

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 01 JUNE 2001**

**00/0818/LB: PROPOSED INSTALLATION OF TELECOMMUNICATIONS APPARATUS AT  
EXISTING TELECOMMUNICATIONS INSTALLATION  
AT HENDERSON CHURCH, LONDON ROAD, KILMARNOCK  
FOR ORANGE PCS**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Listed Building Consent is sought for the installation of 8no dual band polar antennae with 32 mass head amplifiers which will replace the existing 8no sector antennae. The antennae have a Glass Reinforced Plastic shroud painted to match the existing building masonry. It is also proposed to install one 300mm microwave dish and 19 small equipment cabinets which will be located within the building. This development is an upgrading exercise to improve coverage as the requirements and specifications of the Universal mobile telephone system have changed within the network for the area. The antennae are all to be positioned on the north, south, east and west external faces of the Church steeple.

**2. RECOMMENDATION**

2.1 **The application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997 and subject to the conditions indicated on the enclosed sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 As is indicated at paragraph 5.2 of the report it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 This is an application for Listed Building Consent to upgrade an existing telecommunications site. In terms of the EALP, the proposal is not deemed to be contrary to Policies ENV1, ENV4 and CS3 as it will not have a detrimental effect on the historical and architectural qualities of the building. The single microwave dish is to be located within the building and the applicant is to undertake extensive work to ensure a high quality finish of the externally mounted apparatus.

3.3 The statutory consultation responses have not highlighted any negative comments which would justify a recommendation of refusal. The points raised by Historic Scotland are of particular relevance. The applicant has attempted to satisfy same and this can be ensured through the imposition of conditions attached to any grant of listed consent.

3.4 The letter of representation which has been received and its referral to the health issues of such installation, is not a matter which can be considered under the terms of this application. This application being for Listed Building Consent is able only to assess the merits of the proposal on the

historic and architectural qualities of the building. Whilst health is a material planning consideration it is one which can be assessed only in terms of an application for planning permission. A planning consent is not required for the reasons stated in paragraph 6.4 of the report.

**Alan Neish**  
**Head of Planning and Building Control**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full application for Listed Building Consent which is to be considered by the Local Planning Committee under the scheme of delegation because it is the subject of an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises the Henderson Church at London Road, Kilmarnock, which is a Category 'C' Listed Building located close to the junction of London Road with Green Street, close to the Grand Hall and Palace Theatre. The Church is a high quality traditional building constructed from red sandstone with a slate roof.

2.2 **Proposed Development:** Listed Building Consent is sought for the installation of 8no dual band polar antennae with 32 mass head amplifiers which will replace the existing 8no sector antennae. The antennae have a Glass Reinforced Plastic shroud painted to match the existing building masonry. It is also proposed to install one 300mm microwave dish and 19 small equipment cabinets which will be located within the building. This development is an upgrading exercise to improve coverage as the requirements and specifications of the Universal mobile telephone system have changed within the network for the area. The antennae are all to be positioned on the north, south, east and west external faces of the Church steeple.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Piersland/Bentinck Community Council have not replied to their consultation at the time of writing this report.

***Noted.***

3.2 Historic Scotland have made the following informal comments. The Church is a large building of very high quality design and construction which is prominently sited at the west end of the London Road Conservation Area.

This proposal is for the replacement of the existing 8no antennae with dual band polar antennae. The existing antennae (which were presumably installed under the ecclesiastical exemption) seriously disfigure this building as they are sited on the tower which has no hidden elevation, and the shrouds are painted in a colour that is a poor match for that of the stonework.

It is possible that the new shroud will have a finish that is better matched to the stonework as suggested in the drawings and specifications, but the Historic Buildings Inspectorate would refer you to Government policy set out in para 1.7.0 of the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998): "These items can seriously disfigure a building and greatly diminish its architectural quality ... dishes and antennae disrupt the profile of the building. It is therefore especially important that they should be installed only where it is possible to do so without affecting in any way the principal elevations of the building".

