

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
10 JUNE 2014**

Agenda Item	6.5
Report No	PLN/042/14

**14/00214/FUL: Gairloch & Loch Ewe Action Forum  
The Gale Centre Gairloch IV21 2BH**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Part change of use of building to form cafe (Retrospective)

**Recommendation - GRANT**

**Ward : 06 - Wester Ross, Strathpeffer And Lochalsh**

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee:** Representations from more than five individual addresses.

**1. PROPOSED DEVELOPMENT**

- 1.1 Retrospective permission is sought for a café to be operated from the building known as the GALE (Gairloch & Loch Ewe Action Forum) Centre. Services housed within the Centre include a public information service, a retail outlet, office accommodation, an advertising service for local businesses and community groups, exhibition space and class/lecture rooms operated by UHI's West Highland College.
- 1.2 The café facilities cover 35m<sup>2</sup>, or thereby, of the main area of public space which includes the retail and exhibition space.

**2. SITE DESCRIPTION**

- 2.1 The Centre is located adjacent to the public road at Auchtercairn within the settlement of Gairloch. To the north of the building lies the parking area associated with the Centre which consists of parking and turning for 14 vehicles. To the east, rear of the building, is the access road to the Centre and the housing development known as Thorasdail Barraid. To the south, on the opposite side of the public road, is the restaurant known as The Sheiling. The front of the Centre is open, with views across the main public road to Loch Gairloch.

### **3. PLANNING HISTORY**

3.1 09/00008/FULRC - Erection of offices, tourist information and community use building (Detail) - Approved subject to conditions - July 2009.

3.2 The Centre opened in May 2012.

### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Unknown Neighbour

Representation deadline : 21.02.2014

Objectors: 31

Supporters: 7

4.2 Material considerations raised are summarised as follows:

- Insufficient parking.
- Loss of amenity to the adjacent houses due to noise and smell from refuse bins.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### **5. CONSULTATIONS**

5.1 Transport Planning Team: No objections. The original parking requirement was 14 spaces, based on the mix of uses. There is no definitive guidelines for a mixed use development. One space is generally required for every 5m<sup>2</sup> of café floor area. There appears therefore to be a short fall in the parking requirements of 3 spaces. Overspill parking on the access does not appear to be having an impact on road safety. The shortfall in parking should be given appropriate consideration in the assessment of future developments at the Auchtercairn site.

5.2 Gairloch Community Council: No objections. The community council wish to adopt a neutral stance. Concern about the existing parking and access facilities. The existing problems would be exacerbated by the development.

### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

#### **6.1 Highland Wide Local Development Plan 2012**

Policy 28 Sustainable Development

Policy 34 Settlement Development Areas

**6.2 Wester Ross Local Plan 2006 ( as continued in force)**

Settlement Development Area – Gairloch

**7. OTHER MATERIAL CONSIDERATIONS**

**7.1 Draft Development Plan**

Not applicable

**7.2 Highland Council Supplementary Planning Policy Guidance**

Not applicable

**7.3 Scottish Government Planning Policy and Guidance**

SPP

**8. PLANNING APPRAISAL**

**8.1 Background to submission of planning application**

8.2 Planning permission (09/00008/FULRC) was granted for the Centre in July 2009. The permission was subject to a number of conditions including one which stated that any revision to the internal layout of the building would require further consideration by the Planning Authority. The reason for the condition was to ensure that the manner in which the building was to be used was as approved and did not result in servicing issues.

8.3 In July 2013 the Planning Service was contacted by Gairloch Community Council who requested clarity regarding the Centre selling cakes and hot drinks.

8.4 Following a site visit and an assessment of the terms of the planning permission for the Centre the Planning Service contacted the operators and advised them that they were in breach of the planning approval as the internal layout did not accord with the approved plans.

8.5 In January 2014 the current application was lodged, following several reminders from the Planning Service.

8.6 The application has attracted a significant number of representations. The majority of these representations are objecting to the development on grounds that the Centre is in direct competition with other cafés/restaurants in the village, that commercial competition within the village is not appropriate for a charitable organisation such as the Gairloch and Loch Ewe Action Forum and that a building which was funded partially through public grants should not be running a business in competition with other local businesses.

8.7 Members will be fully aware that commercial competition and the manner in which the building of the Centre was funded are not material considerations in the determination of the application for planning permission. No weight can be given to these matters.

## 8.8 **Development Plan Policy Assessment**

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.

8.9 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.

8.10 Policy 28 (sustainable development) of the HwLDP aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they “are compatible with public service provision and impact on individual and community residential amenity”

8.11 Policy 34 (Settlement Development Area) states that we will support proposals within SDA's if they meet the requirements of Policy 28 and all other relevant policies of the plan and we will judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage feature.

