

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE: 07 DECEMBER 2007****07/0860/FL: CHANGE OF USE OF OPEN SPACE AND THE ERECTION
OF TWO DWELLINGHOUSES
AT: BURN ROAD/ANDERSON DRIVE, DARVEL
BY HAZEL MALCOLMSON****EXECUTIVE SUMMARY SHEET****1. DEVELOPMENT DESCRIPTION**

1.1 The current planning application proposes to change the use of the open space at the junction of Burn Road and Anderson Drive to residential use for the erection of two detached dwellinghouses. The proposed dwellinghouses are one and three quarter storey detached properties. Each of the four bedroomed dwellinghouses measures a maximum length of 10.3 metres, a maximum width of 8.9 metres and reaches a maximum height of 8.3 metres. Proposed external finished materials include, off white 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.

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07/0860/FL: CHANGE OF USE OF OPEN SPACE AND THE ERECTION
OF TWO DWELLINGHOUSES
AT: BURN ROAD/ANDERSON DRIVE, DARVEL
BY HAZEL MALCOLMSON

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 separate households.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 0.09 hectares of landscaped amenity open space situated at the junction of Burn Road and Anderson Drive in Darvel. The application site is bounded to the north by Anderson Drive, to the east by a semi detached dwellinghouse and to the west by Burn Road. The southern boundary of the application site is bounded by detached dwellinghouses located in Campbell Street. 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 amenity 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 open space was to ensure a high level of residential amenity for the associated residential development. The existing 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 open space at the junction of Burn Road and Anderson Drive to residential use for the erection of two detached dwellinghouses. The proposed dwellinghouses are one and three quarter storey detached properties. Each of the four bedroomed dwellinghouses measures a maximum length of 10.3 metres, a maximum width of 8.9 metres and reaches a maximum height of 8.3 metres. Proposed external finished materials include, off white 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.

The Council's Roads and Transportation Division has recommended refusal of the application as the applicant has failed to provide adequate parking provision for the proposed dwellinghouses.

Whilst no adverse comments regarding potential traffic congestion resulting from the proposed development were received, the issue of traffic congestion 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 has not objected to the proposal.

Noted.

3.4 Scottish Environment Protection Agency no consultation response to date.

Noted.

3.5 East Ayrshire Council Roads and Transportation Division have objected to the proposal on the basis that there is insufficient parking provision for the two proposed detached four bedroomed dwellinghouses. In response to the initial consultation response the applicant submitted amended plans dated 31 October 2007 which remain unacceptable to the Council's Roads and Transportation Division.

The applicant has been advised of the contents of the consultation response received from the Council's Roads and Transportation Division with regard to the amended proposal.

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 the above 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 m² of amenity open space. This coupled with the loss of approximately 1500 m² 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 m² is unacceptable. This could mean the loss of over 6700 m² 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 30m² 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 open space at the junction of Burn Road and Anderson Drive 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 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 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 open space would not accord with requirements of SPP11.

In this instance, the applicant's submission does not include the removal of the trees on the site. 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

Twenty-two (22) letters of objection from twenty-seven (27) objectors have been received in connection with the application. The points of objection are listed below:

4.1 There are already 100 houses on this established estate with only one access road at Anderson Drive. All these extra developments will cause traffic congestion.

It is acknowledged that there are a large number of dwellinghouses within the existing housing development. In relation to this planning application the Council's Roads and Transportation Division has objected to the proposal as the applicant has failed to meet the parking provision requirements for the proposal. However, in general terms any issues of traffic congestion in relation to the existing housing development would be a separate matter for the Council's Roads Division.

4.2 The green areas are designated childrens play areas and have been for 30 years. The proposed planning of more houses will immediately cause a safety issue. Where can the children play? There will be a lot more traffic and this will be a safety hazard for children crossing the road.

The land is not identified as protected open space within the adopted East Ayrshire Local Plan. A planning history search has been carried out as detailed in section 6 of the report. There were numerous applications made for the larger associated housing site which are detailed in section 6 and some of the schemes identified the current application site as an area of amenity open space. It is acknowledged that the proposal would result in the loss of valuable amenity 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.

Road safety issues are a matter for the Council's Roads and Transportation Division.

4.3 The green areas are for the residents to provide unobstructed views of the countryside and it should be kept this way.

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

4.4 There is too much building work in Darvel already and it is becoming more congested. The housing developments are already affecting the sale of older houses and any more would cause further problems.

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 the Council's Roads and Transportation issues of traffic congestion would be a separate matter for the Council's Roads Division.

In addition, the sale of houses or the value of property are not material planning considerations.

4.5 It is in all of the residents title deeds that the areas of open space should be kept free then surely this is a breach of contract.

The issue of the protection of the amenity open space through the residents' title deeds is a private legal matter between the parties concerned.

4.6 Loss of public open space and increased housing density with no provision of public space for the housing.

It is acknowledged that the proposal would result in the loss of high amenity open space, the outcome of which would be an adverse impact on the residential amenity of the area and an increase in the overall density of the area.

The indicative basic public open space standards are set out in Schedule 3 of the East Ayrshire Local Plan. Open space provision for developments of less than 30 houses is at the discretion of the Council and developers may not be required to provide any element of active recreational open space.

