THE HIGHLAND COUNCIL	Agenda Item	6.10
PLANNING APPLICATIONS COMMITTEE – 18 th February 2014	Report No	PLN/019/14

13/04185/FUL: Dornoch Developments Ltd per GH Johnston Building Consultants Ltd. Royal Golf Hotel, Grange Road, Dornoch IV25 3LG

Report by Area Planning Manager

SUMMARY

Description : Erection of 33No holiday apartments

Recommendation - GRANT

Ward : 05 – East Sutherland and Edderton

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is in detail and involves the erection of 3 blocks (A, B, C) of 3 storey holiday apartments (33No. in total) within the garden grounds of the Royal Golf Hotel and the provision of a new car park and associated landscaping works. A previous permission (11/01382/FUL) for the erection of 37 apartments exists on the site therefore this application is solely concerned with an amendment to the design (and subsequent reduction in numbers). Specifically the development would comprise:
 - Block A, which is closest to the existing hotel building, with its principal long elevation facing the hotel (at approximately 90 degrees to blocks B and C). It is 3 storey with 9 apartments.
 - Block B which is the northern block and located to the south side of the stone boundary wall onto Grange Road, running long-side parallel to it. It is 3 storey with 12 apartments.
 - Block C which is in the SW corner of the garden, in a similar plane to Block B. It is 3 storey, contains 12 apartments, and is on the lower part of the main area of the site.

The apartments vary in size from 86sqm to 108sqm and typically have two bedrooms with living room/kitchen, bathroom and en-suite. Access to the blocks is

from a common stair with lift.

- 1.2 The design of the apartments is very different to the previous application (11/01382/FUL) which was very modern in character. The proposal still has three large blocks, but these have been designed to echo some of the more traditional design details and materials found on older properties in Dornoch, including those at the recently completed nearby Links apartments, the Royal Golf Hotel and the core older central area of Dornoch around the Cathedral. Proposed external materials include:
 - Caste stone Forticrete or similar not natural stone
 - Fine texture render
 - Pre-finished timber windows
 - Slate roof
 - Timber doors
 - Photovoltaics located on the hidden flat roofed area in the central part of the area
- 1.3 Pre-application advice was provided to the agent indicating that whist a more traditional design was to be commended; the roof and wall finish details would need to be commensurate with the design of the parent building (i.e. the hotel) in order to avoid any clashing.
- 1.4 There is existing sewerage, road and water infrastructure on the site.
- 1.5 A significant amount of supporting information has been received in connection with the previous application and in order to address the planning conditions attached to that consent. These conditions have now been largely discharged in and it is anticipated that work will commence on site shortly. It is proposed that this consent has been conditioned, where appropriate, to ensure that the development takes place in accordance with these previously approved details.
- 1.6 **Variations**: Further information with regards trees and landscaping has been submitted throughout processing of the application.

2. SITE DESCRIPTION

- 2.1 The Hotel is located in a prominent location within Dornoch and has a mix of residential, commercial and recreational uses surrounding it. The site comprises the garden ground and tennis court area to the west side of the Royal Golf Hotel which itself lies to the south of Grange Road and to the east of Kennedy Avenue. The tennis court is within the Dornoch Conservation Area with the boundary of the Conservation Area running along the southern boundary adjacent to Links House.
- 2.2 The Hotel is in a prominent location overlooking the Golf Course and Dornoch Beach. It was originally built as a private house and dates from 1896 and is a mix of two and three storeys. The walls are of local buff coloured dressed sandstone. Whilst the hotel is a large prominent building of local interest, it is not Listed. The hotel and the gardens extend to approximately 0.7ha, with buildings occupying approximately 17% of this. The disused tennis court is approximately 0.15ha. The western boundary of the main hotel garden is defined by the tree-lined Kennedy Avenue. There are also significant trees along the southern boundary of the site with Links House and the Royal Dornoch Golf clubhouse, and to the north on

Argyle Street / Grange Road. The site generally slopes from north to south, with a considerable change in level.

