is reasonably well mitigated by the grills, that harm is outweighed by the public benefit of equal access for all between the nave and the chancel and chapels. I find that that equal access is better facilitated by a ramp between forum and worship area than between nave and chancel. It also appears to be necessary to install the underfloor heating in that area, although that is not entirely clear from the details provided. It also enables long cable runs to service the technology used in the eastern part of the church to be discreetly sited under the floor.

Floor surface

95. This is another controversial element of the petition. The petitioners wish to use Amtico Luxury Vinyl Tiles ('LVT') as the floor covering for the whole of the ground floor (save, I think, for chancel and chapels vestry and porches where no change is proposed although I need confirmation of that) and, I infer, the flooring at mezzanine level. They argue in support of it on the basis of cost and also invite me to find that it is low maintenance, durable, attractive and functional with the underfloor heating systems. They point to the use of Amtico LVT by the Royal Academy of Music in Marylebone London where, according to the advertising material supplied by Amtico, the flooring has remained in perfect condition for 28 years.
96. Unfortunately, I have not seen any costed proposals for LVT compared with more conventional flooring such as wood (solid or engineered), tile or stone together with the realistic period for which they each can be expected to remain in good condition and for which they will be guaranteed by the manufacturer / supplier.
97. LVT is also made of layers of plastics and other materials with main core being polyvinyl chloride (i.e. PVC) which is a material about which there is increasing environmental concern.
98. The views of the consultees is also negative. The Victorian Society do not consider vinyl to be 'suitable for this grade II listed interior' and encourage the use of timber, ceramic tile or stone or an appropriately designed combination, pointing to the successful use of such materials at St Thomas Dudley (also known as Top Church). Historic England considers that the use of vinyl does not represent the 'aesthetic, quality of longevity of traditional timber stone or tile finishes typically found in churches' and they strongly urge the DAC to seek amendments, ensuring a flooring of appropriate material and quality is chosen'. Redditch Borough Council and the CBC also consider LVT to be inappropriate for the context of St Stephen's. All indicate that LVT does not have the durability required.
99. The DAC wish to see a sample of the LVT flooring proposed before they are prepared to agree to the proposals, although they do not regard breathability as an issue as it

would be laid on the raised floor, not on any historic flooring (although I am not clear whether that is correct with respect to the forum area). They also want some design proposals to break up the homogeneity of the floor space.

100. In my view I do not have sufficient information to finally determine this aspect of the petition, and will also adjourn it for up to 3 months for the petitioners to work with the DAC and bring back revised proposals with more detail of proposed material(s) and design. I will want to see comparative costings and guarantees of duration of functionality. I need to know what the subfloor is made of in the forum area and how that will be impacted upon by the underfloor heating if it is proposed to extend the underfloor heating to that area. And I will want to know how the flooring selected will be safely disposed of at the end of its useful life. I need confirmation of whether the flooring in the chancel and chapels is proposed to be changed and if so, I will need photographs of the existing flooring there. If multiple designs and/or materials are proposed for different areas including the mezzanine rooms, I will need to see some worked drawings. At that point I will then decide this part of the petition. However, I wish to make clear the use of vinyl will clearly harm the significance of the church and may also be environmentally damaging, therefore if the use of that material continues to be advocated, I will need to see some exceptionally good evidence of need/public benefit to justify it. I would prefer to see a solution with more natural / traditional materials that are more fitting and pose fewer environmental issues when disposed of in the future.

Conditions

101. I will set out below the conditions to which the parts of this petition that have been granted will be subject, together with brief reasons for them.

- a) Prior to work commencing the petitioners will agree with the DAC detailed plans and specification and schedule of works that includes all dimensions, materials, services and method statements together with a suitable building contractor or contractors to undertake each element of the work. This must include agreement as to the appropriate type of foundation for the pillars supporting the mezzanine.

Reason: This is necessary as the plans that I have seen lack that detail and I have not seen a detailed specification and schedule of works. Such formal documents are essential for works on the scale envisaged here.

- b) Prior to any works taking place below floor level inside or ground level outside the petitioners shall agree the terms of an archaeological watching brief with the DAC.
- c) In the event any works disturb human remains those remains shall be discretely and reverently reburied at the direction of the minister.

Reason: These conditions are necessary as there is a likelihood of archaeological material below the existing church, as well as burials that took place before the churchyard was closed.

- d) No new chairs or flooring may be installed until these elements of the petition have been determined. The aspects of the petition that have been adjourned shall be reverted to this court within 3 months setting out the detailed proposals and confirming where any changes have been made. This must be supported by a PCC resolution in favour of those proposals. These proposals should have DAC approval and if the proposals do not have the agreement of the DAC both the petitioner and the DAC shall provide a brief note setting out the areas of disagreement and the solution proposed by each of them and the reasons for it.

Reason: This is necessary to enable the outstanding elements of the proposals to be resolved.

- e) Prior to any works taking place the petitioners shall file with the registry a certificate or letter from their insurers confirming their approval of the works and the petitioners must ensure that any conditions of that insurance are complied with.

