
NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Irvine
Reference	18/00466/PPM
Application Registered	25th May 2018
Decision Due	25th September 2018
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Dundonald Links Ayr Road Irvine Ayrshire KA11 5AB
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Applicant	Loch Lomond Golf Club
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Proposal	Application under Section 42 of Town and Country Planning (Scotland) Act 1997 to vary conditions 1, 2 and 3 of planning permission in principle ref. 15/00705/PPPM
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1. Description

Planning permission is sought to vary three of the conditions attached to planning permission in principle (ref. 15/00705/PPPM) for housing development and visitor accommodation at Dundonald Links Golf Course, near Irvine. The consent was granted as an enabling development for a new clubhouse and visitor accommodation block, neither of which have yet been built.

The application was for Planning permission in principle for a major residential development and visitor accommodation at Dundonald Links Golf Course, Ayr Road, Irvine. The application site, which comprises of approximately 32 hectares, is located approximately 3km south west of Irvine town centre on land to the west of Ayr Road, midway between the Three Stanes roundabout and Meadowhead roundabout. The site is bounded by the Dundonald Links Golf Course to the west and north, Ayr Road (A737) and the Irvine bypass (A78) to the east and agricultural smallholdings to the south (see attached location plan).

The application site is within the boundary of the Dundonald Links Golf Course, which was constructed during the early 2000s. The site is generally level although there are undulations formed by sand dunes and earthworks. Although the site is extensively wooded

along its eastern edge adjacent to Ayr Road, the majority of the land has the typical character of a coastal plain heath landscape, historically used for agriculture but disturbed by earthworks during the construction of the golf course. Fragments of the original field boundaries remain visible although most of the site is now colonised by grasses and heathers typical of the coastal plain. With the exception of the existing access road, car park and club house, the site lies outwith the functional parts of the golf course.

Planning permission is sought to vary three of the conditions. The first two conditions relate to the timing of the submission of technical studies in advance of considering the first matters specified in conditions (MSC) application for the development. The technical studies relate to archaeology and sustainable drainage. The third condition sets out the need for a detailed masterplan and development brief.

It is proposed that, instead of submitting the two technical studies and masterplan in advance, they would all be submitted together along with the first application for MSC. The applicants would provide the same information as previously required, but using a more efficient method to achieve the same outcome.

The application site relates to an area of land adjacent to the Dundonald Links golf course, to the south of Irvine, measuring some 32ha. The site is bounded on the west and north by the golf course itself; to the east by the A737 Irvine - Gailes - Meadowhead road, beyond which is the A78 Irvine bypass, and to the south by an area of smallholdings accessed from Auchengate Crescent.

The site is allocated for open space purposes in terms of Policy ENV 12 of the adopted Local Development Plan. Planning permission (ref. 15/00705/PPPM) remains extant. The consent for the clubhouse has been renewed during 2018 (ref. 18/00465/PP).

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures which included an advertisement in a local newspaper. No representations have been received.

No consultations required to be undertaken.

3. Analysis

Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with condition(s) subject to which a previous permission was granted. Section 42 of the Act stipulates that in this type of application the "planning authority shall consider only the question of the conditions subject to which permission should be granted."

The main determining issue in this case is whether the proposed modification would conflict with the relevant LDP policy and relevant criteria of the General policy.

Circular 4/1998 sets out the tests for planning conditions, as follows:

- Need for a Condition
- Relevance to Planning

- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

The proposed amendments to the conditions would comply with all of the above tests. Whilst all of the conditions are necessary, it is accepted that the timing of the submissions as a single package with the first application for MSC would be more reasonable.

The principle of an enabling housing and visitor accommodation development on the site in order to secure a new clubhouse at Dundonald Links has been established through the grant of planning permission in principle in February 2016. As well as securing the funding necessary to construct the clubhouse, the development was justified on the basis of its significant economic benefit to the area, including the provision of high quality housing within a golf course setting. The total number of houses within the development is limited by a condition of the extant consent to 45. It is not proposed to amend this figure.

