

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 01 FEBRUARY 2008

**07/1023/FL: CHANGE OF USE OF OPEN SPACE AND THE ERECTION
OF FOUR DWELLINGHOUSES
AT: LAND BETWEEN 9 AND 29 HILLVIEW ROAD, DARVEL
BY RESIDENCE SCOTLAND LTD.**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current planning application proposes to change the use of the open space between number 9 and number 29 Hillview Road to residential use for the erection of four detached dwellinghouses. The proposed dwellinghouses are one and a half storey detached properties. Each of the four bedroomed dwellinghouses measure a maximum length of 16.5 metres, a maximum width of 10.5 metres and reaches a maximum height of 7.8 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 indicated 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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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.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 0.33 hectares of landscaped amenity open space situated between number 9 and number 29 Hillview Road in Darvel. The application site is bounded to the north by open fields, to the east and west by detached dwellinghouses and to the south by Hillview Road. The application site generally slopes downwards from the north to south.

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, although not owned by the Council.

2.3 **Proposed Development:** The current planning application proposes to change the use of the open space between number 9 and number 29 Hillview Road to residential use for the erection of four detached dwellinghouses. The proposed dwellinghouses are one and a half storey detached properties. Each of the four bedroomed dwellinghouses measure a maximum length of 16.5 metres, a maximum width of 10.5 metres and reaches a maximum height of 7.8 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 as with previous two planning applications for similar proposals within the existing housing development, continues to support the resident's objections to the building on what is again still designated open space.

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 resulting in a detrimental effect on both the residential amenity of the surrounding area and the setting, character and appearance of the wider area.

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 has not objected to the proposal.

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 four proposed detached dwellinghouses. In response to the initial consultation, the applicant submitted amended plans dated 11 January 2008 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 other 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 Salvesen Development.

3.6.2 With regard to the planning applications at Hillview Road this would mean the loss of approximately 3000 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 is unacceptable. This could mean the loss of over 4500 m² of open space.

3.6.3 When the open space areas within the housing estate were originally created 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.

It is acknowledged that this proposal for the loss of open space between 9 and 29 Hillview Road and Anderson Drive would result in a detrimental effect on the residential amenity of the surrounding area.

The suggested cumulative effect of the planning application for Hillview Road and with proposals elsewhere could potentially result in the loss of a significant part 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.

4. REPRESENTATIONS

Thirty four (34) letters of objection from forty one (41) objectors have been received in connection with the application. The points of objection are listed below:

4.1 The houses are massive and totally out of keeping compared to existing houses here, and their position on higher ground means that they will be looking in at bedroom height from their gardens and ground floors, reducing our privacy.

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 footprint to the dwellings proposed and the two storey semi detached dwellinghouses located on the opposite side of Hillview Road are of a similar scale particularly in terms of height to the proposed dwellinghouses. Given that the proposed dwellinghouses are situated some 22 metres distant from the properties in Hillview Road it is not considered that the development would result in a loss of privacy to existing dwellings in Hillview Road.

4.2 As we understand it no houses were built here previously because it was an infill quarry with no one too sure exactly what materials were dumped in a hole. In the absence of any core drilling or other site investigation we are concerned that the developer has not taken this problem into consideration, also potentially unstable ground could put our house at risk if any landslip or similar event should occur as a result of the proposed works.

It is acknowledged that part of the application site was previously operated as Pietlaw Quarry. The Council's Environmental Health Section has no records of whether the quarry was infilled or any other information on the ground stability conditions of the site. Consequently there may be potential for soil contamination from the site's previous use. Should planning permission be granted conditions would be attached to the consent requiring the applicant to carry out a site investigation and assessment to ensure potential risks arising from previous site uses have been fully assessed. In addition, prior to the commencement of any development on the site the applicant would be required to submit a report confirming that any remedial works have been carried out at the site in accordance with a remediation plan.

4.3 During heavy rainfall flooding occurs past the houses built to the west side of this area and runs down Burn Road. We are concerned that this development will disturb the natural drainage and our home will be inundated with surface water from the hill behind the houses.