## 8.12 **Material Considerations**

8.13 The principal of operating a café from a site which lies within the settlement development area and which is part of the Auchtercairn mixed use site, is considered to accord with the broad principals of the development plan policies. It is considered that the serving of cakes and hot drinks, including soup is a complementary operation to those that are carried out from the building

8.14 The plans that accompanied the original planning application ( 09/00008/FULRC) initially included a café. These plans were amended prior to the application being determined. The approved plans indicated only the provision of a seating area which consisted of several tables and settees. The layout plan submitted as part of the current application indicates an intensification of the use of the seating area by the addition of more tables and the operation of a cafe.

8.15 The layout has also been altered in relation to exhibition and retail space both of which have increased marginally.

8.16 Guidance on parking requirements is set out in the Council Roads and Transport Guidelines. The guidance states that for mixed use development parking levels should generally be assessed on merit, as there are likely to be opportunities to share parking, as a result of shared car trips and or/different peak parking requirements.

8.17 Assessed against the guidance that was relevant at the time planning application 09/00008/FULRC was determined, a total of 14 spaces was considered adequate to service the mix of uses. The car park has been constructed in accordance with

the approved plans and has been in use since the building opened in May 2012. The café appears to have been in operation since the start of the summer season 2013, if not before.

- 8.18 In response to a consultation on the current application the Transport Planning Team have commented again that there are no definitive guidelines for this type of mixed development. They have noted that based on guideline requirements for cafes it would appear that there is a shortfall of 3 spaces.
- 8.19 In support of the application, the applicants submitted a car park log which commenced at the beginning of February 2014. In addition they state that in the winter months the Centre is used by local people accessing the services within the centre and attending the West Highland College classes. During these months there are on average 3 cars in the car park. During the summer months the Centre is busier with tourists, the college is closed and local customers tail off. The most pressure on the car park and the Centre is during the school holidays (6 weeks) between July and mid August. The applicants indicated that the car park is likely to be full to capacity one day each week, during this period. This is usually a Monday when a local market is held.
- 8.20 A number of third party representations and the response from the Community Council indicate that there are problems with parking on the public road in the vicinity of the Centre causing nuisance. It is suggested that these problems are associated with the GALE Centre.
- 8.21 Reference is made to incidents in 2013 which involved the Police attending. Following discussion with the Police it appears that these related to visitors parking at the rear of the building on the public road outwith the opening hours of the Centre. The Police confirmed that when asked the vehicles moved on.
- 8.22 There are no parking restrictions on the public road which would prevent vehicles parking here at any time of the day. There are also a number of existing established commercial outlets within Auchtercairn including a café/restaurant and a retail shop which lack dedicated in-curtilage parking. It is therefore unreasonable to solely attribute problems of on street parking to the GALE Centre
- 8.22 It is acknowledged that within the curtilage of the Centre there is little opportunity to provide the additional parking that the Transport Planning Team has highlighted. On balance it is considered that a shortfall of three parking spaces is not sufficient reason to justify refusal of the application for planning permission. There are no other material considerations which would warrant refusal. It is considered appropriate to limit the number of covers which make up the café element to that shown on the submitted plan thus limiting any further intensification in this use.
- 8.23 Members may wish to note that in July 2012 planning permission was granted for the development of the area of ground that lies to the north of the Centre. This development is for a retail unit and café which will replace the existing farm shop. As required the development includes in curtilage parking for staff and customers. Development of this site will reduce the need for cars to park on the public road.

The manner in which the site will be developed will also provide an opportunity for the off street parking facilities of the GALE Centre and the new retail unit to be used in a communal way.

#### 8.24 **Other Considerations – not material**

As set out in paragraph 8.6, above the following matters are not material considerations in the determination of the planning application.

- Source of the original funding package for the development of the site.
- Commercial competition.

#### 8.25 **Matters to be secured by Section 75 Agreement – N/A**

### 9. **CONCLUSION**

9.1 It is concluded that the alterations to the internal layout of the building and the serving of cakes, hot drinks and soup have not resulted in the over development of the site in that the amount of parking provision is considered acceptable for the level of activity and the mix of uses that are housed in the building.

9.2 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:

1. The number of covers within the café element, including any future external seating area, shall be limited to no more than 20 in total and any variation shall require the prior formal approval of the Planning Authority.

