

Church Commissioners

Church Buildings (Uses and Disposals) Committee

**Closed Church of Leeds All Saints (Diocese of Leeds)
Representations against Pastoral (Church Buildings Disposal)
Scheme**

Note by: Harvey Howlett

Summary

- (i) The Committee is invited to consider 13 representations (8 against and 5 in favour) and two petitions against a Pastoral (Church Buildings Disposal) Scheme providing for the sale of the closed church of Leeds All Saints for use for educational and training uses.
- (ii) The representors against object to the sale of the building for a commercial use and argue that the building should instead be maintained for Christian worship, with some representors arguing for such a use by the Freedom Church while others argue for such a use by the Eritrean Orthodox Church. In addition some raise safety concerns about the additional traffic which a commercial use of the premises may cause.
- (iii) The representors in favour support the proposed use and the economic benefits and employment opportunities it will bring to a deprived area, while retaining scope for the local community to continue to use the building. Some representors note that the proceeds arising from disposal would be invested in supporting the local mission of the Church of England.
- (iv) The Bishop of Leeds has confirmed that the Diocese wishes the draft Scheme to proceed and has outlined the main considerations leading to the proposal to recommend disposal for educational and training purposes.
- (v) The case has been examined by the Committee's case sifting representatives who determined that there were sufficient questions raised within the representations, and matters where further information and clarification would be helpful, to suggest that the Committee would be assisted by hearing from and having an opportunity to question the representors and diocesan representatives.

Recommendation

The Committee is invited to consider the representations and the issues set out in this report and, in the light of these, whether or not the draft Scheme should proceed.

Introduction

1. The Committee is invited to consider 13 representations (8 against and 5 in favour) and two petitions against a Pastoral (Church Buildings Disposal) Scheme providing for the sale of the closed church building of Leeds All Saints for use for training and education purposes.
2. Leeds All Saints was formally closed for regular public worship on 1st August 2016. It is a relatively modern building, constructed in the 1970s to replace an original Victorian-era building located on land to the north. The worship space was constructed physically adjoining an existing 1920s church hall, forming a consolidated, elongated L-shaped building immediately fronting onto Cross Aysgarth Mount.
3. The building, which is not listed, is located within the Richmond Hill area of Leeds, approximately two miles east of the city centre and to the south of the A64 York Road. It is close to All Saints Church of England School and opposite the site of Country Style Foods bakery complex. There is a small area of private parking and grounds to the north side and there are no known burials in the churchyard.
4. The church building, along with the conjoined church hall and land, was marketed for disposal from March 2017, the PCC having formally resolved to dispose of the hall and land in conjunction with the former church building.
5. In total ten offers were received, including seven from other Christian churches. Following a review of the bids made, four of the parties were invited to make their 'best and final' offers. These included the Debre-Brhan Kidst Selassie Eritrean Orthodox Church, Country Style Foods and East Street Arts as the three highest bids. The Freedom Church was also shortlisted due to their extensive links with the local parish and Church of England Primary School.
6. The Diocesan Closed Churches Working Group, which acts under delegated authority from the Area Diocesan Mission and Pastoral Committees, considered all the offers received for the building and recommended acceptance of the highest offer from Country Style Foods for educational and training use. Their recommendation was accepted, in principle, when the Committee agreed in July to the publication of a draft Scheme providing for such uses, subject to consideration of any representations received against the draft scheme.
7. Attached are:
 - Annex A Background to the case;
 - Annex B The report on the church building by the Church Buildings Council incorporating the Statutory Advisory Committee's advice on change;

Annex C	A copy of the draft Scheme and accompanying note;
Annex D	A full summary of the representations
Annex E	Copies of the representations and the text of the submitted petitions; and
Annex F	A copy of the letter referring the representation to the Bishop together with a copy of his response.
Annex G	Copies of the further comments of the representors (to follow)
Annex H	Full summary of the marketing and offers received (circulated to members only due to commercial sensitivity).

Representations received

8. Following the publication of the draft Scheme we received 13 representations about the draft scheme (8 against and 5 in favour) and two petitions, both against the proposals.