The applicant's agent has advised that progress towards the implementation of the development has been delayed due to factors relating to finance and timing, principally in relation to essential upgrading and maintenance works required at the applicants' other golf course at Loch Lomond. The supporting information highlights that "to be in a position to maximise the chances of securing investors to deliver the development, there is a requirement to renew the extant consents, particularly the residential consent which provides the enabling capital for the new clubhouse.... and to present an attractive investment opportunity."

The proposed approach would be acceptable on the grounds that the intent of the original conditions would be fulfilled. The main benefit to the applicants would be increase the time available to secure investment and funding in the lead up to the development. Thereafter, the planning process would be streamlined as a number of matters would be submitted for approval concurrently, rather than in separate stages. The planning authority would continue to have the same opportunity to scrutinise all of the details associated with the proposal, which is the key issue in this case. There would be no material change to the permission in principle granted in February 2016, with the same maximum number of housing units as previously agreed (45).

It is recommended that planning permission is approved, which would include the proposed amendments to conditions 1 - 3 as well as the previously attached conditions. This would enable further work on the development to proceed.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That along with the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the approval of North Ayrshire

Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In recognition of the archaeological significance of the site.

Condition

2. That along with the submission of the first application for the approval of matters specified in conditions (MSC) a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To ensure that an appropriate SuDS strategy is prepared and implemented.

Condition

3. That along with the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site and a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan and development brief shall take into account the findings of the archaeological investigations and the detailed SuDS scheme required by conditions 1 and 2 respectively, and shall indicate:

- the means of access to the site, including multi-user link(s) to public transport at Ayr Road;
- the development layout;
- the housing designs for the development;
- structural landscaping including earthworks to mitigate road noise from the A78 and industry;
- areas of open space;
- areas for children's play and
- phasing.

For the avoidance of doubt, the maximum number of housing units within the development hereby approved shall not exceed 45. In addition, the housing development area shall be limited to the land generally to the south of the replacement clubhouse consented under the terms of planning permission ref. 15/00558/PP.

Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure a masterplan for the development in the interests of the proper planning of the area.

Condition

4. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution shall be obtained before the development is commenced.

Reason

In order that these matters can be considered in detail.

Condition

5. That application(s) for the approval of matters specified in conditions (MSC) shall include details of the noise mitigation measures in accordance with PAN 1/2011 'Planning and Noise' and the associated Technical Advice Note (TAN) - 'Assessment of Noise'. The assessment shall take into account all noise related details contained in the consultation response of Environmental Health dated 9th December 2015. Thereafter, the findings arising from the noise impact assessment as may be approved shall be implemented prior to any of the houses being occupied to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of amenity of the development.

Condition

6. That application(s) for the approval of matters specified in conditions (MSC) shall include measures to implement the findings and recommendations of the Extended Phase 1 Habitat Survey prepared by Energised Environments Ltd dated October 2015. Thereafter, the development shall be implemented only in accordance with the measures as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In the interests of nature conservation.

Condition

7. That application(s) for the approval of matters specified in conditions (MSC) shall include a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the completion or occupation of the development, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

Condition

8. That visibility splays of 4.5m x 215m shall be provided and maintained on land within the applicant's control, such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of road safety.

Condition

9. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:

- there shall be no treeworks undertaken during the main bird breeding season (March - September);
- all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.

The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of nature conservation and amenity.

Condition

10. That, during the implementation of the development hereby approved, all recommendations contained within the report titled "Residential Development - Dundonald Links, Geo-Environmental Desk Study Report" by Fairhurst, Report No. 111895 and dated November 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of Environmental Health.

Condition

11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of Environmental Health.

Condition

12. That the clubhouse, as previously approved under the terms of planning permission ref. 18/00465/PP, shall be erected to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the housing development hereby approved, unless otherwise agreed in writing.

Reason

To reflect that the housing development is to act as enabling development for the improvement of the facilities at the golf course.

A handwritten signature in black ink, appearing to read 'Karen Yeomans'.

Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

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