



**IN THE CONSISTORY COURT OF THE  
DIOCESE OF WINCHESTER**

**5 July 2018**

**Before:**

**THE WORSHIPFUL MATTHEW CAIN ORMONDROYD,  
CHANCELLOR**

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**In the matter of:  
Major Re-ordering at Southampton City Centre, St Mary**

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## JUDGMENT

1. Before the court is a petition for a faculty in respect of a re-ordering of St Mary's, Southampton. This is a grade II listed church, which stands on the oldest continuous site of Christian worship in Southampton. The current building dates originally from the Victorian period and is by G E Street; it was heavily damaged in the Blitz and extensively remodelled by Romilly Craze. The proposed re-ordering is to facilitate a project by the diocese to establish a new congregation at the church, in association with Holy Trinity Brompton and its Churches Revitalisation Trust.
2. The petition seeks authorisation for the following (I have added the numbering to aid identification):

To carry out a re-ordering scheme to include:

- (1) moving of the font from the baptistery to the east end of the church;
  - (2) provision of wheelchair access via a stone ramp to the west doors;
  - (3) removal of the existing screen containing a kitchen and lobby;
  - (4) installation of new screen to form lobby to west door incorporating a coffee bar and storage;
  - (5) creation of new external door in south elevation of south transept;
  - (6) introduction of 2 No. new clear glazed screens to create cry chapel under tower and 1 No. screen in nave to create narthex;
  - (7) removal of existing WC pod;
  - (8) introduction of WC pods in north aisle and baptistery; and
  - (9) introduction of new kitchenette pod in north aisle.
3. Public notice was displayed on 13 April 2018 with an end date for representations of 11 May 2018. It contained a slightly different list and also made reference to drawings P1-P7, project number 0582 dated 3/18. Plans P2, P5, P6 and P7 have since been revised to reflect the removal of item (8) from the scope of the works proposed. As these alterations constitute a reduction in the amount of works proposed (there are also some minor alterations to the form of item (4) in the list above) I am content to consider the revised plans, even though they were not referred to in the public notice. In the light of this revision, the Victorian Society have indicated by email dated 11 June 2018 that they do not object to the proposals.
  4. Further communications with the Petitioners have revealed that they are also no longer pursuing items (1) and (9).
  5. It appeared at one stage that the application included a proposal to remove the choir stalls. The Petitioners have indicated that they do not wish to proceed with any

application for removal of the choir stalls at present and on that basis the 20<sup>th</sup> Century Society has indicated (by email dated 25 June 2018) that they do not object to the proposals.

6. A further item shown on the plans, and mentioned in the public notice, is the installation of a full immersion font. This item is not referred to in the petition. Further communications with the Petitioners (through an email from Mark Lowman dated 20 June 2018, acting on their behalf in this respect) suggest that they would like to pursue the “possible introduction of a full immersion font at the east end”. The full immersion font is in close proximity to the choir stalls, which are no longer proposed for removal. Given these facts I do not propose to consider this proposal any further at this stage; the Petitioners can raise it again if they wish, when they have greater clarity about their plans for the east end.
7. Finally I should record that the Church Buildings Council has indicated that, in the light of the removal of the more controversial aspects of the scheme, it does not wish to comment on the proposals. No responses to the public notices posted have been received.
8. It follows that I am considering an application for a faculty for the following items, all of which are unopposed (I have renumbered the list for clarity):
  - (1) provision of wheelchair access via a stone ramp to the west doors;
  - (2) removal of the existing screen containing a kitchen and lobby;
  - (3) installation of new screen to form lobby to west door incorporating a coffee bar and storage;
  - (4) creation of new external door in south elevation of south transept;
  - (5) introduction of 2 No. new clear glazed screens to create cry chapel under tower and 1 No. screen in nave to create narthex;
  - (6) removal of existing WC pod.
9. The DAC recommended the works for approval, subject to the following provisos:
  - (1) The final design of the pods must be provided to the DAC for approving prior to commencement;
  - (2) The final designs for works must be provided to the DAC prior to commencement;
  - (3) Completed statements of need and significance must be provided prior to commencement.
10. The form of this recommendation, which is slightly unusual, seems to stem from the fact that only very limited details were supplied to the DAC. The details which have been provided to the court are also somewhat limited. Statements of need and of significance have now been provided. The former describes the overall project in terms which cannot fail to evoke enthusiasm, but is rather light on justification for

individual elements of the proposals. The latter is also somewhat brief when it comes to evaluating the effects of the proposals on the historic and architectural character of the church. The plans show only the barest detail of the works proposed and have no detailed information as to design, materials etc. Had any of the proposals been opposed, I would have found it difficult to grant a faculty on the basis of this level of information.