Reason: This is necessary to protect the fabric of the building and the people in and around the building during the works.

- f) Prior to any works taking place for which planning permission is required, such permission must be obtained. If conditions are imposed on such permission, they must be adhered to.

Reason: This is self-explanatory and a legal requirement in any event.

- g) Prior to the works commencing the petitioners must provide to the Registry and the DAC a letter from the tower captain confirming that the arrangements and space requirements for bell ringing provided for in the plans is sufficient for the needs of the ringers.

Reason: This is because the new ringing space appears quite limited to me, but there are no dimensions on the plans, I am not a ringer, and I am not sure of the precise arrangements proposed. This remains a popular activity at St Stephen's with a relatively large number of young people involved and it is important that this is maintained amid the changes planned.

- h) Prior to the works commencing the dimensions of the accessible WC facilities and nature and setting of the provision must be approved by the Diocesan Disability Advisor (DDA) and be not smaller than the minimum size provided for in Document M of the Building Regulations. I would be grateful if she could also confirm whether the specifications for the ramp between forum and worship area is appropriate and whether any handrails are needed.

Reason: Whilst it is anticipated that such size requirements have been met by the architect, the lack of dimensions on plans means I cannot confirm this. Also, the approach to the ground floor accessible toilet is along a corridor and on the first floor

it opens out onto the bridge link, so I would want confirmation that the provision is suitable in all respects.

I have also noticed that there is comment in the papers that the petitioners may wish to designate the two individual non-accessible toilets a separated 'ladies' and 'gents'. Whilst that is a matter for the petitioners I would bring to their attention the recent [update](#) to the Equality and Human Rights Commission interim guidance following the decision of the Supreme Court in *For Women Scotland v Scottish Ministers* [2025] UKSC 16 which confirms that the provision of an individual toilet room or cubicle, lockable from the inside and usable by persons of any sex or gender complies with the Supreme Court ruling and that there is therefore no need to designate one as 'ladies' and one as 'gents'. Indeed, where there are limited numbers of WCs and large community events, having such designation can disadvantage women as that can lead to long queues for the 'ladies' whilst the 'gents' remains under used. Further, having toilet facilities that can be used without judgment or challenge by trans people, intersex people and non-binary people, as well as cis people who present as gender non-conforming, is more welcoming and inclusive.

- i) Details of the proposed free-standing servery to the south of the northern ground floor room must be agreed with the DAC before being installed. The petitioners must consider whether this item and any other new coffee table or other item can be made from wood recycled from the pews to be removed from the nave.
- j) At least 4 nave pews must be retained and relocated to the south chapel. The disposal of the remaining pews must not include sending them to landfill or burning them. The pews, and the wood they are made of must be reused or recycled, but that does not have to be in a church context. They may be sold if there is a market for them.
- k) A photographic record of the pews must be made and lodged in the churchwardens' terrier and inventory with a copy being supplied to the Registry prior to the removal or relocation of any of the pews.

Reason: These conditions are to preserve as much as possible of the significance of the original pews whilst allowing the flexibility required for the worship and community events needed for the growth and development of this church as a renewal church and/or to ensure disposal is in the most environmentally conscious way reasonably possible.

- l) All electrical work is to be undertaken by an approved contractor registered with The National Inspection Council for Electrical Installation Contracting (NICEIC), Electrical Contractors' Association (ECA) or The National Association of Professional Inspectors (NAPIT) in accordance with the latest edition of IEE regulations and in line with the up-to-date guidance of the CBC.

Reason: This is for safety and insurance purposes.

- m) If the parish is not already subscribed to a renewable electricity tariff, the petitioners shall consider switching to such a tariff at the next suitable PCC meeting for such a decision within a year of the date of this judgement.

Reason: This condition is to support the commitment to renewable energy shown by the installation of air source heat pumps by encouraging the use of electricity for the other power needs of the church comes from renewable sources. This is important as the energy usage of the church will grow if the renewal objectives are successful and it is vital this is undertaken without increasing the carbon footprint of the building.

102. Where the agreement between the petitioners and the DAC and/or the Diocesan Disability Advisor is required under a condition, but such agreement is not reached, the petitioners are at liberty to refer any issue that is not agreed back to this court for further determination.

Conclusions

103. Overall, I am content that the ambitious proposals of this petition to develop the church to meet the needs of its future as a renewal church are justified and in the public interest, despite the harm they will cause to the significance of the building, save in respect of those matters which I have adjourned for further information / revised proposals. I look forward to seeing the completed works in place in due course and wish the petitioners well with their endeavours to grow the Christian faith and church community in Redditch. I would also like to extend my thanks to the detailed responses from the amenity societies and the CBC that have helped to shape the proposals (albeit not to the extent they would wish) and helped me to analyse and understand the issues in this case. My thanks as always to the DAC and the diocesan buildings team for their customary hard work and attention to detail on this petition, as on all others that come before me.

JACQUELINE HUMPHREYS
CHANCELLOR OF THE DIOCESE OF WORCESTER

29 JUNE 2025