3. PLANNING HISTORY

- 3.1 11/01382/FUL Amendment of design for erection of 37No.holiday apartments including car parking and landscaping. Approved 13.06.2011 by Committee.
- 3.2 07/00217/FULSU Alteration and extension of hotel building. Demolition and alteration of outbuildings. Erection of spa, 9 bedroomed hotel wing and 11 apartments. Formation of car parking. Alteration of entrance gates and boundary walls. Installation of oil heating storage tank and flagpole. Provision of new hard and soft landscaping (As amended). Approved 23.10.2007 by Committee.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour/Conservation Area Representation deadline : 20.12.2013

Timeous representations : 15

Late representations :

- 4.2 Material considerations raised are summarised as follows:
 - The proposal is contrary to development plan policy

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- Reduction in sunlight as a result of the proposal
- Overdevelopment of site
- Undesirable form and massing which is out of character for the area and unsympathetic to the setting of the locality
- Adverse impact to the amenity of neighbouring properties as a result of the bulk, massing and location of the proposals
- Adverse impact on access and traffic including potential for cars to park along Kennedy Avenue
- Sewage problems in the area
- Loss of public water supply in Dornoch
- Not information submitted with the application, in particular no cross sections have been included
- Harm to existing trees
- Adverse noise and pollution generated by car parking
- The materials are not in keeping with surrounding buildings
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **TECS Roads**: No objections. Traffic and access arrangements have been agreed as part of the previous application (11/01382/FUL). The approved site layout reflects these arrangements. The consent has been conditioned to ensure detailed construction is agreed with TECS prior to first occupation of the development.
- 5.2 **THC Forestry Officer**: Initially objected to the proposal however following the receipt of supplementary information to address conditions attached to the previous consent (including submission of a Tree Protection Plan and Landscaping Plan) this objection has been removed. The consent has been conditioned to ensure the development proceeds in accordance with the approved.
- 5.4 **THC Access Officer.** No objections. The Access Officer outlines that there is no proposal to gate the existing access from Grange Road which is welcome. The proposal also includes a new access to the site from the Grange Road/Kennedy Avenue corner. It is assumed the corner plot created by the new access will become part of the local streetscape. The works here should be designed in consultation with the roads authority and, unless any parts are adopted by the Council as part of the highway, the maintenance of the area and any infrastructure shall remain the responsibility of the applicant.
- 5.5 **Scottish Water:** No objections.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28	Sustainable Design	
29	Design Quality and Place Making	
34	Settlement Development Areas	
43	Tourism	
44	Tourist Accommodation	
51	Trees and Development	
57	Natural, Built and Cultural Heritage	
66	Surface Water Drainage	
Sutherland Local Plan 2008		

1 Dornoch SDA

Conservation Area

6.2

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

- 8.3.1 The site lies within the Dornoch Settlement Development Area therefore the application must be determined principally against Policy 34 of the Highland-wide Local Development Plan however Policy 57 is also applicable and requires to be given due consideration. Policy 34 outlines that the Council will support proposals where they are compatible with adjoining land uses and will not adversely impact on any natural, built or cultural heritage feature. The proposed development is considered to be in keeping with the range of uses found within the Settlement Development Area and whilst on the edge of the Conservation Area, it is considered that the proposed development which is traditional in nature, both in terms of design and use of materials, seeks to replicate many of the key traditional buildings found in Dornoch.
- 8.3.2 In consideration of tourism-related policies presented in the development plan (Policy 44-45), the development of much needed tourist accommodation in this location, which is within close proximity to the town centre and beach, will also contribute to a wider economic benefit without any undue impacts on neighbouring uses and without prejudicing the residential housing land supply. In this regard the consent has been conditioned to restrict the proposed apartments to tourist accommodation only.
- 8.3.3 As noted previously, the site has planning permission for 37 units across 3 blocks of apartments. The principle of a development of this kind has therefore been established and the purpose of this report is therefore to assess the amended design and whether the proposal remains appropriate in terms of all material considerations.

