

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003**

**02/0663/FL: PROPOSED DISABLED ACCESS AND TOILET FACILITIES IN  
EXTENSION TO REAR OF CHURCH**

**02/0664/LB: PROPOSED DISABLED ACCESS AND TOILET FACILITIES  
IN EXTENSION TO REAR OF CHURCH  
STAIR PARISH CHURCH, STAIR**

**APPLICATION BY STAIR PARISH CHURCH**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent and listed building consent are sought for the construction of an external access ramp to allow access for disabled persons and for a small extension to the rear of Stair Parish Church to provide toilet facilities for disabled persons.

1.2 The proposed access ramp will be constructed in random coursed stone to match the existing church and will be fitted with metal railings. The surface of the ramp will also be slabbed in a suitable material to meet not only safety standards, but also to give an appearance sympathetic to the listed building.

1.3 The proposed toilet extension will also be accessed via the proposed ramp with a small vestibule being provided giving access to the church itself. The new extension is to be rendered to match the existing Sunday School extension part of the church, and will have a roof finished in natural slate.

**2. RECOMMENDATION**

**2.1 The planning application and the listed building consent application should be approved subject to the conditions on the attached sheets.**

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report, the applications are considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations

indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the applications.

3.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. In this regard it is considered that the proposal complies with the provisions of the EALP.

3.3 The proposal also complies with the provisions of the East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.

3.4 The objections received relate principally to the design of the ramp and toilet extension and, having been assessed against the proposal and the terms of the Design Guidance, are not considered to justify a refusal of the application.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control, the applications will not require to be referred to the Development Services Committee because there will 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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STAIR PARISH CHURCH, STAIR**

**APPLICATION BY STAIR PARISH CHURCH**

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

**1. PURPOSE OF REPORT**

1.1 The purpose this report is to jointly present for determination a full planning application and Listed Building application which are to be considered by the Local Planning Committee under the scheme of delegation as they are subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is Stair Parish Church that is located within Stair Conservation Area. The Stair Parish Church is surrounded by a graveyard to the north, south and east. Beyond the curtilage of Stair Parish Church the site is largely surrounded by agricultural land. Stair Parish Church is a category C(s) listed building.

2.2 **Proposed Development:** Full planning consent and listed building consent are sought for the construction of an external access ramp to allow access for disabled persons and for a small extension to the rear of Stair Parish Church to provide toilet facilities for disabled persons.

2.3 The proposed access ramp will be constructed in random coursed stone to match the existing church and will be fitted with metal railings. The surface of the ramp will also be slabbed in a suitable material to meet not only safety standards, but also to give an appearance sympathetic to the listed building.

2.4 The proposed toilet extension will also be accessed via the proposed ramp with a small vestibule being provided giving access to the church itself. The new extension is to be rendered to match the existing Sunday School extension part of the church, and will have a roof finished in natural slate.

### 3. CONSULTATION AND ISSUES RAISED

3.1 The Architectural Heritage Society of Scotland states that the issue of disabled access is especially problematic for listed buildings, Stair Parish Church being no exception. We have no information on the relative cost of a lift of some kind and do not know if this has been considered but we find the ramp as designed quite inappropriate. If a lift is not a feasible alternative, we would prefer the ramp to have a dogleg turn from a platform to avoid the necessity of encroaching on the church building itself.

***The applicant's agent has indicated that the option of a ramp at the front of the church was discounted as this was considered to be more obtrusive to the setting of the main elevation of the listed church. A platform hoist was also considered and discounted as the internal working space and associated circulation areas could not be accommodated within the development footprint agreed with the Council's Cemeteries Department.***

***Similarly, an alternatively designed ramp would not be possible as this would involve works outwith the agreed footprint with the consequent encroachment on burial grounds and lairs.***

The AHSS also suggests that the toilet extension should have a vertical gable to relate to the church rather than its extension. The AHSS objects to the development in its present form.

***Amended plans have been submitted incorporating a vertical gable on the proposed toilet extension.***

3.2 East Ayrshire Council's Department of Community Services Outdoor Services has no objections to the proposed development. This is on the understanding that this development does not encroach onto any burial lairs or headstones and that all re-instatement work is carried out to the satisfaction of the Parks and Cemeteries Officer.

