

**EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 07 DECEMBER 2007**

**07/0847/FL: CHANGE OF USE OF OPEN SPACE AND THE ERECTION  
OF THREE DWELLINGHOUSES  
AT: BRAES COURT AVENUE, DARVEL  
BY MR JIM BROWNLIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The current planning application proposes to change the use of the public open space at Braes Court Avenue for the erection of three detached dwellinghouses. The proposed dwellinghouses are two storey detached properties with attached single garages. Each of the three bedroomed dwellinghouses measures a maximum length of 10.3 metres, a maximum width of 8.6 metres and reaches a maximum height of 8.2 metres. Proposed external finished materials include, cream coloured dry dash render to the walls, buff facing brick base course and grey concrete roof tiles.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons on the attached sheet.**

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is not considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the refusal of the application.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development it will not require to be referred to the Principal Planning Committee, as there would not be a significant breach of Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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.**

**EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 07 DECEMBER 2007**

**07/0847/FL: CHANGE OF USE OF OPEN SPACE AND THE ERECTION OF  
THREE DWELLINGHOUSES  
AT: BRAES COURT AVENUE, DARVEL  
BY MR JIM BROWNLIE**

**Report by Head of Planning and Economic Development**

**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 contrary to the Development Plan and is subject to more than 10 objections from individual households.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises 0.12 hectares of landscaped public open space area situated between Burn Road and Braes Court Avenue in Darvel. The application site is bounded to the north by single storey detached properties at Hillview Road, to the east by Braes Court Avenue and to the west by Burn Road. The southern boundary of the application site is bounded by a public footpath providing access between Braes Court Avenue and Burn Road. Single storey detached dwellinghouses are located immediately to the south of the public footpath. The application site generally slopes downwards from the north-east to the south-west.

2.2 It should be noted that the current application site was provided as public open space in the planning consent for 75 dwellinghouses, granted to Salvesen Homes Ltd. on 21 October 1976 (KL/E/76/182A). The provision of the landscaped public open space was to ensure a high level of residential amenity for the associated residential development. The existing public open space is maintained by East Ayrshire Council's Department of Neighbourhood Services.

2.3 **Proposed Development:** The current planning application proposes to change the use of the public open space at Braes Court Avenue for the erection of three detached dwellinghouses. The proposed dwellinghouses are two storey detached properties with attached single garages. Each of the three bedroomed dwellinghouses measures a maximum length of 10.3 metres, a maximum width of 8.6 metres and reaches a maximum height of 8.2 metres. Proposed external finished materials include, cream coloured dry dash render to the walls, buff facing brick base course and grey concrete roof tiles.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Darvel and District Community Council has raised objections to the proposal. The Community Council has particular concerns regarding the adequacy of the single access road system serving a potentially large number of houses and vehicles. Other issues raised by the Community Council are on the basis of local knowledge of landfill sites in the immediate area and volumes of run-off water close to present buildings. Darvel and District Community Council fully supports the residents objections to this application.

***It should be noted that the Council's Roads and Transportation Division has not objected to the proposal.***

***Whilst no comments regarding potential traffic congestion resulting from the proposed development were received from the Council's Roads and Transportation Division, the issue of traffic congestion elsewhere within the housing development would be a separate matter for the Council's Roads and Transportation Division.***

***In this instance there is no indication that this site was previously used for landfill purposes.***

***In respect of the concerns raised with regard to water run-off from the site, should planning permission be granted a condition could be attached to the planning consent requiring the applicant to submit drainage details, possibly incorporating a sustainable urban drainage scheme, for approval by the Council.***

3.2 Scottish Power has not objected to the proposal.

***Noted.***

3.3 Scotland Gas Networks no consultation response to date.

***Noted.***

3.4 Scottish Environment Protection Agency no consultation response to date.

***Noted.***

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

***Noted.***

3.6 East Ayrshire Council Department of Neighbourhood Services has objected to the proposal, raising the following concerns;

3.6.1 There are several issues happening all at the same time within this development all of which will contribute to the loss of amenity open space within the original Salveson Development.

3.6.2 With regard to the planning applications at Braes Court Avenue and Burn Road, these would mean the loss of approximately 2200 m<sup>2</sup> of amenity open space. This coupled with the loss of approximately 1500 m<sup>2</sup> of open space when the proposed mini roundabout and access is created into the adjacent development adjacent to Anderson Drive, as well as the proposed development on Hillview Road which could mean the loss of a further approximately 3000 m<sup>2</sup> is unacceptable. This could mean the loss of over 6700 m<sup>2</sup> of open space, which is an area larger than a full size football pitch.