8.4 Material Considerations

<u>Design</u>

8.4.1 Around 25% of the existing garden curtilage of the hotel (the area of land to the east side of Kennedy Avenue, excluding the tennis court / proposed 23 car parking spaces) would have new buildings placed on it; this would increase to around 30% if the 10 additional car parking spaces adjacent to Block B are included in the calculation. This level of development density is considered to be acceptable for

this garden curtilage area.

- It is recognised that the proposed buildings do have a large form and massing as 8.4.2 has been established through the previous planning permission (11/01382/FUL) however the reduction in height of Block C from 4 storey to 3 storey as currently presented helps to provide a reduction in the overall scale of the development. In addition, the height, scale and tree canopy of the existing trees and walling surrounding the site provide a distinct and clear curtilage boundary and it is considered that this helps to provide a clear site boundary within which these buildings will be contained. This existing clear curtilage boundary also helps reduce the impact on amenity of the development on the adjacent properties. Members will note that the existing Hotel building is of a similar height, with other large buildings in the immediate area including Ross House Hostel and the Dornoch Hotel to the north; and the Golf Club to the southeast. In this context the proposed buildings are considered to be acceptable. Notwithstanding this however, there are other small buildings which are residential to the northwest, west and southwest, as well as a recently converted private house (to a small hotel - Links House) to the south. Therefore there are a range of building sizes in the area, with no over-riding dominant form.
- 8.4.3 It is recognised from the representations that the design is a mix of classical architecture and modern pastiche form. The finesse and careful design solution of the original planning permission (07/00217/FULSU) for the site could be said to have has been lost within the current proposal, particularly relating to the cross-fall solutions across the site. The way in which the massing of both walls and roofs was previously broken up as part of this proposal was an acceptable solution but we have to assess what is presented in the application before us. The current proposal does take its influences from the neighbouring architectural form of the larger surrounding buildings to the northeast, southeast and south. The design proposed is considered to be an improvement on that most recently approved in 2011 and is more in keeping with the area.
- 8.4.4 The consent has been conditioned to require sample external materials and finishes to be submitted and agreed prior to the commencement of development.

Access and Traffic

- 8.4.4 Access and traffic issues have been the subject of the discussions with the planning authority and TECS Roads in connection with the previous planning application. As noted in Section 5.1, the approved drawing reflects the agreement which has been reached in this regard. It demonstrates that the existing hotel access would be utilised to serve the proposed development. The access to Kennedy Avenue at its junction with Grange Road would also be widened with a passing place created along Kennedy Avenue.
- 8.4.5 Pedestrian access has also been included as part of the development with provision of footpaths linking through to the Golf Hotel and a new pavement to be provided between the road and pedestrian entrance into development. Kerbs will also be dropped as appropriate for pedestrians.

Infrastructure

8.4.5 Objectors have noted that the proposal may result in sewage problems in the area or a loss of public water supply in Dornoch. In this regard it is worth noting that Scottish Water have raised no objections with the proposed development. Surface water drainage is to be provided by within curtilage soakaways for the three blocks as well as the parking areas.

Trees and Landscaping

- 8.4.6 The position of the blocks is the same as that on the previous application (11/01382/FUL). As the development has been reduced in overall scale, with Block C being reduced in height by one storey from 4 to 3, there is a reduced impact on the trees on the southern site boundary, as well as on the adjacent Links House. On this basis, the proposal is considered to be acceptable. A number of documents relating to tree protection and landscaping have been submitted in support of the previous application and to discharge the conditions attached to that consent. The Forestry Officer has indicated that the information submitted is sufficient to address any outstanding concerns in this regard. The consent has been conditioned to ensure the development progresses in accordance with the approved details.
- 8.4.7 In the existing garden there is a mature Weeping Elm which is to be retained as part of the development (this tree would have been relocated under 07/00217/FULSU). Other trees around the edge of the site are to be protected and the submitted landscaping plan provides for new planting. The consent has been conditioned to ensure the development progressed in accordance with these agreed details.