9. The representations against came from:

- Mr Pattinson, Head Teacher of All Saints Church of England VA Primary School and writing on behalf of the Governors of the School
- Mr Kibrom Gerezegeher, parent with children at All Saint's School
- Mr David Westerman, Volunteer and former Governor at All Saint's School
- Mark and Kathi Kelly, Elders of the Freedom Church,
- Mrs Baron-Kordecki, Members of Staff of All Saints School
- Mr Berhami Tefferi on behalf of the Eritrean Tewahdo Orthodox Church,
- Mrs Myra Dobson,
- Mrs Hannah Jones, who also submitted comments from other local residents.

In addition a petition, supported by 230 signatures, opposing the proposed uses in the Scheme and in support of the Freedom Church's proposed use was submitted by Mr Pattinson; while a petition, supported by 122 signatures, opposing the proposed uses and supporting the Eritrean Orthodox Church's proposed use was submitted by Mr Tefferi.

10. The representations in favour came from:

- Margaret Cook and Susan Karitons, Churchwardens and Jackie Bailor, Deputy Warden of St Philip's Church Osmandthorpe
- Carol Stenner, a former member of the All Saints congregation
- Felicity Greenfield Churchwarden of St Hilda's Parish Church Cross Green
- Fr Darren Percival, Priest in Charge of St Hilda's Cross Green and St Saviours Richmond Hill.
- Mr Joe Wood, Managing Director of Country Style Foods Ltd.

11. A full summary of the representations is provided at **Annex D**, while copies of all the representations and the text of the petitions as submitted are attached at **Annex E**.

Issues in the Representations against

12. Key issues raised by the representors opposed to the draft scheme include:
- Objections to the proposed sale of the church building for commercial purposes by Country Style Foods rather than enabling its continued use for worship by another Christian congregation.
 - A preference on the part of some objectors to see the building used by the Freedom Church, who currently meet in the nearby All Saints Primary School school.
 - A particular concern that the use by the Freedom church would enable a formalised agreement over the use of the church building by All Saints School.
 - Alternatively, a preference on the part of some objectors to see the building used by the Eritrean Orthodox Church.
 - Concerns about safety to both children and parents of All Saints School arising from increased parking and traffic caused by the commercial use.
 - The further isolation of the school in an increasingly industrial setting.
 - A concern at the loss of further community facilities in an area where these were already in short supply.
 - A concern that the Church of England was abandoning its pastoral responsibilities to the area.

Issues in the Representations in Favour

13. Key issues raised by the representors in support of the scheme include:
- The proposed use by Country Style Foods would support the local economy and provide employment, training and educational opportunities in a deprived area of Leeds.
 - The availability of funds arising from the sale towards investing in mission by the Church of England and to improve community facilities offered by the local church.
 - A statement from Country Style Foods that they will allow both the school and other community groups to use the building.
 - A commitment from the proposed purchaser to allow All Saints School to continue to use the hall at no cost and to extend this invitation to other community groups.
 - The sale would release funds which would allow the development and improvement of other community facilities in the area and generally support the mission of the Church of England locally.

Diocesan response to the representations

14. Following normal practice, a copy of the representations was sent to the Bishop of Leeds to seek his comments.
15. In his reply the Bishop has confirmed that he wishes the Scheme to proceed and he outlines the main considerations leading to the proposal to recommend disposal for educational and training purposes. He explains that following joint marketing of the church building and adjoining church hall in March 2017 ten offers were received; eight were on or above the guide price. A shortlist of four invited to submit a 'best and final' offer comprised those submitting the three top offers, Eritrean Orthodox Church; Country Style Foods, an arts organisation, as well as Freedom Church in view of their work with the local community and All Saints' School. All were regarded as proposing suitable alternative uses.
16. The Bishop notes that although the building and hall are physically attached they are in different ownerships: while the closed church is subject to the Mission and Pastoral Measure 2011, the hall is held in trust by the DBF for the PCC of St Philip, Osmondthorpe, and its disposal is subject to charity law. The Diocese was mindful of the need to balance these different interests and that the net proceeds would be split to reflect the different ownership.
17. The final offer from Country Style Foods, supported by independent proof of funding, was significantly higher than the others and it was felt the proposed use as a training and educational centre would bring benefits to the local community. The Dairy also proposed to offer the school use of the hall at no cost.
18. So far as the proposals for worship use were concerned, the Bishop notes that while the Eritrean Orthodox congregation increased their offer during the 'best and final' process, they did not provide independent proof of funding to demonstrate available funds. Although they submitted a further, higher, offer after the deadline, their proof of funding did not cover the full amount. In terms of the Freedom Church, while their work in the community and support for the school was welcomed, their offer remained significantly below the others received and the Diocese considered it was not possible to take this forward.
19. The Bishop recognises that the School had used the church building prior to closure, but notes that there were no representations against closure. The Headteacher had raised the possibility of such continuing use but it was not diocesan practice to allow use of buildings during the use seeking period because of premises' management and insurance reasons.