3.6.3 When these open space areas were originally created when the site was developed at least two of them were supposed to have children's play equipment installed but this never materialised.

3.6.4 The latest Planning guidance from the Scottish Government gives more protection for open spaces such as these within this area (SPP 11). Our own current guidance on new development is for a minimum of 30m<sup>2</sup> of open space for each unit but this surely shouldn't be applicable for older sites where they have larger open space areas.

3.6.5 Both of the above applications would also mean the loss of a number of amenity trees which give colour and interest to local residents throughout the year and I would object to their removal because of their amenity value.

***It is acknowledged that this proposal for the loss of public open space at Braes Court Avenue would result in a detrimental effect on the residential amenity of the surrounding area.***

***The suggested cumulative effect of the three submitted planning applications for similar proposals within the wider area would potentially result in the loss of the majority of the open space within the housing development as a whole. However, it is important that the application before the Committee is dealt with on its own merits.***

***The planning history of the area indicates that there were numerous applications made for the larger housing area which are detailed in section 6 of this report and some of the schemes identified the current application site as an area of amenity open space.***

***The recently published Scottish Planning Policy 11 (SPP11) on Open Space and Physical Activity emphasises the importance of quality open spaces and sets out national planning policy on the provision and protection of open space within and on the edges of settlements and on sports and recreational facilities in urban and rural settings. A key objective of SPP11 is to protect and***

***enhance areas of open space. In this instance, it is considered that the proposed development and the loss of an area of public open space would not accord with requirements of SPP11.***

***In this instance, the planning application does not include the removal of the trees on the site. However, should planning consent be granted a condition could be attached to any planning consent requiring the retention of the trees on the site.***

#### **4. REPRESENTATIONS**

Thirty-seven (37) letters of objection from forty-three (43) objectors have been received in connection with the application. The points of objection are listed below:

4.1 Darvel is already over subscribed by new housing developments and each of these developments brings more traffic and congestion to Darvel. The town is awash with lorries and general traffic moving through the town.

***It is acknowledged that there are other housing sites under development in Darvel and that during the temporary period of construction there will be increased lorry and vehicle movements. It should be noted that in this case, the Council's Roads and Transportation Division has not objected to the application and have not commented on the issue of traffic congestion within the larger housing area.***

4.2 I object to houses being built in this already built up area on safety grounds. Large lorries will be moving within the estate that has a large number of small children and the likelihood of an accident occurring in this area is a possibility.

***Road safety issues are a matter for the Council's Roads and Transportation Division. However, it should be noted that the Council's Roads and Transportation Division has not objected to the application and have not raised any road safety issues.***

4.3 I object to the noise and disturbance that this sort of development will have on the residents, many of whom work irregular hours and would find it hard to sleep through the months of noise and nuisance.

***It is acknowledged that the construction of housing developments does generate additional noise. However, it is considered that any additional noise generated is likely to be over a temporary time period during the construction of the development. Should planning consent be granted for the proposal a condition could be attached to any consent restricting the construction hours.***

4.4 The streets of Braes Court Avenue are already clogged with traffic and cars are parked on either side of the roads causing congestion, the additional housing would only exacerbate this situation.

***The current proposal has not generated any objections from the Council's Roads and Transportation Division. Issues of existing traffic congestion within the wider housing area are a separate matter for the Council's Roads and Transportation Division.***

4.5 The land on which the houses are proposed is the only free grass for local children to safely play on at the moment. The land is also a valuable community asset, used for community barbeques and therefore the building of this development would have a lasting impact on the established community.

***It is acknowledged that the application site comprises an area of amenity open space which provides a valuable contribution to the residential amenity of the residents of the adjacent dwellinghouses and the surrounding area. Consequently, the loss of this area of open space would result in an adverse effect on the residential amenity of the surrounding properties.***

4.6 When people bought their homes on the estate they were told that any green spaces were for community use and would not be built on in the future.