The consultation responses received from Scottish Water do not indicate any adverse issues regarding the infrastructure required for the proposed development. In addition, the Scottish Environment Protection Agency has not objected to the application and has requested that any surface water from the site is treated in accordance with the principles of the Sustainable

Urban Drainage Systems (SUDS) Manual. However, should planning consent be granted a note would be attached to any permission recommending the applicant to contact Scottish Water and SEPA.

4.4 There is only one access to the Anderson Drive/Hillview Road/Braes Court Avenue area and with an additional 70 plus houses planned off Anderson Drive we can foresee serious traffic problems in the future without adding the proposed development.

It is acknowledged that there are a large number of dwellinghouses within the existing housing development and that outline planning permission has been granted at Anderson Drive.

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.

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 who have not objected on that basis.

4.5 It is in all of the resident's 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 The proposed houses are on land adjacent to mine. I have concerns regarding the maintenance of the adjoining fence.

The issue of shared ownership of the boundary fence on the application site is a private legal matter between the parties concerned.

4.7 I object to the loss of open space and increased housing density with no provision for open space. The proposal will cause road safety problems for traffic and children.

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.

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.

Road safety issues are a matter for the Council's Roads and Transportation Division who have not objected to the proposal on that basis.

4.8 I am writing with a strong objection to the proposed development of 4 detached villas between 9 and 29 Hillview Road, Darvel. This area was made into a designated play area, which is used daily and is popular with local children.

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. 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.

4.9 This is a green amenity area as designated in our title deeds for our property.

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.

4.10 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.

4.11 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.

4.12 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.

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 who have not objected on that basis.

The sale of houses or the value of property are not material planning considerations.

4.13 The additional vehicular traffic this would bring to an already congested route from Burn Road through Anderson Drive onto Hillview Road.

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

4.14 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.

4.15 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 certified that he has served an owner notification certificate on 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 (2007) and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan 2007 (AJSP)

5.2 It is considered that there are not any policies in the Approved 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 site does not constitute an area of public and private recreational or amenity open space as identified in the Local Plan, 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 and has functioned as an amenity open space. It is considered that the removal of the amenity open space area between number 9 and number 29 Hillview Road 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. Its loss would be detrimental to the amenity of 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 an area 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 four 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.

Notwithstanding the refusal on 07 December 2007 of two similar proposals, this current application under consideration will require to be determined on its 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 would 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 would 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. The applicant has submitted amended plans which have been forwarded to the Roads Division for comment.

- (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 Hillview Road are of a similar scale particularly in terms of height to the proposed dwellinghouses.

- (iv) compliance with the Council's 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 criteria (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.

5.7 Policy TLR5 states that The Council will, subject to the necessary finance being available, improve and enhance the provision of leisure, recreational and sporting facilities in the area settlements and throughout the area. In this regard, the Council will request all potential developers of residential sites comprising four or more houses to enter into an agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5, will require a formal agreement to be entered into between the Council and the applicant.

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 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 Thirty four 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.

- 6.12 07/0847/FL – Change of use of open space and the erection of 3 dwellinghouses was refused planning permission on 07/12/07.
- 6.13 07/0860/FL – Change of use of open space and the erection of 2 dwellinghouses was refused planning permission on 07/12/07

Impact on Amenity

6.14 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

6.15 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 financial and legal implications for the Council in the determination of this application.

7.2 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5, will require a formal agreement to be entered into between the Council and the applicant, should the application be approved.

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

25 January 2008
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, 07/0847/FL, 07/0860/FL.

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: 07/1023/FL

Site of Proposal:	Land between 9 and 29 Hillview Road, Darvel
Nature of Proposal:	Change of use of open space and the erection of 4 dwellinghouses
Name & Address of Applicant:	Residence Scotland Ltd. 19 Tarbolton Road Dundonald KA2 9HQ
Name and Address of Agent	Elevation Architectural Designwork 11 Cairnfore Avenue Troon KA10 7JL

DPOs Reference: JL/RH

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 and character 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 would constitute the loss of this significant area of open space which provides valuable amenity space for the surrounding residential properties and which impact would be unacceptable on that basis.
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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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