

In the Diocese of York

In the Consistory Court

Neutral Citation Number: [2016] ECC Yor 1

The Parish of Cottingham

The Church of St Mary

1. By a petition dated 11 November 2015 the Petitioners, the Reverend Paul Smith, Rector, and the churchwardens Ruth Marsden and Sandra Hammond, seek a faculty to reorder the south-west corner of the nave and south aisle as follows:

- (i) remove 6 rows of pews to storage and dispose of the existing floor finishes,
- (ii) introduce a new boarded floor together with any associated repairs to joists and sleeper walls, and
- (iii) relocate one radiator and a book cabinet.

The works form Phase 1 of a proposed comprehensive reordering at the west end of the church. The details of the work are set out in the quotations by Messrs Stephen Holtby Limited and CDS Plumbing and Heating dated 21 October 2015 and 4 November 2015 respectively.

2. The proposal was considered by the Diocesan Advisory Committee (DAC) at its meeting on 10th December 2015. Its draft minute records "Members welcomed this 1st phase as an attempt to bring some consistency to the floor finishes and levels, felt that reducing the number of seats would do little visual damage and would allow the crowded interior to breathe.". The DAC recommended the proposal.

3. The matter then came before me and on 21st December 2015 I said that I was satisfied that the Petitioners had made out the case for their proposal and directed that subject to the relevant display of Public Notice and no objection being received, a faculty would pass the seal.

4. Public Notice was displayed and on 14th January 2016 a letter dated 12th January 2016 from Mr Trevor Brigham was received in the Registry. I will deal with its contents shortly. On 20th January 2016 the Registrar wrote to him informing him of the alternative courses of action available to him, namely either to allow me to take his letter of objection into account without his becoming a party, or to send more formal written particulars on Form 5, thereby becoming a party opponent in the proceedings in the Consistory Court. On the same date the Registrar sent a copy of Mr Brigham's letter to the Rector asking for the Petitioners' observations. On 26 January 2016 Mr Brigham wrote to the Registrar stating that it was not his intention to be a Party Opponent and that his response

was simply put forward for my consideration of “a case for moderating the current proposals to find some middle ground between supporters of the scheme and those who wish to see no or limited change”.

5. In his letter, Mr Brigham sets out his particular experience as a professional archaeologist and historian who is currently serialising the history of the church interior in the parish magazine with the intention that it will in due course become a booklet. He also describes his long-term involvement in the church and his part in drawing up an earlier and less extensive proposal in relation to the south-west and south-east corners of the church.

6. He sets his comments in the context of phase 2 as well as phase 1, as phase 2 proposes the removal of a further 8 pews. The total effect of this will be to reduce the seating capacity from around 380 to around 210. He says that one of the practical considerations following from such a loss of seating is the need to provide additional seating for occasions when the church is full to capacity. Such seating would need to be stored somewhere other than in the church and be brought to the church before such events and taken away from it afterwards. He questions whether there will be the necessary personnel for such tasks given the increasing demands being made of a decreasing number of volunteers. He also draws attention to sightlines and has produced a plan showing sight shadows. From an aesthetic point of view he says that this proposal will create a “barn-like” atmosphere the austerity of which will become increasingly apparent. This he says arises from the size of the church which in contrast to large cathedrals and small parish churches will not cope well with the removal of so much furniture. Then he asked me to consider whether things are being done the right way round. The congregation is decreasing in size, its income is falling and there is no evidence to suggest that the cost of this work will be offset by increasing congregation sizes. He says that the church should first attract newcomers and then with an increased income it will be able to consider what changes are needed. Finally he argues that both the church and the community have other “flexible art spaces” and that there is no need for such an extensive reordering as is proposed.

7. In response to these observations the Rector in a letter dated 1 March 2016 says that there is a real need to improve the state of the floor in this area following works to repair the leaking heating system over a year ago. He says the pews which are to be removed have no particular quality and are in fact uncomfortable for many. A letter from Ruth Marsden states that the south-west corner which is an entry point to the church has now in part had to be roped off because the floor is unsafe, whereas it should provide space for greeting and gathering and for storage of wheelchairs, mobility scooters and pushchairs. The loss of seats, she says, will be more than compensated for by the flexibility of what is planned and that the future development of the church should not be controlled by one annual Christingle service. The funding is available for the proposals.

8. It is clear from what he has written and the tone of it that Mr Brigham has the best interests of this church and its future growth and development very much at heart. However, it is clear to me that the proposals have been fully discussed in church meetings with full explanations provided by the architects as to what is proposed and why. I am satisfied the church council was unanimous in its

support of this proposal. Further, the DAC has recommended it and its minute spoken positively of the advantages that it will provide.

9. In all these circumstances I am satisfied that the petitioners have established the case for their proposal and the matters raised by Mr Brigham either separately or taken together do not amount to reasons why the proposal should not be allowed to proceed.

Canon Peter Collier QC

Diocesan Chancellor

The 12th day of June 2016.