4.7 The size and style of the houses planned will in no way fit in with the present layout.

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 dwellinghouses of a similar or larger footprint to the dwellings proposed and the two storey semi detached dwellinghouses located on the opposite side of Anderson Drive and to the east of the application site are of a similar scale particularly in terms of height to the proposed dwellinghouses.

4.8 There will be an increased demand for existing services, at present there are concerns voiced by many residents that the water and sewerage services cannot cope with increased demand.

The consultation responses received from Scottish Water 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 Scottish Water.

4.9 I object on safety grounds as the junction at Burn Road and Anderson Drive is a very busy and dangerous corner. With the proposed roundabout on Anderson Drive leading to a further housing development off Anderson Drive this will make matters worse for children and old people.

Whilst the Roads and Transportation Division has objected to the proposal in terms of insufficient parking provision for the two proposed dwellinghouses, no adverse comments have been received in relation to road safety issues within the existing housing estate.

Outline planning permission for a further housing development at Anderson Drive was initially 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 amenity 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.

4.10 This area is the only space local children have to play and creates a relaxed environmental setting, while providing character to the estate. Without this green area many people would not have chosen to live here.

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. The land is not identified as protected open space within the adopted East Ayrshire Local Plan. A planning history search has been carried out as detailed in section 6. There were numerous applications made for the site 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. It is acknowledged that the proposal would result in the loss of valuable amenity open space and the loss of potential playspace, resulting in a detrimental effect on both the residential amenity of the surrounding area and the setting, character and appearance of the wider area.

4.11 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 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.

4.12 It appears that several planning applications to build on designated play areas have been submitted to East Ayrshire Planning Department.

Although not designated as play areas in the local plan, they are considered to be valuable open spaces and in addition to this proposal, East Ayrshire Council has received two similar proposals to change the use of amenity open space areas for the erection of housing at Braes Court Avenue and Hillview Road in Darvel. Furthermore, outline planning permission for residential development at 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.

4.13 The Council to their credit have maintained these open space areas in a pristine condition by planting trees and maintaining the grass.

It is acknowledged that the Councils Department of Neighbourhood Services maintains all of the areas of amenity open space within the existing housing development. It is considered that all of these areas of open space provide a high level of amenity open space for the use of the local community.

4.14 East Ayrshire Council guidelines dictate that new developments should not have an oppressive overshadowing or visually intrusive impact on neighbouring properties. The proposed properties are one and three quarters

storey detached dwellings which will have an undue impact on properties on 3 sides of the development site which consist of single storey bungalow style houses.

Given the position and the orientation of the proposed dwellinghouses it is considered that no significant adverse effect of overshadowing would occur to adjacent properties. The application site is located at a road junction and consequently only has adjacent properties immediately adjoining on two sides of the site. The nearest residential property to the north is situated on the opposite side of Anderson Drive some 24 metres distant from the proposed dwellings. Similarly, the nearest property to the west is situated on the opposite side of Burn Road some 26 metres distant from the gable elevation of the proposed dwellinghouses. Whilst it is acknowledged that the nearest property to the south of the site is at a slightly lower level it is considered to be located a sufficient distance of 18 metres away to avoid significant issues of overshadowing. The eastern boundary of the application site is bounded by a two storey semi detached property which, given it's orientation would not be adversely affected by the proposal in terms of overshadowing.

4.15 If any development is to be considered on this site, property style should be restricted to single storey in height to remain sympathetic to surrounding properties.

The application site is bounded on all sides by various size and scale of house types, ranging from single storey detached dwellings, two storey semi detached dwellings to one and a half storey dwellinghouses. Given that the surrounding area provides a mixed housing type it is considered that the proposed one and three quarter storey detached dwellinghouses would be in keeping with the character of the surrounding dwellinghouses and with the dwellinghouses in the wider area.

4.16 I understand that householders adjacent to the land in question have an interest in the title of the property. Whilst arguably this may be viewed as a legal rather than a planning matter, it is clear that the owner notification process has not been adequately followed.

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 resident's title deeds, and any rights associated therewith is a private legal matter between the parties concerned and is not a material planning consideration.

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 the amenity open space area at the junction of Burn Road and Anderson Drive would be detrimental to the setting, character and appearance of the wider area. Approval for the change of use of this section of open space and the erection of housing would erode the available amenity open space and lead to the ultimate loss of this significant area of 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 amenity 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 amenity open space for the erection of two 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 Braes Court Avenue 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 appropriate 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 open space and the erection of housing would erode the available open space and may lead to the ultimate loss of this significant area of 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 objected to the application on the basis that there is insufficient parking provision for 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, two storey semi detached dwellinghouses located on the opposite side of Burn Road and to the east of the application site that are of a similar scale particularly 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 criteria 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 the 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, the Roads & Transportation Division 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 Twenty two 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. That 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 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 open space would be detrimental to the setting, character and appearance within the associated housing 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 (SPP11).
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 & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0860/FL

Site of Proposal:	Burn Road / Anderson Drive Darvel
Nature of Proposal:	Change of use of open space and the erection of 2 dwellinghouses
Name & Address of Applicant:	Hazel Malcolmson 19 Tarbolton Road Dundonald KA2 9HQ
Name and Address of Agent	Elevation Architectural Designwork 11 Cairnfore Avenue Troon KA10 7JL

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 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 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 amenity open space would erode the available open space and constitute the loss of this significant area of 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 and Physical Activity" by reason of the loss of valuable public open space.