8.5 **Other Considerations – not material**

Impact on existing properties solar panels has been raised in one representation. This is not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

None (as the application relates to holiday accommodation only).

9. CONCLUSION

9.1 The proposal is considered to be a significant improvement on the previous modernist design solution 11/01382/FUL for the site, although the original building design (07/00217/FULSU) was more thoughtful, considered and reflective of the architectural form and materials prevalent on larger buildings in the immediate area. Notwithstanding this, the proposal will, like the previously approved developments on the site, help to provide much needed additional holiday accommodation in Dornoch. This will help to sustain the existing local tourism market, with a strong geographical linkage to the nearby golf club, as well as its close proximity to the beech and the central part of Dornoch. Such consolidation of tourist accommodation will have positive economic benefits to the area for the

longer term and these are to be welcomed.

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant / reasons for refusal:

1. The apartments hereby approved shall be used for holiday purposes only and shall not be occupied at any time as the sole or main place of residence of any occupant.

Reason: In order to ensure that the apartments are occupied for holiday purposes only and not as permanent residential accommodation.

2. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. PL020 Rev B shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity. For the avoidance of doubt, the 10 parking spaces adjacent to Block B shall be finished to match the surface of the existing car park for the Hotel. The new car park to the west side of Kennedy Avenue shall be finished with Cedec self-binding gravel, or as may otherwise be agreed in writing with the Planning Authority, prior to the commencement of construction works on the car park. The link footpaths from the existing hotel building through the site to: Blocks A, B and C; the new car park to the west side of Kennedy Avenue; and to the new pedestrian entrance to the site at the junction of Kennedy Avenue and Grange Road; shall be provided by the developer before the first occupation of any of the apartments

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity and in order to ensure that the level of off-street parking is adequate.

3. All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and Scottish Water. For the avoidance of doubt, foul drainage shall be by means of a connection to the public sewer. Surface water drainage shall be undertaken using the best practice of SuDS and as detailed on Drgs No.PL030 and PL003 Rev B docquetted hereto, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development

Reason: In the interests of amenity and to ensure that the site is adequately drained.

4. Lighting for the car park to the west of Kennedy Avenue shall be completed in accordance with agreed scheme dated 13th January 2014 prior to first occupation

of the development hereby approved.

Reason : In the interests of amenity and in order to avoid light pollution.

5. The express approval of the Planning Authority shall be required for the installation of any television aerials or satellite dishes.

Reason : In order to allow the Planning Authority to retain effective control over the development of the site and in the interests of amenity.

6. A suitably qualified arboricultural consultant must be employed at the applicant's expense to ensure that the Arboricultural Impact Assessment and Tree Management Plan (prepared by RumRoy Limited on 5th February 2014 – V2.1) is implemented to the agreed standard. Protective barriers shall be to the specification given in Figure 2 of BS5837:2012 (Trees in Relation to Design, Demolition and Construction). Protective barriers shall not be moved or removed and no activity shall take place within the Construction Exclusion Zone without the written consent of the planning authority. For the avoidance of doubt, the proposed layby and pedestrian access across Kennedy Avenue are indicative only, with the final position and specification to be agreed with the planning authority prior to commencement of development. Stages requiring supervision are also to be agreed with the planning authority prior to commencement of development and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

7. A suitably qualified landscape consultant must be employed at the applicant's expense to ensure that the Landscape and Maintenance Plan (prepared by RumRoy Limited on 5th February 2014 – V3.1) is implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority prior to commencement of development and certificates of compliance for each stage are to be submitted for approval.

Reason: In the interests of amenity.

