

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 JANUARY 2004

**03/0490/FL: FORMATION OF REAR DORMER WINDOW AND INSTALL 3
VELUX WINDOWS TO FRONT
AT 7 CROSS STREET, DARVEL
BY FLAME CHRISTIAN FELLOWSHIP**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is to renew the roof and install a 11.5 metre continuous box dormer finished in slate to the rear elevation. 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. 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 this 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 In terms of the application the consultations received offer no objections. The submitted letter of objection is noted but is not in itself 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 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 and Building Control, the application

will not require to be referred to the Development Services Committee as it would not be a significant breach of 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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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 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 single storey property located at 7 Cross Street in the centre of Darvel. The application site is bound by residential properties to the north and east, residential and retail to the south and by the Town Hall to the west.

2.2 **Proposed Development:** The proposed development is to renew the roof and install a 11.5 metre continuous box dormer finished in slate to the rear elevation. 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.

3. CONSULTATIONS AND ISSUES RAISED

3.1 SEPA, Transco and the EAC Roads and Transportation Division had no comments to make on this application.

Noted.

3.2 The Council's Environmental Health and Waste Management Service have advised that based on the information submitted the proposal would be unlikely to lead to any significant noise breakout 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 coupled with the expected increase caused by the dividing of 2-4 Cross Street into two dwelling houses 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. 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 the 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. Planning permission was rejected previously to the development at 2-4 West Main Street on the grounds of vehicular access and parking, planning permission only being granted when it was reduced from three dwellings to two with off street parking. This not being possible with 7 Cross Street as there is no ground adjoining

Noted. East Ayrshire Roads and Transportation Division were consulted as part of this application 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.

5.2 In the East Ayrshire Local Plan, Policy ENV 7 requires all developers to have regard for 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 and is in a non-sensitive area where such dormers are already prevalent. The proposed development therefore accords with the Council's Design Guidance and should be approved.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 The consultation responses received offer no objection to the proposed development.

Representations

6.3 The issues raised by the objector have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

Impact 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 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 this 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 In terms of the application the consultations received offer no objections. The submitted letter of objection is noted but is not in itself 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 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 and Building Control, the application

will not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

13 January 2004
(EMcL/SA/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design Guidance (2001).
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Eddie McLennaghan on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0490/FL

Site of Proposal:	7 Cross Street DARVEL
Natural of Proposal:	Formation of rear dormer window and install 3 velux windows to front
Name & Address of Applicant:	Flame Christian Fellowship 1B Hastings Square DARVEI KA17 0DR
Name & Address of Agent:	M Gebbie 3 Cross Street DARVEL KA17 0AD

DPOs Reference: EMcL/SA

The above FULL application should be granted subject to the following condition

(1) The proposed development shall be carried out in accordance with the application form received on 27 May 2003 and the amended plans received by the Planning Authority on 10 December 2003.

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

2. 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 amenity or leisure.

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