***Noted.***

3.3 The Coal Authority and Drongan/Rankinston/Stair Community Council have not responded to the consultation letter at the time of writing this report.

***Noted.***

3.4 East Ayrshire Council's Legal Section has indicated that it will be necessary for the Church of Scotland General Trustees to take title to the area of ground relating to the extension and has contacted the Trustees in this regard.

***Noted.***

## 4. REPRESENTATIONS

4.1 Two letters of objection have been received including the letter from the Architectural Heritage Society of Scotland as detailed in Section 3.2 of the report. The main points of objection are summarised as follows:

4.2 I am aware that it is government legislation that is forcing the requirement for disabled access on the Parish Church and not a request from the parishioners and I am shocked at the cost of this which is more than the parish can afford.

***The comments of the objector are noted.***

4.3 I believe that there are alternative solutions that could and should be considered. In lieu of the ramp concept, a simple electric lift could be installed in the hall of the toilet extension which could then lift a disabled person to the level of the church floor and thus gain access.

***A platform hoist was also considered and discounted as the internal working space and associated circulation areas could not be accommodated within the development footprint agreed with the Council's Cemeteries Department.***

4.4 An alternative might be for the ramp to be located along the rear side of the church so that the disabled person proceeded round the gable end, past the proposed extension and then double back up a ramp there.

***An alternatively designed ramp would not be possible, as this would involve works outwith the agreed footprint with the consequent encroachment on burial grounds and lairs.***

4.5 A third option could be for the toilet extension to be reduced in size. Access to the church could then be provided by either removable metal ramps available at the front entrance to replace wooden ramps currently available. If this were considered unsuitable, then build up the approach path to create a ramp for all.

***This option has been considered by the applicant's agent who has indicated that the option of a ramp at the front of the church was discounted as this was considered to be more obtrusive to the setting of the main elevation of the listed church.***

## 5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this proposal the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Mauchline/Drongan/Ochiltree

Local Plan (1993). The Adopted Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. The applications therefore require to be considered with regard to Policy ENV12 of the Adopted Local Plan which states:-

*A strict code of development control will be adopted within the local plan area and especially within conservation areas.*

***It is considered that the proposed development, as amended by the applicant, pays due regard to the character and appearance of both the listed church and the Stair Conservation Area. The proposal does not therefore conflict with the provisions of Policy ENV12.***

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

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications) 2002, (EALP) the consultation responses, the representation received, the planning history of the site and the Council's Design Guidance.

### East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 Policy ENV 4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features that contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

***The proposed ramp is necessary to meet the requirement to provide access for disabled persons. The applicant has considered a number of alternative proposals to minimise impact on the character and appearance of the category C(S) listed church. However constraints placed in order not to disturb burial grounds and headstones have led to the proposal as submitted. It is considered that with the submission of amended plans the proposed development will not have a detrimental effect on the character or appearance of the listed building, nor will it affect the visual amenity or character of the Stair Conservation Area.***

***The proposed toilet extension is located to the rear of the Stair Church. Its design is in keeping with the listed church and it***

***incorporates features that contribute to the quality of the church. The proposed extension does not detract from the frontage of the church that is an architectural and historic feature in the Conservation Area.***

***It is therefore considered that the proposed development is consistent with Policy ENV4.***

### Consultations Responses

6.3 The Architectural Heritage Society of Scotland has objected to the proposed development as described in section 3.1 above. No other adverse consultation responses have been received.

### Representations

6.4 The representations received are fully considered in Section 4 of the report. It is considered that the objections made are not of sufficient weight to merit refusal of the application.

### Planning History

6.5 Full planning permission and listed building consent were granted on 17 January 2000 for the erection of an extension to form a Sunday School room at Stair Parish Church. (Ref. Nos. 99/0349/FL and 99/0350/LB).

