

Item: 5.3

Planning Committee: 3 March 2021.

Alter Paving and Steps at West Entrance and Install Handrails at St Magnus Cathedral, Kirkwall (amendment to 20/004/LB).

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Listed building consent is sought to alter the paving and steps at the west entrance of St Magnus Cathedral, Kirkwall, and install handrails; this follows a previous similar application which was withdrawn. The Cathedral is a category A listed building, making it a building of special architectural or historical interest which is an outstanding example of a particular period, style or building type. The building is a key, central feature of Kirkwall Conservation Area. Historic Environment Scotland (HES) has not objected but has concluded that the works “would have a significant detrimental impact on a building that is recognised as being of international importance”. The consultation response is a material consideration. One letter of support has been received. Given the significance of St Magnus Cathedral, and its importance for community use, the Executive Director of Development and Infrastructure has opted not to exercise delegated powers, and the application is submitted to the Planning Committee for determination. Taking account of the HES consultation response, the development is considered contrary to Policies 1, 2 and 8 of the Orkney Local Development Plan 2017 and Supplementary Guidance: Historic Environment and Cultural Heritage. Accordingly, the application is recommended for refusal.

Application Number:	20/421/LB.
Application Type:	Listed Building Consent.
Proposal:	Alter paving and steps at west entrance and install handrails (amendment to 20/004/LB).
Applicant:	Orkney Islands Council, c/o Ian Rushbrook, School Place, Kirkwall, KW15 1NY.
Agent:	Ferrey and Mennim Limited, c/o Andrew Boyce, Innovation Centre, Innovation Way, Heslington, York, YO10 5DG.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

Historic Environment Scotland

“We note this is a new application but description of works states that it is an amendment to application 20/004/LB which was withdrawn in August 2020. I refer to our advice of 14 February and 3 August 2020 in respect of the previous application.

This advice emphasised our wish to be able to assist in finding a suitable solution to level access at St Magnus because we appreciate the necessity of providing access for all, and the desirability of achieving this at a principal entrance wherever possible.

However, our view was that the proposals would have a significant detrimental impact on a building that is recognised as being of international importance, the impacts arising from the introduction of an asymmetrical element to the gable and the obscuring of its lower stonework which would result in a change to the way the Cathedral has been perceived historically.

We recommended that further work should be done on exploring alternative design solutions for the west front to see if the proposals could be mitigated, and that further analysis should be carried out on the south door to assess its potential for improvements to its approach and operation.

Application 20/421/LB

We note the reduction in the bulk of the ramp arrangement for the west front but our view is that the impact of this on the character of the west front is essentially the same in terms of changing the way the Cathedral is perceived.

The application includes additional drawings, which have been produced in line with our previous recommendations to show that the new works at the west front would be reversible.

We also note the additional work that has been carried out on reconsidering the south door for potential improvements to its approach and operation but this has been ruled out by the agent.

As mentioned in our advice on the previous application, we appreciate that level access to buildings is necessary, and that it is always desirable for this to be at the principal entrance. However, because of the exceptional significance of St Magnus, it is particularly important that any solution which provides access has the least impact on that significance.

Our view is that the amended proposal for the west front is essentially the same as in the previous application in terms of its visual impact. We note from the supporting information that the south door is substandard in its specifications and operation, and that improving it to a meaningful degree would impact adversely on the south aisle.

We understand, however, that it is technically possible to continue to use this door and this would, in our view, be the best way to protect the importance of the Cathedral. In making its decision on this application, the Council should give careful consideration to whether the continued use of the south door for level access is sufficiently practical and would be acceptable in equality terms.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making...”

3. Representations

One letter of support has been received from:

- John Rendall, Chair of the Board of St Magnus International Festival, 13 Albert Street, Kirkwall, KW15 1HP.

The letter is in relation to potential to improve access at the west door.

4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
20/411/LB.	Install flagstone carved with logo.	St Magnus Cathedral, Broad Street, Kirkwall, Orkney, KW15 1DH.	Approved.	02.02.2021.
20/004/LB.	Alter steps and paving at west entrance.	St Magnus Cathedral, Broad Street, Kirkwall, Orkney, KW15 1DH.	Withdrawn.	
19/413/LB.	Alterations to gravestones to meet repair standards (part retrospective).	St Magnus Cathedral, Broad Street, Kirkwall, Orkney, KW15 1DH.	Approved.	12.02.2020.
03/477/LBC.	Erect extension to house toilet facility.	St Magnus Cathedral, Broad Street, Kirkwall, Orkney, KW15 1DH.	Approved.	12.01.2004.
00/392/LBC.	Erection of a Plaque.	St Magnus Cathedral, Broad Street, Kirkwall, Orkney, KW15 1DH.	Refused.	29.03.2001.