The Inspectorate would therefore conclude that while the proposals are unlikely to be worse in appearance than the existing antennae, they still have an adverse effect on the character of the building. If an alternative and more discreet location cannot be found, the Council might consider permitting the development in the form of a temporary consent (perhaps of five years) so that the situation may be reviewed in the light of the latest technology. It is strongly recommended that the circular dish proposed for the louvres is omitted or located in a more discreet position such as behind the louvres or the tower parapet.

***After extensive discussion with the Church administration, the applicant's agent has advised that his client has contacted a specialist company to finish the installation. This company will hand finish the proposed shrouding to the exact detail of the Church stonework by means of the shrouding being hand-painted on site. Photographs of St Stephen's Church in Edinburgh which has been finished by the same contractor have been provided and these show fixtures which are not readily visible. These***

**photographs detail the finish that can be achieved and what the applicant is aspiring to do in this instance. In addition the microwave dish to be installed will be located within the Church tower and will not be readily visible.**

**It is considered that if Members are agreeable to grant Listed Building Consent, this be conditional on a sample of materials and colour of finish being prepared on site. It is also considered, as per Historic Scotland's advice, that only a temporary permission would be appropriate for five years with provision for less time should the site become obsolete.**

3.3 The Scottish Civic Trust note that the steeple already has telecom equipment within it and these proposals are for their replacement. No objections are raised in principle, as it is accepted that church steeples are used as standard practice with the installation of such equipment. Concern is however expressed at the proposed removal of the existing louvres on the tower and their replacement with GRP/Forex replicas. The preference of the Civic Trust would be the retention of the existing panels, which are assumed to be timber. As a final point, it is noted on the plans that repair work is proposed to the copperwork of the tower roof in addition to the wallplate and sarking and it is assumed that such work will be carried out to proper conservation standards.

**This matter has been raised with the applicant's agent. This Division has been advised that the existing shrouds are not timber and are in fact Glass Reinforced Plastic although it is not clear on site that this is indeed the case. Should Members choose to grant consent it is recommended that this issue be clarified by attaching a condition to any consent granted that details of such works be submitted so this Division can be assured the works will be to conservation standards.**

3.4 The Architectural Heritage Society for Scotland have advised that the acceptability of the proposal hinges on the success of all external installations being discreet and unnoticeable. In this regard it is hoped that matching masonry treatments will be successful.

**Noted. Members are referred to the comments made in paragraph 3.2 above. It is considered that the antennae will be discreetly located on the external elevations of the Church steeple.**

#### **4. REPRESENTATIONS**

One letter of objection has been received.

4.1 Whilst it is noted that the application refers only to Listed Building Consent, the objector would like to mention a much more important issue, ie health. Attention is drawn to the Transport and Environment Committee Third Report 2000 (Volumes 1 and 2) and the later consultation paper from the Scottish Executive Development Department (November 2000) in which experts on matters of health are uncertain as to the safety of these aerials especially in areas where people live in close proximity most of the day and sleep next to them at night. The report recommends not erecting masts or aerials in residential areas or near to schools/nurseries. Residents in Braehead Court fall into this category as do residents opposite the site on London Road. Kilmarnock Academy is also in close proximity to the site as is the Church's own nursery school which operates from the school hall. This is particularly worrying as children are most likely to suffer in the event of these aerials proving in future to be damaging to health. It is therefore requested that permission is refused as to do so, would obviously augment any potential health risk to those living in the surrounding area.

***Whilst noted, these comments are not a material consideration in terms of this application. This application is for Listed Building Consent and under the terms of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the Council can only consider the effect of the proposals on the architectural and historic qualities of the listed building. Whilst health is considered to be a material planning consideration for assessment in the determination of an application for planning permission, it is not a matter which has a bearing on the architectural and historic qualities of the listed building. The matter is therefore not valid because, as discussed in paragraph 6.6 of this report, planning permission is not required.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policy 4.9.2. This policy requires that for listed buildings alterations and extension to existing buildings shall be compatible with the scale and design, materials of existing and adjacent buildings.