20. Although he notes that some of the representations raise concerns about traffic and safety, the Bishop says he is not clear what evidence there is to suggest that the proposed use of the building would lead to an increase in traffic in the area, and refers to the statement on traffic management from Country Style Foods. In terms of the redevelopment of the nearby Leeds Road Baths/Library, accessed along Cross Aysgarth Mount, he notes that the local authority did not receive any letters of objection nor had highway officers raised any concerns.
21. So far as other community facilities in the neighbourhood are concerned, the Bishop refers to The Vinery Centre; Richmond Hill Community Centre; Newbourne Methodist Church; and St Philip's Osmondthorpe.
22. The Bishop notes that mission is defined as "the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical". One of the strands of the Diocesan vision is *Transforming Communities* and he regards this proposed use as having clear benefits for the local community, providing training and educational opportunities for local young people, with an intention to prioritise in recruitment those from deprived or underprivileged backgrounds.
23. Finally, the Bishop indicates that the Diocese is very conscious of the need for Christian ministry and witness in the locality and states that the Church of England has provided for this through the parish of St Philip, Osmondthorpe, whose PCC will receive the proportion of the net proceeds attributable to the church hall to use to support their mission and ministry to the parish.
24. The correspondence with the Bishop is attached at **Annex F**.

The further views of the representors

25. The Bishop's response has been shared with the representors. Comments have been requested by 1 December and any further comments received will be circulated in due course as **Annex G**.

The issues for the Committee

26. The process of securing a suitable alternative use for a closed church building is one which may involve consideration of various factors. As no definition of suitability is provided in the Measure, a judgement must be made in the particular circumstances of each case in assessing the 'weight' of their relative importance.
27. This is set within the context of the 'general duty' laid out in Section 1 of the Mission and Pastoral Measure 2011, placing a duty on those carrying out functions under the Measure to "have due regard to the furtherance of the mission of the Church of England." Mission is defined as "the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical". Section 3 of the Measure requires a diocesan mission and pastoral committee, in

carrying out its functions, to have regard to “worship, mission and community as central to the life and work of the Church of England”, and also to have regard to the financial implications for the diocese and the Church of England as a whole.

28. Amongst the concerns raised by representors against the draft Scheme is that the building should continue to be used for the purposes for which it was constructed, namely for Christian worship. However, different representors argue in favour of alternative worship use by different Christian bodies, some supporting the Freedom Church and others supporting the Eritrean Orthodox Church.
29. The Committee has previously been advised, in considering representations on whether a use is suitable, that the Commissioners may take into account the potential availability of a ‘more suitable’ use (in accordance with their own published Code of Practice), which may involve giving appropriate weight to the views of a group that wanted to use the building for Christian worship. Section 17.2 of the Code of Recommended Practice to the Mission and Pastoral Measure states:

“Since 1969 alternative uses have been found for over half of all closed church buildings, with a large number appropriated for worship by other Christian bodies. This is generally the best use”
30. The Code of Practice goes on to acknowledge that there are many other suitable uses for closed church buildings, with examples cited including educational use.
31. The Committee has also been advised when dealing with representaitons that it would be proper to take into account all relevant considerations, both in relation to the proposed use under the draft Scheme and also an allegedly “more suitable” use. This would include, for example, consideration as to whether the use argued for by the representors is, on the facts, realistic and sustainable (including financially). The representors have a heavy evidential burden in a case where there is already a Scheme proposing a suitable use which is realistic and sustainable, because part of showing that their proposed use is “more suitable” is showing that it is at least as realistic and sustainable as the proposal on the table.
32. If the Committee considers the proposed use to be suitable in principle, it is still possible that it might be unsuitable in the particular circumstances of this building, because of its location or other factors relating to the impact of the use. These could include the potential safety issues as raised in the representations.