5. Pre-application Advice

The consultation response received from HES in response to the previous application 20/411/LB had similar content to that received for the current application. That application was withdrawn to allow different options to be explored and allowed further discussion with HES. Pre-application discussions occurred between the applicant/agent and Development Management and HES. This resulted in minor alterations to the proposed development, and additional information in relation to why alternative doors would be less suitable and confirmation of the elimination of alternatives to the development proposed.

6. Relevant Planning Policy and Guidance

6.1.

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application.

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.
- Supplementary Guidance:
 - Historic Environment and Cultural Heritage.
- Planning Policy Advice 2017:
 - Historic Environment (Topics and Themes).

6.2.

At paragraph 4.19, Planning Policy Advice 'Historic Environment' confirms: "The aesthetics of a building are also important to its architectural significance. For traditional buildings key aspects of this are generally: any symmetry the building has; architectural details or ornament, and how they relate to the overall design; the proportions of the building, both for exterior elevations and the interior spaces; the design of the façade or principal elevation; and the pattern of doors or windows. These are only likely to contribute substantially to the architectural significance of a building where they are an important part of the building's character: externally this is most likely to be on prominent elevations..."

7. Legal Aspects

7.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

7.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

7.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

8. Assessment

8.1. Background

St Magnus Cathedral is a Category A listed building, situated centrally and a focus of Kirkwall Conservation Area. Remaining an ecclesiastical use, it is one of the most important cathedrals in Scotland. There are many noteworthy parts of the building, including the three west doorways which represent amongst the finest examples in Britain of the use of coloured stones in construction, with contrasting red and yellow stone arranged in moulded, pointed arches over doors in bands, concentric rings and checker wise.

8.2.

Policy 8A of the OLDP 2017 applies to all development, and states that development will be supported where it “preserves or enhances the...architectural...or historic significance of the cultural heritage asset, including its setting”. Development that has an adverse effect on that significance can only be supported where it can be demonstrated that “(i) All measures will be taken to mitigate any loss of that significance” and “(ii) any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.”

8.3.

The setting and immediate surroundings of the Cathedral have been adapted over the centuries. Relevant to the current application was the introduction of the current plat and steps, constructed in the late 1950s/early 1960s. However, alterations which have a direct physical impact affecting the special features, or which affected the proportions of the principle elevations of the building, are more limited. The proposed works relate to the west gable, which is the key elevation, as the main entrance and facing Broad Street.

8.4.

Notable features of the west gable include the symmetry of large footings and stone steps, from each of the three doors in the west gable. The existing plat is level, all three doors in the gable have a set of three sandstone steps from the level of the plat to the stone door threshold. The surrounding ground levels are sloping, and the Kirk Green and the flagstone paving to the Broad Street steps are lower than the paving to Palace Road. However, the large stone plat is level, as are the thresholds of the three doors, so all are seen at the same height above the plat, and the surrounding dressed stonework is also equally visible at all three doors.

8.5. Proposed works

It is proposed to reconfigure external access arrangements leading to the central access door on the west gable, the main entrance to the building. The project is based on creating level access to this door, designed in conjunction with The Society of the Friends of St Magnus Cathedral. Works would comprise a new platform immediately in front of the west door, raised above the existing plat to be level with the door threshold, and with a set of steps to match existing, to meet the existing plat. Existing flagstones would be re-used. The access would be graded from the new raised plat towards Palace Road, creating a level access from that direction. Handrails are proposed in the existing and proposed steps.

8.6.

The key change to the elevation would be the loss of visibility of the existing steps at the central door and, allowing for the gradient of the new paving, the majority of the steps to the south door of the west elevation, as the paving extends from the main entrance towards Palace Road. This obscuring of the stonework is considered in conjunction with an impact setting of how the Cathedral is viewed from Broad Street; currently, the level plat across the gable frontage provides a symmetry, but on the basis the proposed level access extends to the south towards Palace Road, but not to the north where the existing steps drop down to the Kirk Green, the resultant gable would lose the current balance and symmetry.

8.7.

This imbalance was raised in relation to the withdrawn application, and alternative design iterations were explored before the current application was submitted. Changes were made, reducing the size of the proposed plat to immediately outside the main entrance, with steps to the north side to the existing lower plat at the north

side door, and sloping to the south across the south side, allowing some of the existing threshold steps to be seen. These revisions would allow view of some of the steps to the south side door and retain the visibility of the red sandstone chamfered plinth around the doorway and to the south. Additional drawings have been produced confirming that the proposed works would be reversible, as suggested by HES, and annotated photographs provide greater clarity on the extent to which existing stonework would be obscured. The improvements and justifications provided must be acknowledged, but the decision must also be determined based on the impact of the development as proposed, not only in relation to the previous iteration.