**Reason** : To ensure that there is sufficient parking within the site to accommodate any amended combination of uses .

#### **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.

#### **FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 14/00214/FUL**

#### **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.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Erica McArthur  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Plan  
Plan 3 – Internal layout (as approved 09/000008/FULRC)  
Plan 4 – Internal layout ( as existing)

## Appendix – Letters of Representation

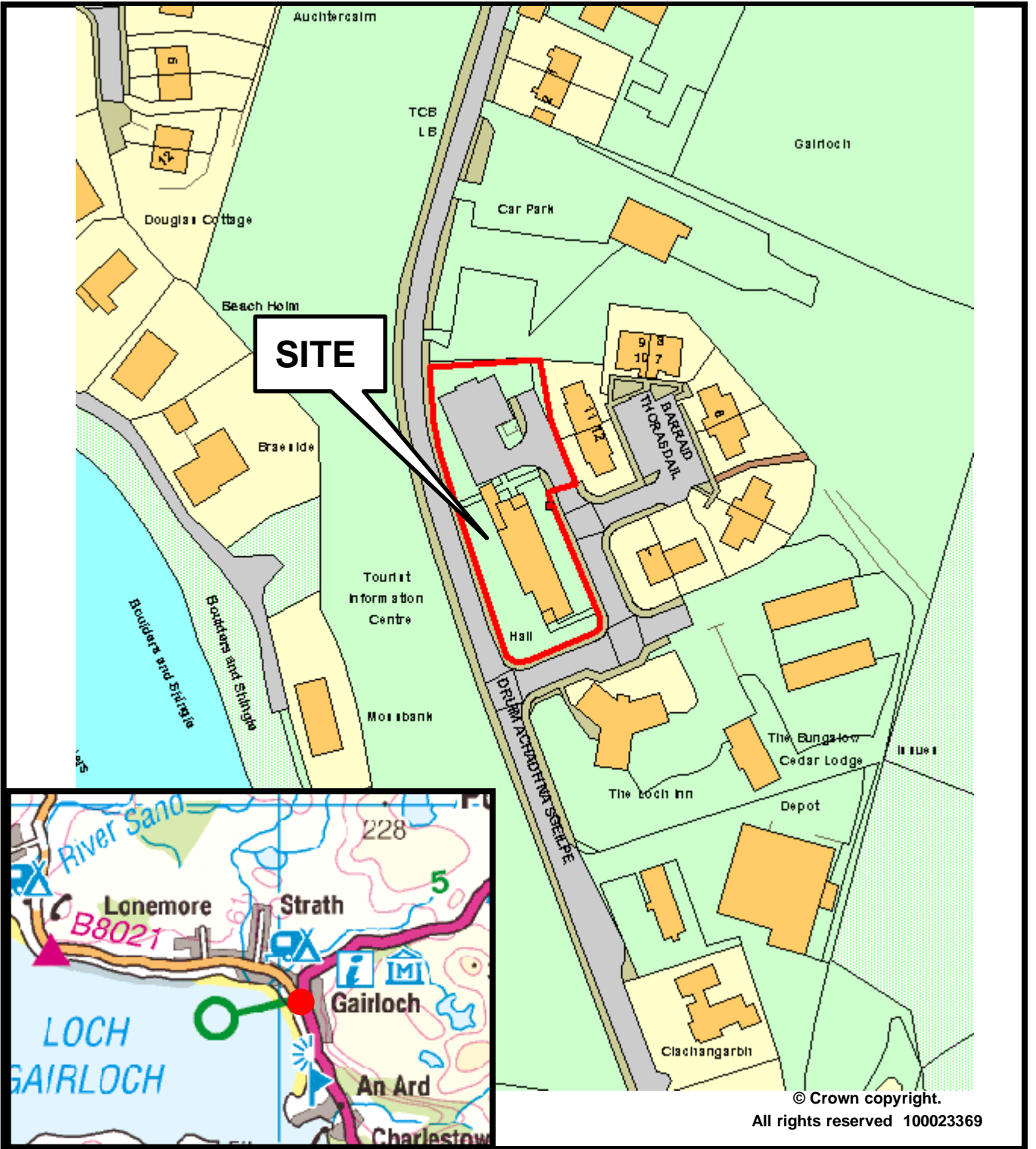
### OBJECTORS

1. Mr John Beck, Ardmara Druim Achadh Na Sgeilpe, Gairloch, IV21 2BH,
2. Mr Chris Bone, Creag Beag, Gairloch, IV21 2AH,
3. Mr David Carruthers, Pier Road, Gairloch, IV21 2AH,
4. Miss Fran Cree, 23 Melvaig, Gairloch, IV21 2EA,
5. Ms Inge Ford, LittleLodge, North Erradale, Gairloch, IV21 2DS,
6. Mr Douglas Gibson, Cnoc Alluinn 13 Mihol Road, Strath, Gairloch, IV21 2BX,
7. Mr Alistair Gordon, 12 Ormiscaig, Aultbea, IV22 2JJ,
8. Mr Alex Gray, Ceòl na Mara, Pier Road, Gairloch, IV21 2BQ,
9. Mr David Griggs, 7 Braeside Rd, Gairloch, IV21 2BG,
10. Mr Peter Henderson, The Knowes, Badachro, Gairloch, IV21 2AA,
11. Mrs Pauline Hodges, Craigview, Low Road, Gairloch, IV21 2BS, ,
12. Mr Dennis Keogh, Rosecroft, 15, North Erradale, Gairloch, IV21 2DS,
13. Mrs Johanna Lagerman, 11 Barraid Thorasdail, Gairloch, IV21 2DU,
14. Mr Doug Lapsley, 18 Strath, Gairloch, IV21 2BX,
15. Mrs Amy MacDonald, 15 Cove, Poolewe, Ross-Shire, IV22 2LT,
16. Miss Isla MacKenzie, 4 Achdesdale, Gairloch, IV212BH,
17. Mrs Jan Macgregor, 1 Braeside Road, Gairloch, Iv212bg,
18. Ms Ishbell Mackenzie, 9 Barraid Thorasdail, Gairloch, IV21 2DU,
19. Miss Agnes Matheson, 12 Barraid Thorasdail, Gairloch, IV21 2DU,
20. Mrs Tracy McLachlan, Londubh Londubh Road, Poolewe, IV22 2LD,
21. Mrs Wendy Mullaney, 5 Braeside, Gairloch, IV21 2BY,