8. Entrance gates and wall breaching on Kennedy Avenue/Grange Road shall be carried out with the approved drawings ref PL031 and PL032 prior to first occupation of the development hereby approved.

Reason: In order to ensure that the development is sympathetic to its surroundings and in keeping with the adjacent Conservation Area.

9. No development shall commence on site until the developer has provided sample panels/material samples of the following for the approval in writing of the Planning Authority: Walls shall be finished in a finely textured wet harl, or similar, with areas of randomly cut and sized natural or stone or caste stone; windows and doors shall be timber; and the roof shall be finished in natural slate. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of amenity, as no details have been provided and for the avoidance of doubt.

10. No development shall take place on site until the developer has submitted and had approved in writing by the Planning Authority cross section plans of the site showing existing and proposed ground levels and existing and proposed building positions relative to an agreed, fixed and easily identifiable datum point. The sections shall be taken both north to south and east to west and shall show the position of existing buildings such as the Royal Golf Hotel, Ross House, Glensheil, Colonsay, Links House, Royal Dornoch Golf Club, 7 Argyle Street. The plans shall also show details and plans of any SuDS measures, retaining walls (including their finishes) and any areas of cut and fill. The approved details and plans shall thereafter be implemented by the developer as part of the construction of the development.

Reason: In the interests of amenity and as no details have been provided.

11 Unless otherwise approved in writing by the Planning Authority, construction activity on the site shall be restricted to:

- Monday to Friday 0800 1800
- Saturday 0900 1300

• Sunday - No Sunday working unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity and in order to avoid disturbance and nuisance.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing

on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be

downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationfo rmsforroadoccupation.htm

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Bob Robertson/ Gillian Webster
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location/Site Plan - PL020 Rev B
	Plan 2 – Elevations (Block A) – PL021
	Plan 3 – Elevations (Blocks B and C) - PL023
	Plan 4 – Elevation to Grange Rd – PL027

Appendix – Letters of Representation

Timeous

- 1. Mrs Helen Lyon, Studio 3b, Station Square, Dornoch, IV25 3PB
- 2. Mrs Alexina Cowan, 11 Macdonald Road, Dornoch, IV25 3LH
- 3. Mr Grant Mackay, 31 Ross Avenue, Dornoch, IV253TD
- 4. Mr James Maxwell, Maxwell and Company Ltd, 23 Southside Road, Inverness, IV2 3BG
- 5. Mrs Isabella Stewart Kennedy Wright, Colonsay, Grange Road, Dornoch, IV253LD
- 6. Mr Todd Warnock, Links house Limited, Golf Road, Dornoch, IV25 3LW
- 7. Mrs Marie Hay, 202, Lednabirichen, Dornoch, IV25
- 8. Ms Beverley Navarro, The Flat. Links House, Golf Road, Dornoch, IV253LW
- 9. Mr Matthew Tulley, 6a Argyle St, Dornoch, IV25 2LA
- 10. Mr Scott Lyon, Creel Lodge, Littleferry, Golspie, KW10 6TD
- 11. Mr James W Strachan, Rose Cottage, 7 Argyle Street, Dornoch, IV25 3LA
- 12. Mr Darren Miranda, Glenshiel, Golf Road, Dornoch, IV253LW
- 13. Proprietor Todd Warnock, Links House, Kennedy Avenue and Golf Road, Dornoch, IV25 3SA
- 14. Ms Yvonne Macrae, 64 Elizabeth Crescent, Dornoch, IV25 3NN
- 15. Mr Peter Crome, The Carnegie Club, Skibo Castle, Dornoch, IV25 3RQ

Non Timeous

16. Mr Neil Rovertson, Gashagaich, Dornoch, IV25 3NH









Rear Elevation 1:100



Front Elevation 1:100



Ground Floor Plan 1:100

Block C - 4 storeys comprising 16no. 2 bedroom apartments (numbers 22 - 37)



Side Elevation 1:100



Side Elevation 1:100







PLANNING