33. The Committee should also bear in mind in considering the representations that the draft Scheme is only concerned with the disposal of the church building itself; any disposal of the conjoined hall and land on behalf of the PCC is subject to normal charity law with a requirement to secure best value.
34. The key issues, therefore, for the Committee to consider are:
- Is the proposed use of the closed church building for training and education purposes a suitable use?
 - Are the concerns expressed in the representation against the draft Scheme of such substance and weight that the proposed use is unsuitable for the building in this location?
 - Having regard to the Mission and Pastoral Measure Code of Recommended Practice, does the Committee consider use by the Freedom Church or by the Eritrean Orthodox Church a "more suitable" use?
 - Does the Committee believe that the proposals from the representors against the draft Scheme to be realistic and sustainable?
 - What account should be taken of the fact that the church is conjoined with the church hall, the sale of which is subject to normal charity law?
 - Does the Committee consider that there are other relevant factors to take into consideration?

Recommendation

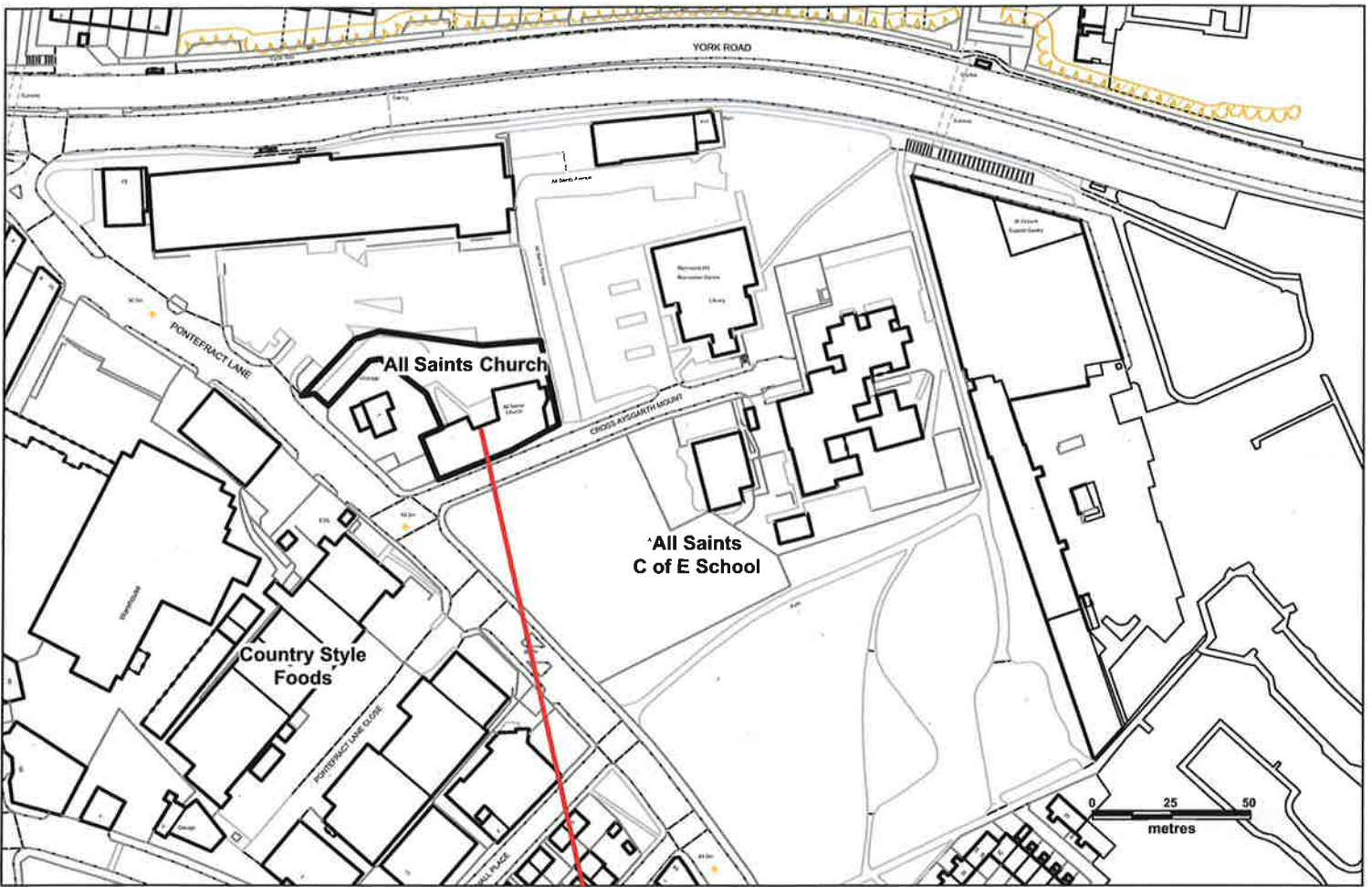
The Committee is invited to consider the representations and the issues set out in this report and, in the light of these, whether or not the draft Scheme should proceed.