### Design Guidance

6.6 The East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas is of relevance in the determination of the application. Section 10(a) states:-

- (i) *alterations and extensions will require to remain subordinate to the original building.*

***The proposed ramp and toilet extensions are considered to be subordinate to the original building.***

- (ii) *the design of alterations or extensions should reflect and enhance the overall character and appearance of the Conservation Area or Listed Building concerned in terms of size, scale, fenestration, finish and materials used.*

***As noted in section 6.2 above, the proposals are considered to be in keeping with the character and appearance of the Conservation Area.***

- (ii) *the material finish of any extension should be in keeping with and sympathetic to the existing building. Traditional finishes and details will require to be appropriate to the particular building concerned.*

***As is noted in section 6.2 above, the proposals are considered to be in keeping with the existing building in terms of its design, finishes and materials. It is therefore considered that the proposal accords with the terms of the Design Guidance for Listed Buildings and Buildings within Conservation Areas.***

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

7.1 There are no financial implications for the Council in determining this application. Legal implications will arise as described in section 3.8 above.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report, the applications are considered to accord with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the applications.

8.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. In this regard it is considered that the proposal complies with the provisions of the EALP.

8.3 The proposal also complies with the provisions of the East Ayrshire Council Design Guidance for Listed Buildings and Buildings within Conservation Areas.

8.4 The objections received relate principally to the design of the ramp and toilet extension and, having been assessed against the proposal and the terms of the Design Guidance, are not considered to justify a refusal of the application.

## **9. RECOMMENDATION**

**9.1 The planning application and the listed building consent application should be approved subject to the conditions on the attached sheets.**

## **CONTRARY DECISION NOTE**

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

Alan Neish  
Head of Planning and Building Control  
HM/HM  
04 February 2003  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application forms and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of representation.
5. Adopted Mauchline/Drongan/Ochiltree Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Strathclyde Structure Plan.
8. Approved Ayrshire Joint Structure Plan.
9. Previous applications 99/0349/FL and 99/0350/LB

Any person wishing to inspect the background papers listed above should contact Mr. Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

## EAST AYRSHIRE COUNCIL

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

02/0663/FL

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Site of Proposal:	Stair Parish Church STAIR
Nature of Proposal:	Proposed disabled access and toilet facilities in extension to rear of church
Name & Address of Applicant:	Stair Parish Church STAIR KA5 5HW
Name & Address of Agent:	Carricks Chartered Architects 7 Alloway Place AYR KA7 2AE

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DPOs Reference: Hugh Melvin

The above FULL application should be approved subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 26 August 2002 as revised by plan No. 2863:P01RevC received by the Planning Authority on 17 January 2003.

REASON: To ensure that the development is carried out in accordance with the approved details.

2. Prior to the commencement of works on site, the applicant shall submit to and have approved by the Planning Authority, details of the surface finish of the proposed ramp.

REASON: In the interests of visual amenity.

3. The proposed railings to be provided along the ramp shall be painted black.

REASON: In the interests of visual amenity.

4. Any land disturbed as a consequence of the proposed development shall be reinstated to the complete satisfaction of the Council's Parks and Cemeteries Officer.

REASON: In the interests of visual amenity.

## EAST AYRSHIRE COUNCIL

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

02/0664/LB

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Site of Proposal:	Stair Parish Church STAIR
Nature of Proposal:	Proposed disabled access and toilet facilities in extension to rear of church
Name & Address of Applicant:	Stair Parish Church STAIR KA5 5HW
Name & Address of Agent:	Carricks Chartered Architects 7 Alloway Place AYR KA7 2AE

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DPOs Reference: Hugh Melvin

The above LISTED BUILDING CONSENT application should be approved subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 26 August 2002 as revised by plan No. 2863:P01RevC received by the Planning Authority on 17 January 2003.

REASON: To ensure that the development is carried out in accordance with the approved details.

2. Prior to the commencement of works on site, the applicant shall submit to and have approved by the Planning Authority, details of the surface finish of the proposed ramp.

REASON: In the interests of visual amenity.

3. The proposed railings to be provided along the ramp shall be painted black.

REASON: In the interests of visual amenity.

4. Any land disturbed as a consequence of the proposed development shall be reinstated to the complete satisfaction of the Council's Parks and Cemeteries Officer.

REASON: In the interests of visual amenity.

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