***The issue of the use of the amenity open space through the purchase of the dwellinghouses is a private legal matter between the parties concerned and is not a material planning consideration.***

4.7 The development would result in houses being erected that are not in keeping with their surroundings.

***It is considered that the size and scale of the proposed dwellinghouses are sympathetic to the adjacent house types and would not therefore result in an adverse visual impact on the surrounding area. Adjacent existing house types include detached single storey dwellinghouses of a similar footprint to the dwellings proposed and the two storey semi detached dwellinghouses located on the opposite side of Braes Court Avenue are of a similar scale, particularly in terms of height, to the proposed dwellinghouses.***

4.8 Houses that have previously enjoyed open views will be overshadowed.

***The right to a view is not a material planning consideration.***

4.9 I strongly object to the location of this development in Braes Court Avenue because it would take away the greenbelt area and would take away a safe area where children play. When Salvesen built the estate, they had to

designate public open spaces and play areas for children for the common use of the proprietors of the estate.

***The land is not identified as protected open space within the adopted East Ayrshire Local Plan and is not identified as a Greenbelt. A planning history search has been carried out as detailed in section 6. There were numerous applications made for the larger housing area which are detailed in section 6 of this report and some of the schemes identified the current application site as an area of public open space. It is acknowledged that the proposal would result in the loss of valuable amenity public open space, resulting in a detrimental effect on both the residential amenity of the surrounding area and the setting, character and appearance of the wider area.***

4.10 The deeds for my house indicate that the land in question is a public open space for the common use of the residents of the estate. If houses were to be built on this land then this would infringe my legal rights.

***The issue of the resident's title deeds is not a material planning consideration but is a private legal matter to be resolved between the parties concerned.***

4.11 I feel that the infrastructure needs to be upgraded before any further building is allowed to take place in this area.

***The consultation responses received to date do not indicate any adverse issues regarding the infrastructure required for the proposed development. However, should planning consent be granted a note would be attached to any permission recommending the applicant to contact all relevant agencies in relation to the provision of infrastructure.***

4.12 There appears to be scope for the loss of vegetation during construction which will disrupt wildlife and will impact on a colony of bats which roost and feed in the immediate area.

***The proposal does not include the removal of the existing trees located within the application site. In addition, should the proposal receive planning permission then appropriate conditions can be attached to the planning consent requiring the retention of the existing trees and hedges located on Burn Road. These measures would be implemented to protect the habitat of any existing wildlife.***

4.13 The residents of the area were not aware that this land was up for sale. The residents should have had the chance to purchase this piece of land.

***The applicant, as required under the planning legislation, has served neighbour notification certificates on all notifiable***

**neighbours and an owner notification certificate to the land owner. The issue of the sale of the land is a private legal matter between the parties concerned and is not a material planning consideration.**

4.14 The green area opposite my house is a public open space and should remain so for the benefit of local children in years to come.

**It is acknowledged that the application site currently provides high amenity public open space, maintained by East Ayrshire Council, for the use of the local community. It is considered that the loss of the open space would result in a detrimental effect on the residential amenity of the surrounding area.**

4.15 The height and proximity of the housing would be such that unreasonable overshadowing would occur.

**It is considered that the orientation of the proposed dwellinghouses would not result in a significant loss of daylight to the adjacent dwellinghouses located in Braes Court Avenue or Hillview Road. Consequently it is considered that the proposed housing would not result in a detrimental effect on the residential amenity of the surrounding area in terms of overshadowing.**

4.16 The proposal would lead to previously private areas being overlooked.

**It is considered that the location of the proposed dwellinghouses on the opposite side of Braes Court Avenue from the existing houses would not result in overlooking of these properties. In addition, the nearby dwellinghouse in Hillview Road is located some 26 metres in distance from the nearest proposed dwellinghouse. The existing properties located to the south of the application site at 2a and 2b Braes Court Avenue are situated some 16 metres distant from the nearest proposed dwellinghouse. Should planning permission be granted for the proposal a condition could be attached to the planning consent requiring the side elevation window to be formed and maintained in opaque glass to prevent any overlooking to the properties at Hillview Road and 2a and 2b Braes Court Avenue.**

4.17 I am very angry that these plans have been submitted for residential development. These are in addition to the proposed development of the open space to the east of Anderson Drive.

**Outline planning permission for residential development to the east of Anderson Drive was refused by East Ayrshire Council on 12 December 2006 (06/0564/OL). That application proposed to take access to the proposed residential development site over an existing area of open space located on Anderson Drive. The applicant appealed the planning refusal to the Scottish Ministers**

***who granted outline planning permission for residential development at Anderson Drive on 28 June 2007. Given that one of the existing areas of open space in this housing area has been lost to residential development, it would be appropriate to place greater weight upon the significance of this proposal in terms of further open space loss in the area.***

4.18 Access to and from Burn Road will be impaired, the present emergency access provision should not be compromised, indeed with an increase in residents in the area, access to all houses should be improved.