A handwritten signature in black ink, consisting of a large, stylized initial 'H' followed by a long horizontal line and a final vertical stroke.

Signed: Harvey Howlett

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20 November 2017



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All Saints church, Richmond Hill, Leeds
Photos taken 10 August 2015



View along Cross Aysgarth Mount from the east



View from Pontefract Lane from the west

All Saints church, Richmond Hill, Leeds
Photos taken 10 August 2015



View from the garden – church to the left, lobby/hall to the right



Entrance on Cross Aysgarth Mount

All Saints church, Richmond Hill, Leeds
Photos taken 10 August 2015



Worship area looking to liturgical north showing the only window



Worship area looking to liturgical east

Closed Church of Leeds All Saints (Diocese of Leeds)

Representations against Pastoral (Church Buildings Disposal) Scheme

Background

The Building

Leeds All Saints was formally closed for regular public worship on 1st August 2016. It is a relatively modern building having been designed and constructed in the 1970s to replace an original Victorian era building located on land to the north. The worship space was constructed physically adjoining an existing 1920s church hall, with the consolidated structure forming an elongated L-shaped building immediately fronting onto Cross Aysgarth Mount. From the street scene the architecture of the building does not immediately identify it as a church building. It is not listed.

The site is located within the Richmond Hill area of Leeds, close by All Saints CofE School and opposite the site of Country Style Foods bakery complex, approximately two miles east of the city centre and located to the south of the A64 York Road. There is a small area of private parking and grounds to the north side. There are no known burials in the churchyard. The Report of the Church Buildings Council is set out at **Annex B**.

The closed church building is not only physically attached to the church hall building but, save for an entrance and façade on Cross Aysgarth Mount, it is surrounded by land vested in the Diocesan Board of Finance on trust for the Parochial Church Council, who control any access to the building over this land.

Use Seeking

In March 2017 the closed church building along with the conjoined church hall building and surrounding land was marketed for disposal, the PCC having formally resolved to dispose of the hall and land in conjunction with the former church building. In total ten offers were received, seven from other Christian churches. Following a review of the bids made, four of the parties were invited to make their 'best and final' offers. These included the Debre-Brhan Kidst Selassie Eritrean Orthodox Church, Country Style Foods and East Street Arts as the three highest bids. The Freedom Church was also shortlisted due to their extensive links with the local parish and Church of England Primary School.

The Diocesan Closed Churches Working Group, which acts under delegated authority from the Area Diocesan Mission and Pastoral Committees, considered all the offers received for the building. It recommended acceptance of the highest offer

from Country Style Foods for educational and training use and this recommendation was accepted in principle by the Church Commissioners, subject to consideration of any representations received against the draft scheme providing for such use.

The Views of the Statutory Advisory Committee

The Commissioners' statutory advisors, the Statutory Advisory Committee of the Church Buildings Council (SAC), have indicated that the church building is of low architectural significance and little townscape value. The building and its contents are considered to be of local historical significance.

The Committee also advised that, as a building in relatively good condition with facilities, parking and good pedestrian and vehicular access, the church offers good scope for conversion to alternative use. However, if it is not possible to find a new use for the building, the Committee would be unlikely to oppose demolition. A copy of the SAC's advice is attached at **Part 3 of Annex B**.