***See response to Paragraph 3.2.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (1999)(EALP), the statutory consultation responses, the representations received and the Memorandum of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered a prime material consideration.

6.3 Policies CS2 state that the Council will consider all telecommunication proposals in light of their particular operational requirements within the framework of Circular 25/1985. In all cases, care will be taken to ensure that all telecommunications developments are sensitively sited with all applications assessed against:

- (i) The visual impact of the proposal on the townscape and environment;
- (ii) The possibility of shared operational facilities; and,
- (iii) The availability of suitable alternative sites.

The Policy continues to advise that the Council will require the immediate removal of all telecommunications installations which are operationally redundant and restore sites to their original condition. Policy CS3 states that operators will be requested to locate installations wherever possible, at least 100m from continually occupied premises in educational, health service and residential use and indicate on their plans the areas where there would be the greatest intensity of

emissions. The reason for these policies is to ensure that telecommunications development cause minimal environmental impact.

6.4 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources including listed buildings. Policy ENV4 further state that the Council will seek to ensure that development affecting a listed building will be sympathetic to the building in terms of its layout, size, scale, siting, materials and colour of finish. Wherever possible all proposals should have due regard to the architectural and historic qualities of the building concerned.

***In this regard it is noted that the site is an existing operation which is now being upgraded. The external finish is to be of a high quality, and will be in keeping with the external stonework of the building. It is not considered that the finish of the equipment will be obtrusive or unacceptably detrimental to the visual amenity of the listed building. The apparatus now to be installed will be an improvement and be less obtrusive than the existing installation. Much of the works will be within the building and will not materially affect the exterior of the Church. The proposal is therefore not considered to be contrary to Policies ENV1 and ENV4.***

***In respect of Policies CS2 and CS3, it is clear that the proposed development does not comply with Policy CS3. The site lies within 100 metres of continually occupied properties such as the residential properties of Braehead Court and London Road. However this is an application for Listed Building Consent and not planning permission and the matter for consideration is the effect on the listed building and its architectural and historic qualities. It is not appropriate to consider matters such as an impact on the adjacent properties and emission levels in terms of this Listed Building and therefore the terms of Policy CS3 are not material to the consideration of this listed building application.***

***It is not considered that the proposals will be contrary to Policy CS2. The site is an existing installation and based on the information provided to this Division, there will not be any significant visual impact on the townscape and environment. This is an existing installation and therefore shared operational facilities or suitable alternative sites, are not appropriate. Should Members choose to grant consent, it is considered that the immediate removal of all apparatus which would be operationally redundant and restoration of the site to its original would be an appropriate condition.***

6.5 The responses to statutory consultation and letter of representations have been detailed in Section 2 and 3 of this report. Consideration of the Memorandum of Guidance on Listed Buildings and Conservation Areas has been addressed in paragraph 3.2 above.

6.6 The proposed development does not require planning permission. The Town and Country Planning (General Permitted Development)(Scotland) Order 1992 provides that a maximum of 2 microwave antennae can be located on a building before requiring planning permission. The legislation further defines a "microwave antenna" as a 'satellite antenna or television microwave antenna'. This Division is advised that dual band polar antenna are not classified as "microwave" antenna as the antennae being 'microwave' or 'non-microwave' relates to the frequency at which they operate. Microwave antennae are dishes which operate at a very high frequency. The dual band polar antennae provide wide coverage and work on a much lower frequency where the beam is wider and the signal floods over the coverage area as a result. In the instance of this application, one of the antennae on site are "microwave" and 8 are "non-microwave". The equipment cabinets and associated equipment are required as they are

integral to the operational antennae. In most circumstances they would be encased within one large cabinet although as the installation is located on a listed building, this is not achievable.

