



EXPLANATORY NOTE

Mission and Pastoral Measure 2011

Draft Pastoral (Church Buildings Disposal) Scheme

affecting the closed church of St Peter, Birch

Diocese of Chelmsford

This note explains the contents of the attached draft Pastoral (Church Buildings Disposal) Scheme, a legal document produced under the *Mission and Pastoral Measure 2011* ("the 2011 Measure") which is statute law. The draft Scheme provides for the future of the closed church building of St Peter's, Birch.

Anyone who wishes may write to the Commissioners either in support of or against any of the proposals or to request further information.

The current proposals

The draft Pastoral (Church Buildings Disposal) Scheme proposes that the Chelmsford Diocesan Board of Finance demolish St Peter's and dispose of the materials of demolition, and that the site of the demolished building becomes part of the churchyard.

The site of St Peter's would be commemorated by retaining the outline of its walls within which would be, as a local amenity, an area with benches and an information board giving the history of the site. All tombstones within the vicinity of the building would be protected from accidental damage during the demolition. The contents of the building (including the stained glass windows) would be relocated in accordance with the directions of the Bishop of Chelmsford.

Location and setting

St Peter's is situated within the Birch Village Conservation Area, which is some 5 miles south-west of Colchester, Essex. The churchyard is surrounded by residential properties to the south-west, west and north-west and by fields on all other sides. A location plan showing the church and churchyard is attached to this explanatory note.

Vehicular access to the churchyard is from School Hill across a narrow access road not in the ownership of the Church.

The church is surrounded by a long narrow churchyard with a number of mature trees, marked graves and cremated remains.

The building

St Peter's was designed by the architect, Samuel Sanders Teulon and built in 1850 on the site of the medieval church. The building comprises a nave with north and south aisles, chancel, tower with spire, south porch, and boiler house. It is constructed of brick masonry faced externally with flint, with Caen stone dressings and spire cladding. The building is approx. 4,500 square feet internal area.

St Peter's was listed Grade II on the 27 January 1982. In 1993 Birch village was designated a conservation area.

Condition of the building

In January 2012, architects inspected the building and costed repairs at £1.24 million of which the roofs and rainwater fittings were £830,500, the tower and spire £200,800, the walls £52,000, the windows £18,000, and internal repairs £138,500 – exclusive of VAT and fees.

The building is presently fenced off for reasons of health and safety and, consequently, relatives are not freely able to visit those graves which are situated between the security fencing and St Peter's.

Closure and the 22 year search for a suitable alternative use

St Peter's was closed for regular public worship with effect from 1st November 1990 in accordance with the then legislation, the Pastoral Measure 1983. After closure, St Peter's was marketed nationally and locally and, despite a number of enquiries, none resulted in a firm expression of interest.

1994 scheme for demolition

As marketing had resulted in no offers for the property, and as the Church Commissioners' statutory advisers, the then Advisory Board for Redundant Churches had raised no objection to demolition, the Commissioners published a draft Scheme in March 1994 providing for St Peter's to be demolished and for the site to be used as part of the churchyard. The draft Scheme attracted objections from Colchester Borough Council, English Heritage, the Victorian society, the Ancient Monuments Society, Birch Parish Council and two residents of Birch village.

The Feasibility Study

English Heritage at that time recommended that the demolition proposals be put on hold until a Feasibility Study had been carried out jointly funded with Colchester Borough Council and Essex County Council; this was eventually completed and issued in July 1995.

Referral to the Secretary of State

In accordance with an agreement between the government and the Church Commissioners in the event of objections being received from a statutory consultee, the Secretary of State for the Environment was asked whether he wished to hold a public hearing or a non-statutory public inquiry into the future of St Peter's. However, this request was put on hold (and later withdrawn) following an offer in December 1997 for the building from the Birch Spire Arts Trust.

