

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 30 MAY 2003**

**03/0053/LB: PROPOSED REMOVAL OF INTERNAL FITTINGS AND  
EXTERNAL PLAQUE  
AT WEST HIGH CHURCH, PORTLAND STREET, KILMARNOCK  
BY LAIGH WEST HIGH KIRK**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Listed Building Consent is sought retrospectively for the removal of internal fittings, and an external plaque. The proposal relates to the removal of all pews (upstairs and downstairs), the communion table and chairs, the organ and organ pipes, the baptismal font, eagle lectern and internal doors. It should be noted that the Church, which has been vacant for over a year, has been subject to a number of break-ins, and as a result the interior doors were stolen, the pulpit damaged and attempts made to remove the decorative organ pipes. The external and internal plaques have been removed by the congregation.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report, there are material considerations relevant to the application and they are generally supportive of the application. The removal of the pews, communion table and lectern and organ and doors is acceptable and provides flexibility in the re-use of this listed building. It is considered that the organ pipes where they have been damaged should be

repaired and should be incorporated within any proposals for re-use of the building.

3.3 With regard to the external plaque, which has been removed, the indented area should be reinstated with a suitable treatment. Similarly the internal plaque which has also been removed the area affected should be reinstated with a suitable treatment.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

**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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BY LAIGH WEST HIGH KIRK**

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

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination an application for listed building consent to be considered by the Local Planning Committee under the scheme of delegation as it is the subject of an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is the former West High Church in Portland Street, Kilmarnock. The site is bounded to the north by restaurant and other commercial and vacant properties, to the south by the Railway Viaduct and Kilmarnock town centre, to the west by Hill Street and the former Kilmarnock Infirmary site and to the east by Portland Street and a Council car park. The Church is a Category 'B' listed building.

Internally the Church has galleries on three sides, supported on cast-iron Corinthian columns, with upper columns supporting an elaborately beamed roof. The Church has an ornate pipe organ set within a recessed arch above a gothic timber fretwork case.

2.2 **Proposed Development:** Listed Building Consent is sought retrospectively for the removal of internal fittings, and an external plaque. The proposal relates to the removal of all pews (upstairs and downstairs), the communion table and chairs, the organ and organ pipes, the baptismal font, eagle lectern and internal doors. It should be noted that the Church, which has been vacant for over a year, has been subject to a number of break-ins, and as a result the interior doors were stolen, the pulpit damaged and attempts made to remove the decorative organ pipes. The external and internal plaques have been removed by the congregation.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland have indicated in their informal comments that they have concerns about certain elements of the proposal. However they would view the communion table, chairs, lectern and baptismal font as furniture, and would therefore not oppose their removal. They would express utmost concern at the proposal to remove the organ case and pipes and the internal doors. They note that previous applications (02/0045/LB and 02/0046/FL) dealt with the removal of some of the pews which had already been taken out. Historic Scotland state in the statutory listing and description that “the carved gothic organ case and pipes are very fine and crucial to the character and merit of the listed building. The panelled timber doors used throughout the interior of the building are clearly essential to its character.” They suggest that this is an example of how potentially damaging incremental alteration can be to an historic building. Furthermore they feel that the “conversion to office use was approved on the basis that the altered building would retain its essential character and indicate its former use through the surviving historic details and fabric. Although the front elevation of the building would still retain its original appearance if this latest application was approved, it would mean the transformation of the interior from one that had considerable visual interest and informed of Kilmarnock’s past history, to a space with almost no architectural or historic interest.

***It is considered that the removal of the pews, communion table, chairs, lectern and baptismal font is acceptable. Fifteen rows of pews have already been removed. Listed Building Consent and Planning Permission has been granted for conversion of the Church to offices which included removal of the pews to allow the proposed use to be implemented. The internal doors have been stolen and replacement doors would be proposed in any future application for re-use of the building. The comments of Historic Scotland regarding the organ pipes are noted and it is accepted that these pipes should remain and be incorporated within any proposals for re-use of the Church.***

3.2 Scottish Civic Trust have objected to the wholesale removal of fixtures and fittings. However they have indicated that they accept that the removal of some fixtures and fittings such as pews, communion table and lectern is required to facilitate the building’s re-use for office accommodation but not the integral pieces such as the organ. They state there should be no need to remove the organ and its pipes as the office proposals were designed in a way to avoid the removal of the organ.”

***It is considered that the removal of the pews, communion table, chairs, lectern and baptismal font is acceptable. Fifteen rows of pews have already been removed. Listed Building Consent and Planning Permission has been granted for conversion of the Church***

***to offices which included removal of the pews to allow the proposed use to be implemented. The internal doors have been stolen and replacement doors would be proposed in any future application for re-use of the building. The comments of Historic Scotland regarding the organ pipes are noted and it is accepted that these pipes should remain and be incorporated within any proposals for re-use of the Church.***

3.3 The Architectural Heritage Society of Scotland have no adverse comments to make regarding the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received from the Scottish Civic Trust, which is detailed in Section 3 of the report.

