

**NEUTRAL CITATION NUMBER: [2020] ECC Bir 1**

**IN THE CONSISTORY COURT OF THE DIOCESE OF BIRMINGHAM**

**IN THE PARISH OF ST PETER AND PAUL, COLESHILL**

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## **JUDGMENT**

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1. On the 26 October 2015 I granted a Petition and issued a Faculty in respect of a major re-ordering to be carried out at the Parish Church of St Peter and Paul, Coleshill. I set out in the judgement details of the work that was required which itself was set out in a Petition dated 2 March 2015. As the work authorised, subject to the conditions that I imposed had not been carried out within the timescale a fresh Petition has been issued seeking what is in effect a confirmatory faculty so that the work that I originally authorised could now be carried out.
2. At the time of the original Petition all the appropriate historic and amenity bodies were consulted and in particular the Society for the Protection of Ancient Buildings. No party sought to become party opponents and accordingly I made my decision taking into account the submissions made by the amenity bodies. No appeal was lodged in respect of the decision and the work duly commenced.
3. As the position relates to phases 3 and 4 of the work, originally considered in the initial judgment it seemed only fair to allow the amenity authorities to consider the position afresh.
4. Once again I have been helped by submissions from SPAB and by Historic England.
5. By letter dated the 8 November 2019 Historic England makes some observations in respect of the proposals although they indicate that they have no objections to the general principal of the work that is to be carried out (and indeed this was the position back in 2015). There are a number of areas that they are troubled about but their letter recognises the attempts of the Parish to make the alterations reversible and recognise further that in respect of the raising of the floor in the nave

this “represents an affordable way for the Parish to achieve its original project aims to meet their needs”.

6. They are troubled about the use of carpet tiles and vinyl and the proposed laying of a concrete floor in the north aisle. These concerns have been recognised by the Parish; by email dated the 22 November the architect employed by the Parish, Mike Potter, sets out why carpet tiles are desirable “a warm and sound absorbent surface in the crèche and office areas”, recognises that the carpet to the ramps will be sheet ribbed carpet to provide a safety for grip and proposes the use of vinyl which would be slip resistant to match that in the kitchen to reduce risk of injury from spillage from trolleys and trays taken into and out of the kitchen. The raising of the concrete floor which would maintain ventilation to existing timber floor areas and avoid disturbance to the sub-floor will remove the need for the carpet tiles or the floor itself to be breathable as the concrete floor will not be in contact with the ground. I find that the Parish’s response to the reasonable observations of Historic England meet Historic England’s concerns.
7. Historic England has expressed reservations about the oak framed glazed door which might appear inconsistent against the minimal glazed partition on the wall of the meeting room. Mr Potter justifies the oak doors by pointing out that these are the same as in the previously approved scheme and that it would give better sound proofing to the crèche and office areas and avoid the potential guillotine effect of a glass door when used by children in the crèche. The doors and frames will match adjacent oak to the storage area and once again I am satisfied that the reasonable observations of Historic England are met and that the proposals (which I have already approved) continue to be appropriate.
8. Historic England make observations about the final appearance of the proposed fan convactor heaters. It is, they submit, important that efforts are made to match their finished colour to that of the existing wall finishes. Once again Mr Potter takes those observations on board and the neutral light grey/white colouring will, in his judgment, go well with the existing plastered walls and stone window surrounds and its neutral colour will suit a future colour scheme when the church is redecorated. The fan convectors have been kept to a minimum size. Once again having approved the installation of this heating system in principle, I am satisfied that what is proposed meets Historic England’s objections.

9. SPAB have taken the opportunity of making submissions to me although confirming that they do not wish to become a party opponent. I have seen detailed correspondence between the present case worker, Rachel Broomfield, and the Parish. I should say that SPAB made submissions to me at the time of the original grant of the Faculty. A different case worker was then involved and it is significant that at that stage SPAB's concerns related solely to the installation of the underfloor heating system and the proposed cleaning of the monuments. My understanding is that the cleaning of the monuments has not been proceeded with at this stage and I specifically directed the Parish that if they wished to proceed with such cleaning they were to revert to me once the monuments had been moved.
10. The present observations from SPAB relate to the pews, the heating system, involving raising the floors, the carpet and the screens and the glazing.
11. In relation to the pews it is significant in my judgment that the Victorian Society have not raised any objection to the proposals to remove some (but not all) of the pews. The proposals have undergone some modification so that the revised plan presently retains more pews than the original plan in order that the nave pew footprint will now remain unchanged from what is presently there. I am satisfied that in those circumstances that the proposals for the removal of some but the retention of many meets the objections raised by SPAB and in any event continues to be a necessary and appropriate alteration to the former layout. SPAB suggests that the proposal to raise the floor and cover the existing one over may not be the best solution. Removal of the pew platforms and appropriate infilling with the heating pipework kept to the edge of the aisles will provide a large area of level floor. The Parish's response to that is that this would not be cheaper nor quicker. Their experience from work during phase 1 to create the floor beneath the kitchen showed that it was extremely difficult to level the floor as the supporting timber work below the platforms is "old and quirky". Once again I accept the Parish's proposals as being appropriate and I believe that the objections raised by SPAB could be dealt with by the fact that the proposed raised platform will be fully reversible if at any stage in the future it is necessary to revert to the present.
12. I am satisfied that the Parish has made out a case for the necessity of installing a carpet where proposed. Much of the carpeted area will be used as a crèche. There is a need for conformity and continuation in the carpeted areas and I am satisfied that the Parish has made out the case for such carpeting.

13. I am further satisfied that the proposals for storage space and the screens and glazing are appropriate and are consistent with the grant of the Faculty in 2015. It seems to me that the Parish have taken due consideration of the suggestions and observations of SPAB in this regard and I am satisfied that the Parish has made out a case for the proposals as they currently stand.
14. Overall applying as I do the guidance of the Court of Arches in Re: St Alkmund, as mentioned in my original judgment, I am satisfied that the Parish has made out the case for the grant of Faculty in virtually identical terms in that originally granted, which has been revisited through necessity by virtue of the effluxion of time.
15. It seems to me that the way in which the Parish and the amenity authorities have co-operated is admirable and I am satisfied that the proposals represent a compromise which should satisfy all parties. In the circumstances therefore I in effect renew the existing Faculty. The original Faculty contained three conditions, as to the approval for the wiring routes, an archaeological scheme to be submitted before the re-ordering works commenced and an archaeological watching brief in respect of any excavation work. In so far as those conditions are still relevant, they should still apply.
16. Pursuant to The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2019 (Table1) the Parish will pay the following fees incurred in accordance with this faculty within 28 days of the date hereof:- (i) Registry fees of £1,470.00 plus VAT being 14 hours at £105 per hour (Total including VAT: £1,764.00) invoice to follow (ii) My fees of £660 being 5 hours at £132 per hour.
17. Please send a cheque for my fee made payable to "J M H Powell" to the registrar at Shakespeare Martineau, 1 Colmore Square, Birmingham, B4 6AA.

**Mark Powell QC**

**Chancellor of the Diocese**

**2 January 2020**