***A planning history search has been carried out as detailed in section 6 of this report. There were planning applications made for the wider housing area which are detailed in section 6 of this report and some of the schemes identified the north western corner of this application site as an area for an emergency vehicle access to link Burn Road onto Hillview Road and Braes Court Avenue.***

## **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 Approved Ayrshire Joint Structure Plan, The Finalised Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

### Approved Ayrshire Joint Structure Plan (AJSP) & Finalised Ayrshire Joint Structure Plan

5.2 It is considered that there are not any policies in the Approved Ayrshire Joint Structure Plan or the Finalised Ayrshire Joint Structure Plan relevant to the determination of this planning application.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policy TLR 8 presumes against development on those safeguarded areas of public and private recreational or amenity open space and on other undeveloped land within settlement boundaries which contributes to the, setting, character and appearance of the settlement concerned. However, the following types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities
- (iii) creation of a new children's play area: and

- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

***Whilst the area does not constitute an area of public and private recreational or amenity open space as identified in the Local Plan maps, it is considered to comprise an area of undeveloped land within the settlement boundary of Darvel which contributes to the setting, character and appearance of the settlement. It is considered that the removal of this public open space area at Braes Court Avenue would be detrimental to the setting, character and appearance of the wider area. Approval for the change of use of this section of public open space and the erection of housing would erode the available open space and lead to the loss of this significant area of public open space which provides valuable amenity space for the surrounding area.***

5.4 Policy TLR 9 states that the development of both private and public recreational or amenity open space for purposes other than those described in Policy TLR8 will be permitted only in exceptional circumstances where:

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

***The proposal is for the removal of a section of public open space which forms part of a larger well defined network of open space within the wider residential area which is considered to be of significant community and amenity benefit. In this instance, the proposal to change the use of the public open space for the erection of three dwellinghouses would physically disrupt and fragment the open space network, to the detriment of the amenity of the surrounding area and would adversely affect the residential amenity of surrounding properties.***

***The Council has recently received two additional similar proposals for the change of use of open space to residential use within this area of Darvel at Burn Road and Hillview Road which will require to be determined on their own merits. Given that one of the existing areas of open space in this area at Anderson Drive (planning consent 06/0564/OL refers) has been lost to residential development, it is considered that it would be appreciate to place greater weight upon the significance of this proposal in terms of further open space loss in the area.***

5.5 The site is considered to be a gap site and as such, it requires to be assessed against policy RES 4 as it is not safeguarded for open space in the adopted local plan.

5.5.1 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

***Approval for the change of use of this section of public open space and the erection of housing would erode into the available open space and may lead to the ultimate loss of this significant area of public open space which provides valuable amenity space for the surrounding area. It is considered that the proposal would have a detrimental environmental impact on the character of the surrounding area as the loss of this ground is likely to result in a shortage of public open space in the wider area.***

- (ii) transportation and infrastructure implications;

***The Council's Roads and Transportation Division has not offered any objection to the proposal.***

- (iii) compatibility with surrounding densities and housing types; and

***It is considered that the size and scale of the proposed detached dwellinghouses are sympathetic to the adjacent house types and would not result in an adverse visual impact on the surrounding area. Adjacent existing house types include detached single storey dwellinghouses of a similar footprint to the dwellings proposed and the two storey semi detached dwellinghouses located on the opposite side of Braes Court Avenue are of a similar scale in terms of height to the proposed dwellinghouses.***

- (iv) compliance with the Council's Development Promotion and Design Guidance.

***It is considered that the proposal meets with the Council's Design Guidance relating to new residential development in terms of privacy, overshadowing, house design and compatibility with the built form of the surrounding area. However, the proposal to change the use of the public amenity open space is not considered to conform, compliment or harmonise with the residential amenity of the surrounding area.***

**Given that the proposal does not meet with the provisions of (i) and (iv) above, it is considered that the proposal is contrary to policy RES 4.**

5.6 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

***The proposal meets with the Council's minimum private open space standards.***

**Given that the proposal is considered not to meet with the proposals of policies TLR 8, TLR 9 and RES 4, it is not acceptable in planning policy terms.**

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received, the letters of objection, the planning history, the impact on the amenity of the area and Scottish Planning Policy 11 (SPP11) on Open Space and Physical Activity.

