

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 06 AUGUST 2004

**04/0503/FL: CHANGE OF USE OF VACANT BUILDING TO RECREATIONAL
HALL AND OFFICES
AT 7 CROSS STREET, DARVEL
BY FLAME CHRISTIAN FELLOWSHIP**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for a change of use of vacant building to recreational hall and offices. The development will involve the installation of a 11.8 metre continuous box dormer finished in slate to the rear elevation, and three velux windows will also be installed to the front elevation. Office accommodation will be formed in the roof space and improved hall and toilet accommodation on the ground floor.

1.2 This current application represents a revised submission of an earlier proposal for the alteration to a public hall considered at the Northern Area Local Planning Committee on 23 January and 20 February 2004. The status of the use of the premises was raised and the consideration of the application deferred to allow the matter to be investigated. In the interim it has been determined that the premises have not been used as a hall over a period sufficient for that use to have become lawful. Consequently that application was withdrawn and this proposal submitted.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 It is considered that the proposed development meets the requirements of Policies CS1, RTC2 and ENV7. The change of use of the vacant building to recreational hall and offices is an acceptable change in terms of Local Plan Policy. Additionally Local Plan Policy states that the Council will respond positively to developments which retain or improve the provision of community facilities.

3.3 In terms of the application the consultations received are generally supportive. The submitted letter of objection is noted but is not considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without significant detriment to the surrounding area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee.

Alan Neish
Head of Planning, Development and Building Standards

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, Development and Building Standards

1. PURPOSE OF REPORT

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

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a vacant single storey property located at 7 Cross Street in the centre of Darvel. The application site is bound by common ground and residential properties to the east across Cross Street, residential and retail to the south and by the Town Hall to the west.

2.2 **Proposed Development:** The proposed development is for a change of use of vacant building to recreational hall and offices. The development will involve the installation of a 11.8 metre continuous box dormer finished in slate to the rear elevation, and three velux windows will also be installed to the front elevation. Office accommodation will be formed in the roof space and improved hall and toilet accommodation on the ground floor.

2.3 This current application represents a revised submission of an earlier proposal for the alteration to a public hall considered at the Northern Area Local Planning Committee on 23 January and 20 February 2004. The status of the use of the premises was raised and the consideration of the application deferred to allow the matter to be investigated. In the interim it has been determined that the premises have not been used as a hall over a period sufficient for that use to have become lawful. Consequently that application was withdrawn and this proposal submitted.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water, Transco and the East Ayrshire Council's Roads and Transportation Division have no adverse comments to make on this application.

Noted.

3.2 The Council's Department of Neighbourhood Services have advised that based on the information submitted the proposal would be unlikely to lead to any significant noise events and is unlikely to present a nuisance. They have confirmed that in the event of a complaint of noise nuisance they would investigate the matter as per their statutory requirements.

Noted.

3.3 Darvel Community Council have not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of objection was received in respect of the proposed development. The grounds of objection are as follows:-

4.1 Due to the back facing dormer windows there will be infringement on our privacy, and as the Council will have little or no jurisdiction on how or indeed when the premises are used this could become a constant nuisance. The applicant has told us that as well as Sunday and Midweek worship, there will be band/choir practice and eventually a youth club.

The proposed dormer windows have no direct aspect to the adjacent property. It is therefore the view of the Division that there are no overlooking concerns.

4.2 The fire exit is opening on to a driveway, which is shared by Nos. 2-4, 6 and 8 West Main Street, as well as 1 Cross Street. This will cause an unacceptable risk to anyone using both the driveway or the emergency exit, which I might add at present is blocked by Sunday worshippers.

Noted. The details confirm that fire exits open onto the public footway on Cross Street. East Ayrshire Roads and Transportation Division were consulted as part of this application and offered no objection to the proposed development.