8.8.

As a listed building, it is critical that works are sympathetic to and protect the special architectural and historic interest of the building. This is balanced against ensuring that listed buildings can achieve and/or maintain viable use. In that regard, decisions are guided by relevant policies and, in this case as a category A listed building, based on the advice of HES as the statutory consultation body. The importance of making the building accessible is acknowledged, which is also in the balance of the decision. Although with difficulties attached, the existing level access in the south elevation is noted by HES, and so the proposed works and resultant impact are not the only means of providing level access to the Cathedral.

8.9.

Planning Policy Advice: Historic Environment (Topics and Themes), at paragraph 2.06, confirms that even if an alteration would affect accessibility or frequency of use, that in itself does not diminish the impact of any alteration:

‘...the setting of a heritage asset is not affected by its accessibility or how often it is visited. Whilst these factors may affect a development proposal for other reasons (e.g. effects on tourism or public amenity) they are not relevant to the assessment of a site’s setting from a historic environment perspective.’

8.10.

The lengthy process to reach the current stage is acknowledged, both the consultation and design process involved in the original design, and also in completing the design amendments and associated explanations and justifications for the design proposed, and related to that, limitations regarding issues such as gradients technically possible.

8.11.

Nonetheless, the comments from HES remain, that “the proposals would have a significant detrimental impact on a building that is recognised as being of international importance, the impacts arising from the introduction of an asymmetrical element to the gable and the obscuring of its lower stonework which would result in a change to the way the Cathedral has been perceived historically”. As noted above, comments made by HES should be treated as a material consideration, and the advice should be considered in reaching a decision.

8.12.

Putting weight on that advice, therefore, the proposed development is not considered to protect or enhance Orkney's cultural heritage resource, by having a negative impact on that view of the Cathedral, contrary to OLDP 2017 Policy 1, and would not reinforce the distinctive identity of Orkney's built environment, contrary to OLDP 2017 Policy 2.

8.13.

It is considered that the development would have an adverse impact on the significance of the building, and that the impact would not be mitigated by the social, economic, environmental or safety benefits of the development, as noted by HES, on the basis alternative means are available to achieve level access to the building, accepting this would not be through the main entrance and is not an ideal arrangement as demonstrated in supporting documentation.

8.14.

Similarly, whilst change to a listed building must be managed to protect its special interest while enabling it to remain in active use, it is not considered that refusal of the proposed development would result in the active use ceasing. Special regard must always be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest, in order to comply with Policy 8. It is considered this would not be the case should the development be approved.

9. Conclusion

9.1.

The proposed development would affect the main entrance elevation of the Cathedral facing towards Broad Street. Although the entrance plat to the building has been altered in previous decades, the current design provides a balance and symmetry across the elevation, by creating level paving within the slope of the wider area, which results in visibility of the chamfered stonework around all three door thresholds and an equal number of steps to each of the three doors within the gable. As proposed, the symmetry would be lost and an imbalance created, by raising the plat at the central main entrance door, and the paving graded and cutting across much of the visible stonework at the adjacent south door, whilst the north door would be unaffected.

9.2.

Historic Environment Scotland has stated that the development would have an adverse impact on the significance of the building, which would not be mitigated by other considerations. The Planning Authority is expected to treat these comments as a material consideration. In relation to these comments, the development is contrary to the Orkney Local Development Plan 2017 Policy 1 (i and x), Policy 2 (i and ii) and Policy 8 (Aii and Bii), and Supplementary Guidance: Historic Environment and Cultural Heritage. Accordingly, the application is **recommended for refusal**.

10. Reasons for Refusal

01. The development would not protect or enhance Orkney's cultural heritage and would not reinforce the distinctive identity of Orkney's built environment and would have a negative impact on the appearance of the area. The development is therefore contrary to Policy 1 (i and x) 'Criteria for All Development' Policy 2 (i), 'Design' of the Orkney Local Development Plan 2017.

02. Historic Environment Scotland has stated that the development would have an adverse impact on the significance of the building, which would not be mitigated by other considerations. The loss of significance cannot be outweighed by social, economic or safety benefits and would harm the special architectural and historic interest of the category A listed building by impacting its appearance, setting and features. The development is therefore contrary to Policy 8 'Historic Environment and Cultural Heritage' of the Orkney Local Development Plan 2017.

11. Contact Officers

Jamie Macvie, Planning Manager, Email jamie.macvie@orkney.gov.uk

Dean Campbell, Graduate Planner, Email dean.campbell@orkney.gov.uk