### Consultations responses

6.2 The consultation responses are detailed in Section 3 of this report, The Council's Department of Neighbourhood Services and Darvel and District Community Council have raised objection to the proposal. The remaining consultees offered no objection to the proposed development.

### Representations received

6.3 Thirty seven letters of objection have been received in connection with the application raising issues regarding the loss of the public amenity open space, increased parking and traffic volumes and the loss of privacy to the residential properties.

### Planning History

- 6.4 D/2518 - planning application for the erection of 75 dwellinghouses approved on 04 October 1974.
- 6.5 KL/E/75/265 - planning application for the erection of 98 instead of 75 dwellinghouses refused planning permission on 24 November 1975
- 6.6 KL/E/76/182A - planning application for the erection of 75 dwellinghouses approved 21 October 1976. Conditions number 2 and 3 of this planning consent relate to the provision of open space within the development.
- 6.7 KL/E/76/182/B - planning application for alterations to roads, access formed to south of Burn Road and access off Burn Road terminated

and firepath added approved 04 November 1977. This planning consent indicates a firepath access route which connects Burn Road to Braes Court Avenue and Hillview Road.

- 6.8 KL/E/76/182E - erection of six dwellinghouses in relocated positions within existing estate. Approved 20 April 1978
- 6.9 KL/E/76/182/C - erection of outdoor electricity sub station approved 08 June 1978
- 6.10 KL/E/76/182D - erection of 6 dwellinghouses on land formerly reserved as open space and change of use of land formerly reserved for residential use to open space. Refused 21 December 1978
- 6.11 06/0564/OL - residential development in outline for a site to the east of Anderson Drive was refused planning permission by East Ayrshire Council on 24 November 2006. The applicant appealed the planning refusal to Scottish Ministers who approved the application on 26 June 2007. This planning consent includes the loss of an area of open space to enable access to be formed to the housing development site.

#### Impact on Amenity

6.12 Taking into account that the proposal includes the removal of an area of high amenity value public open space, it is considered that the proposal would result in a significant detrimental impact on the residential amenity of the area. Furthermore, the loss of this sizeable area of the existing public open space within the associated housing area would be detrimental to the setting, character and appearance of the wider area.

#### SPP11 Open Space & Physical Activity

6.13 The application is considered to be incompatible with the aims of SPP11 through its removal of valuable public open space.

### **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 in Section 5 of the report the application is not considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development it will not require to be referred to the Principal Planning Committee, as there would not be a significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Consultation Responses.
3. Letters of Objection.
4. Scottish Planning Policy 11 (SPP 11)
5. Adopted East Ayrshire Local Plan (2003).
6. Statutory Notices and Certificates.
7. Relevant Planning applications:  
D/2518 , KL/E/75/265, KL/E/ 182A , KL/E/76/182/B , KL/E/76/182E,  
KL/E/76/182/C, KL/E/76/182D , 06/0564/OL

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

Application No: 07/0847/FL

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Site of Proposal:	Braes Court Avenue Darvel
Nature of Proposal:	Change of use of open space and the erection of 3 dwellinghouses
Name & Address of Applicant:	Jim Brownlie Grassyards Farm Sorn Road Mauchline KA5 6AW
Name and Address of Agent	Elevation Architectural Design 11 Cairnfore Avenue Troon KA10 7JL

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DPOs Reference: JL/KW

The above FULL planning application should be refused for the following reasons:-

1. The proposed development does not comply with the requirements of Policy TLR 8 of the East Ayrshire Local Plan because the removal of this sizeable area of the existing public open space would be detrimental to the setting, character and appearance of the wider area.
2. The proposed development does not comply with the requirements of Policy TLR 9 of the East Ayrshire Local Plan because the removal of the public open space would be detrimental to the residential amenity of the area.
3. The proposed development does not comply with the requirements of Policy RES 4 of the East Ayrshire Local Plan because the change of use of the public amenity open space would erode the available open space and constitute the loss of this significant area of public open space which provides valuable amenity space for the surrounding residential properties.

4. The proposed development would be incompatible with the aims of Scottish Planning Policy 11 “Open Space & Physical Activity” by reason of the loss of valuable public open space.