***In light of the above, planning permission is not necessary as a result of Class 67 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.***

6.5 This application for Listed Building Consent is affected by the pilot scheme operated by Historic Scotland to assess the affect of applying listed building control to certain works proposed to the exterior of churches in ecclesiastical use. The scheme will run from 01 January 1999 until 31 December 2001. If Members are minded to approve this application, it would require to be referred to Historic Scotland for consideration.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 As is indicated at paragraph 5.2 of the report it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 This is an application for Listed Building Consent to upgrade an existing telecommunications site. In terms of the EALP, the proposal is not deemed to be contrary to Policies ENV1, ENV4 and CS3 as it will not have a detrimental effect on the historical and architectural qualities of the building. The single microwave dish is to be located within the building and the applicant is to undertake extensive work to ensure a high quality finish of the externally mounted apparatus.

8.3 The statutory consultation responses have not highlighted any negative comments which would justify a recommendation of refusal. The points raised by Historic Scotland are of particular relevance. The applicant has attempted to satisfy same and this can be ensured through the imposition of conditions attached to any grant of listed consent.

8.4 The letter of representation which has been received and its referral to the health issues of such installation, is not a matter which can be considered under the terms of this application. This application being for Listed Building Consent is able only to assess the merits of the proposal on the historic and architectural qualities of the building. Whilst health is a material planning consideration it is one which can be assessed only in terms of an application for planning permission. A planning consent is not required for the reasons stated in paragraph 6.4 of this report.

## **9. RECOMMENDATION**

9.1 **The application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997 and subject to the conditions indicated on the enclosed sheet.**

**Alan Neish**  
**Head of Planning and Building Control**

23 May 2001  
(FMF/MMM)

FV/DVM

**LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Consultations.
3. Letter of Representation.
4. Public Advertisement.
5. Kilmarnock Adopted Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Correspondence from the Applicant.
8. The Town and Country Planning (General Permitted Development)(Scotland) Order 1992.
9. Memorandum of Guidance on Listed Buildings and Conservation Areas (1997).

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

000818LB

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0818/LB

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Site of Proposal: Henderson Church  
London Road  
KILMARNOCK

Nature of Proposal: Proposed Installation of Telecommunications  
Apparatus at Existing Telecommunications  
Installation

Name & Address of Applicant: Orange Pcs Ltd  
c/o James Barr  
226 West George Street  
GLASGOW G2 2LN

Name & Address of Agent: James Barr  
226 West George Street  
GLASGOW G2 2LN

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DPOs Reference: FMF/MMM

The above LISTED BUILDING application should be granted subject to the following conditions:-

1. Prior to the commencement of any works on site, the developer shall prepare on site a sample of the external finish of the telecommunications apparatus hereby approved, to be installed on the Church tower for the written approval of the Head of Planning and Building Control in conjunction with Historic Scotland.

REASON In order to protect the character of the Listed Building.

2. Permission is granted for a limited period of 5 years from the date hereof, and at the expiration of this period the telecommunications apparatus shall be removed from the Church, and the site of the former telecommunications apparatus shall be restored in accordance with a scheme to be agreed by the Planning Authority unless further permission is granted.

REASON The proposed telecommunications apparatus is of a temporary nature.

3. Under the terms of Condition 2 above if within the 5 year period of consent, the site becomes redundant and surplus to the applicants operational requirements, all telecommunications apparatus and associated equipment shall be removed from the site within one month of that event and the

building shall be restored to its former condition to the satisfaction of the Head of Planning and Building Control in conjunction with Historic Scotland.

REASON In order to protect the character of the Listed Building.

4. Prior to any work commencing on site, the applicant shall submit for the approval of the Head of Planning and Building Control, full details of the repair/remedial works to both the tower and main roof. Such works shall not be undertaken until the applicant has obtained the written approval of the Head of Planning and Building Control.

REASON To ensure that the works are undertaken to conservation standards and in order to preserve the architectural and historic qualities of the listed building.

5. Notwithstanding the submitted plans the installation of new GRP louvres is not approved. Prior to any work commencing on site the applicant shall provide clarification of the materials of the existing louvres. If these are of a timber construction, these shall be replaced and finished on a like for like basis to the satisfaction of the Head of Planning and Building Control.

REASON In order to protect the architectural and historical qualities of the listed building.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**