11. As it is, however, the proposals are unopposed. The Victorian Society in fact “readily accept” the principle of replacement of the west end facilities and praise the removal of the existing bright red lobby structure as a development “very much to be welcomed”. They are less enthusiastic about the introduction of glazing under the tower arch. Be that as it may, the Petitioners have only to satisfy the modest burden of overcoming the presumption in favour of things as they stand. The benefits for worship and mission, associated with the planting of a new congregation, clearly satisfy me of that. I am therefore prepared to grant a faculty.
12. This faculty, however, will be subject to conditions requiring the submission of more details in terms of the design and materials of the elements proposed. I understand that time is tight so I do not make commencement of work conditional on the submission of this information. However, the Petitioners should understand that approval of these matters will not be automatic, so it may be in their best interests to submit these details sooner rather than later.
13. Also, I would remark that the success of this petition has been secured by the removal of the contentious elements – chiefly as far as the Victorian Society is concerned the proposal to use the historic baptistery for toilets and urinals. If this proposal is ultimately to be pursued, the Petitioners should not make any assumption that it will be successful. Likewise the proposal to remove the choir stalls. I make this clear so that the Petitioners do not commit now to an eventual layout which is dependent on either of these elements.
14. Finally, I cannot leave this case without remarking on certain procedural aspects. I appreciate those promoting the changes to St Mary’s have had a lot of different challenges to contend with to bring this very valuable project to fruition; time, as I have said, has clearly been tight. Nevertheless, the petition reached the court in an unacceptable form. It should not be left to the court and the registry to piece together what aspects of the overall proposals are and are not currently being pursued from a paper-chase through the documents. This is particularly important where a major and controversial change to the ordering of a listed church is being proposed, as in this case. It would be a great shame if procedural problems of this kind were to impede in any way the new life which will hopefully be breathed into St Marys and, through it, the surrounding area, by the proposal to plant a new congregation.

Faculty to issue for reordering of St Mary's, Southampton by carrying out the following works:

- (1) provision of wheelchair access via a stone ramp to the west doors;
- (2) removal of the existing screen containing a kitchen and lobby;
- (3) installation of new screen to form lobby to west door incorporating a coffee bar and storage;
- (4) creation of new external door in south elevation of south transept;
- (5) introduction of 2 No. new clear glazed screens to create cry chapel under tower and 1 No. screen in nave to create narthex;
- (6) removal of existing WC pod.

For the avoidance of doubt, permission is NOT granted by this faculty for the following:

- (1) moving of the font from the baptistery to the east end of the church;
- (2) removal of choir stalls;
- (3) creation of a 'full immersion' font;
- (4) introduction of WC pods in north aisle and baptistery; and
- (5) introduction of new kitchenette pod in north aisle.

Subject to the following conditions:

- (1) All works are to be in accordance with plans P1, P2/A, P3, P4, P5/A, P6/A, P7/A prepared by Columba Cook Architects with reference to project no 0582;
- (2) Details of all works are to be submitted for the approval of the court including in particular:
  - a. Details of what exactly is to be removed pursuant to items (2) and (6);
  - b. Detailed designs for items (1), (3)-(5);
  - c. Details of materials to be used, together with a justification for the choice and reasons why any possible alternatives have not been considered appropriate.Such details should be sent to the amenity societies and relevant DAC members or subcommittee, who shall be allowed at least 7 days to provide any comments. The details may then be submitted to the court for approval. Works are then to be carried out in accordance with the details as approved.
- (3) A method statement is to be prepared concerning the moving of the Earp reredos as part of (4). This should explain how the condition of the reredos is to be safeguarded during the move and should contain a discussion of the different potential locations for the reredos together with an explanation of why the preferred option has been chosen. This is to be submitted to the court for approval under the same procedure described in condition (2) above, and the moving of the reredos is then to take place in accordance with the method statement as approved.

Cain Ormondroyd  
Chancellor