#### **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 Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan.

5.2 Policies ENV 1 and 2 of the Adopted East Ayrshire Local Plan are relevant and actively encourage the retention, restoration, renovation and re-use of listed buildings.

***It is considered that the removal of some of the internal fittings of the Church will give greater flexibility in finding a new use for the church. Although planning consent and listed building consent has been granted recently for the use of the Church for commercial office premises, this has not been implemented on site. The carved gothic organ cases and pipes are very important to the character and merit of this listed building and it is important that they are repaired and remain and included within any proposals for re-use of this listed building. The removal of the timber doors can be replaced by new doors within proposals regarding the re-use of the building.***

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the Memorandum of Guidance on Listed Buildings and Conservation Areas and the consultation responses (which are detailed in Section 3 in the report) and the planning history of the site.

### Memorandum of Guidance on Listed Buildings and Conservation Areas

6.2 The Memorandum of Guidance on Listed Buildings and Conservation Areas states that any features, furnishings or stained glass of particular merit should be respected and retained in situ if at all possible. If this is not feasible the careful removal of these items for possible re-use elsewhere or for donation to a museum should be a condition of consent. The organ may be an important instrument and merit efforts being made to find a new home for it.

***The proposal to remove the communion table, chairs, lectern and baptismal font is considered acceptable and will give flexibility to the re-use of the building. They are considered to be furniture and are not included in the listing. The internal doors, stolen following a break in, could be replaced with a suitable alternative. The organ itself has been removed for re-use in another church, but the decorative organ pipes above the wooden fretwork remain, although some are damaged. These organ pipes should remain and would form a decorative feature in any re-use of the building. The internal and external plaques have been removed by the congregation and in and in the case of the external plaque, leaving an indent in the stonework. This should be repaired and details of how this is to be reinstated should be submitted for approval.***

### Consultation Replies

6.3 The consultation replies from Historic Scotland and Scottish Civic Trust, have not raised issues which would indicate that approval of the entire application would be inappropriate.

### Planning History

6.4 02/0045/LB: Internal and external alterations to building and creation of new vehicular accesses;  
and 02/0046/FL: Proposed Change of Use from Church to commercial office premises (Classes 2 and 4 of Use Classes Order) and internal and external alterations to building and creation of new vehicular accesses, West High Church, Portland Street, Kilmarnock , granted 16 August 2002.

***These developments proposed the re-use of the vacant listed building. This proposal safeguarded many of the architectural features of this listed building. The existing ornate columns, pulpit, and organ pipes were to remain. The pews were to be removed to allow the church to be used as offices. These permissions have not yet been implemented on site.***

## **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 indicated in Section 5 of the report the application is in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report, there are material considerations relevant to the application and they are generally supportive of the application. The removal of the pews, communion table and lectern and organ and doors is acceptable and provides flexibility in the re-use of this listed building. It is considered that the organ pipes where they have been damaged should be repaired and should be incorporated within any proposals for re-use of the building.

8.3 With regard to the external plaque, which has been removed, the indented area should be reinstated with a suitable treatment. Similarly the internal plaque which has also been removed the area affected should be reinstated with a suitable treatment.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

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

21 May 2003  
(AG/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning application Nos: 02/0046/FL  
02/0045/LB
7. Memorandum of Guidance on Listed Buildings and Conservation Areas.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

03/0053/LB

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Site of Proposal:	West High Church Portland Street KILMARNOCK
Nature of Proposal:	Proposed Removal of Internal Fittings and External Plaque
Name & Address of Applicant:	Laigh West High Kirk West High Church Portland Street KILMARNOCK KA3 1AA
Name & Address of Agent:	1 Steuart Dey PO Box 31 23 The Foregate KILMARNOCK KA1 1LE

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DPOs Reference: AG/MMM

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

1. Notwithstanding the submitted plans, details of the works for the reinstatement of the stonework and internal wall at the former locations of the external and internal plaques should be submitted for approval in writing by the Planning Authority within one month of this consent and shall be implemented on site within 1 month of the details being approved.

REASON In the interests of visual amenity and to preserve the integrity of the Listed Building.

2. Notwithstanding the plans hereby approved, the removal of the decorative organ pipes and decorative wooden fret is not hereby approved. The organ pipes shall be repaired to the same design and utilising the same materials as the original feature and this shall be carried out within three months of the date of this consent.

REASON To preserve this particular architectural feature to the benefit of the listed building.

3. Notwithstanding the plans hereby approved, details/samples of replacement internal doors shall be submitted for approval in writing by the Planning Authority within one month of the date of this consent. Thereafter, the internal doors shall be replaced as approved within 3 months of such approval being granted.

REASON To preserve the character of this 'B' listed building.

4. Notwithstanding the plans hereby approved this permission does not grant consent for the removal of the existing pulpit.

REASON To preserve this particular architectural feature to the benefit of the listed building.

5. Prior to the removal of the pews the details of treatment to the floor following removal of the pews shall be submitted for approval in writing by the Planning Authority and shall be implemented as approved within three months of such approval being granted.

REASON To preserve the character of this 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.**