4.3 There will be a large increase in noise pollution. Over the years the town hall has greatly increased their number of functions. This we can accept as when we bought the property we understood that functions could go on late and could at times be loud. The physical design of the surrounding building leads any noise to have an amphitheatre effect, enhancing the noise level of any function taking place. To be bombarded by noise from Darvel Town hall late on a Saturday night then from the proposed development early on a Sunday morning and to compound the issue we will be forced to endure midweek worship, band/choir practice and eventually a youth club is totally unacceptable. With the changes in conveyancing laws what in all honesty could we tell potential buyers without de-valuing our property.

Noted. Based on the comments from the Council's Environmental Health Service it is not considered that the proposed development will increase the noise levels to such an extent as to warrant refusal in this case. It should also be noted that property value is not a valid planning consideration.

4.4 Cross Street is already a hazard due to parking especially on Sunday with the churches on West Donington Street and Hastings Square.

Noted. East Ayrshire Council's Roads and Transportation Division were consulted and offered no objection to the proposed development.

5. ASSESSMENT AGAINST 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 application the Development Plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy CS1 states that the Council will respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and

support and encouragement will be given to all other community facilities and public service organisations to maintain and improve the services they provide.

The proposed development involves the change of use of a vacant building to a recreation hall and offices to be used for Flame Christian Fellowship activities. This development is broadly supported under this policy.

5.4 Policy RTC2 states that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres and on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

The application site is located within the town centre boundary of Darvel. A recreation hall and offices are both considered to be acceptable town centre uses under Schedule 5.

5.5 Policy ENV 7 requires all developers to have regard to the Council's existing and emerging Design Guidance and Policy documents. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

Council Design Guidance states that single and continuous box dormers will not be permitted in situations exposed to public view, other than in non-sensitive areas where such dormers are already prevalent. The proposed dormer is not exposed to public view is in a non-sensitive area and is similar to existing dormer windows in the immediate area. The proposed development therefore accords with the Council's Design Guidance and should be approved.

5.6 The proposed development is consequently considered to accord with the terms of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant in the determination of this application comprise the consultation responses, letters of representation and the impact of the proposal on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in section 3 of this report and offer no objection to the proposed development.

Letters of Representation

6.3 The letter of representation is detailed in Section 4 of this report and the points raised are not considered to warrant the refusal of this application.

Impact of the Proposal on the Amenity of the Area

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without significant detriment to the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 It is considered that the proposed development meets the requirements of Policies CS1, RTC2 and ENV7. The change of use of the vacant building to recreational hall and offices is an acceptable change in terms of Local Plan Policy. Additionally Local Plan Policy states that the Council will respond positively to developments which retain or improve the provision of community facilities.

8.3 In terms of the application the consultations received are generally supportive. The submitted letter of objection is noted but is not considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without significant detriment to the surrounding area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee.

Alan Neish
Head of Planning, Development and Building Standards

28 July 2004
(EMcL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 03/0490/FL and associated Committee reports.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 040503FL

Site of Proposal:	7 Cross Street DARVEL
Nature of Proposal:	Change of Use of Vacant Building to Recreational Hall and Offices
Name & Address of Applicant:	Flame Christian Fellowship 7 Cross Street DARVEL KA17 0AD
Name & Address of Agent:	Muir Gebbie 3 Cross Street DARVEL KA17 0AD

DPOs Reference: EMcL/MMM

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

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes)(Scotland) Order 1997, the office accommodation shall be used solely for office purposes and not for the purposes of public assembly or leisure.

REASON To ensure that development is carried out in accordance with the approved details and to retain control over the use of the building in the interests of residential amenity.

NOTES:-

1. Early contact should be made with Transco on 0141 418 4093 at 95 Kilbirnie Street, Glasgow, as Transco apparatus may be located on or adjacent to the site in order to prevent damage to said apparatus.

2. Early contact should be made with Scottish Water on 0845 601 8855 at Scottish Water, Prestwick Office, 35 Glenburn Road, Prestwick, as the existing water supply may require upgrading in view of the alterations proposed.

**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.**