Birch Spire Arts Trust

The Birch Spire Arts Trust's (BSAT) proposals were received in December 1997 with repair and conversion costs to be largely funded by a proposed grant from the Heritage Lottery Fund (HLF) and smaller grants from other bodies. However, in June 2002, the HLF declined to grant aid the BSAT on the grounds that the project costs were too high and uncertain.

Courtland Properties' scheme

In autumn 2002 an offer was received from Courtland Properties for the conversion of St Peter's to five town houses with an internal courtyard open to the sky, the vesting of the tower and spire in a trust (never identified), with the costs of repair and conversion funded by an enabling development of 16 new houses on two sites within Birch village (Orpens Hill and a site adjacent to the Birch Memorial Hall). The proposals included the construction of a new access road to the east of the churchyard owing to the unsuitability of the existing access. The enabling development was generally not popular with local residents and never achieved planning permission.

Further marketing

Since that time there has been direct marketing of the building to potential users such as mobile phone companies (who have declined owing to the proximity of the children's school) and social housing bodies (who have declined owing to the high costs, access and parking difficulties, the presence of an active churchyard and reluctance to be responsible for the tower/spire). The building continues to be advertised on the Church Commissioners' website. Most enquiries have been for residential use, but there has also been interest from other Churches, for use as a museum or gallery, and as a care home. However, none of these enquiries has resulted in a firm offer supported by a sound business plan demonstrating how the costs of repair and conversion would be met.

Constraints preventing use of site and conversion of the building

In addition to the high cost of repairs (see *Condition of the Building* above), there are other significant constraints that militate against finding a suitable use for the building, summarised as follows:

The building and churchyard

Following a six year period of marketing, chartered surveyors attributed the lack of offers to the excessively large size of the building (too large for conversion to a single dwelling), the difficulties with pedestrian and vehicular access and parking, the presence of a churchyard still in use with recent burials, the difficulty of providing the interior with sufficient natural light (particularly a problem were the building to be subdivided into flats), and the high cost of repair and conversion.

Economic viability

The 1995 Feasibility Study (by Freeland Rees Roberts Architects) analysed all possible uses of the building (or part, were it to be partially demolished) but concluded that none would be financially viable. The report therefore recommended that the building be returned to use as a church with the repairs funded by the sale of St Mary's church, Layer Breton for residential use. However, the Parochial Church Council were unable to take up this recommendation as the small congregation did not have sufficient resources.

To explore whether a use could be found for the property wholly or partly financed by some form of subsidy, sufficient time was allowed (between 1997 and 2008) for first the Birch Spire Arts Trust and then Courtland Properties to explore the feasibility of their proposals for respectively an arts use and residential use subsidised by respectively grants and by an enabling development. However, both of these attempts failed chiefly on economic grounds.

The Commissioners statutory process: The Mission & Pastoral Measure 2011

Church of England church buildings which are closed for regular public worship and which are the subject of a Pastoral (Church Buildings Disposal) Scheme proposing demolition of the building are exempt from listed building control by virtue of section 60(7) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and from conservation area control by a direction under section 75(2) of the same Act.

However, the Church Commissioners have agreed to ask the Secretary of State for Communities and Local Government, whether he wishes to hold a non- statutory public hearing or public inquiry into any such proposal for demolition if either English Heritage, the Church Buildings Council, the local planning authority or a national amenity society object to such a draft Scheme. The Commissioners have agreed to accept the recommendation from the Secretary of State following such a hearing or inquiry.

The draft Scheme

Anyone who wishes is welcome to write to the Church Commissioners with views either for or against any of the proposals of the draft Scheme. If no objections are received, the draft Scheme may be made by the Commissioners and brought into effect. In the event of any objections against the draft Scheme's proposals being received, a committee of the Commissioners would consider these at one of its future meetings at which those who had submitted views would be invited to attend if they so wish.

Further information on the proposals and procedures can be found on the website: www.ccpastoral.org or can be obtained from Anne Griffiths (contact details as below).

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