22. Mrs Veronica Mullaney, Carnach Tollie Pier Road, Gairloch, IV21 2BN,
23. Mr J Nicholson, 9 Coast, Inverasdale, IV222LR,
24. Mr Michael Northeast, Tigh Na Daraich, 13 Fasaich, Gairloch, IV21 2DH,
25. Mr Philip Russell, 10 Barraid Thorasdail, Gairloch, IV21 2DU,
26. Mr and Mrs Sherlock, Alpine Cottage, Badachro, Gairloch, IV21 2AA,
27. Mr Paul Stockley MBE, Clachan Garbh, Gairloch, IV21 2BH,
28. Mr William Turnbull, 11 Fasaich, Gairloch, IV21 2DH,
29. Mr Christopher Urquhart-Taylor, 5 Londubh, Poolewe, IV22 2LD,
30. Ms Katherine Vine, 4 Aultgtrishan, Gairloch, IV212DY,
31. Wester Loch Ewe Community Council, c/o 14 Midtown of Inverasdale, IV22 2LW,

### SUPPORTERS

1. Mr Peter Dodd, 67 Virginia Way, Abingdon, OX14 5QL
2. Ms Chris Gudgeon, Shieldaig Farmhouse, Gairloch, IV21 2AN
3. Mrs Mairi McLellan, Heatherlea, Badachro, Gairloch, IV21 2AB
4. Ms Jess McWhinney, Dry Island, Badachro, Gairloch, IV21 2AB
5. Mrs Isabel Stewart, The Sithean, Fasaich, Gairloch, IV21 2DB
6. Mr Peter Taylor, 3 InnesMaree Bungalows, Poolewe, IV22 2JY
7. Fiona MacLeod, Fasaig, Port Henderson





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REVISIONS:

REVNO:	DD/MM/YY:	DESCRIPTION:
A	28.2.11	Water supply added, drainage extended
B	6.4.11	Car park layout amended
C	5.5.11	Paths removed, water supply to ext tap
D	25.5.11	Building Warrant Comments
E	15.8.11	Raised beds added
F	25.8.11	Car park amended
G	19.3.12	Dwg updated

NOTES:  
CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.  
**DO NOT SCALE DRAWING**

+20.150	PROPOSED LEVEL
+20.10	EXISTING LEVEL

NOTE THE SITE HAD TOPSOIL DEPOSITED ON IT WHEN THE ADJACENT HOUSING SCHEME WAS BUILT. THIS EXCESS MATERIAL WILL BE REMOVED BY OTHERS TO RETURN THE GROUND LEVELS TO THAT WHICH EXISTED PRIOR TO THE HOUSING DEVELOPMENT. SEE WA FAIRHURST DWGS 88730 02.03 & 04.

REFER TO WA FAIRHURST DWGS 88730 05.08 & 07 FOR DRAINAGE INVERT DETAILS, CAR PARK AND ROAD CONSTRUCTION DETAILS

PROJECT:  
**GALE  
Visitor Centre**  
Achercairn Development Site  
Gairloch

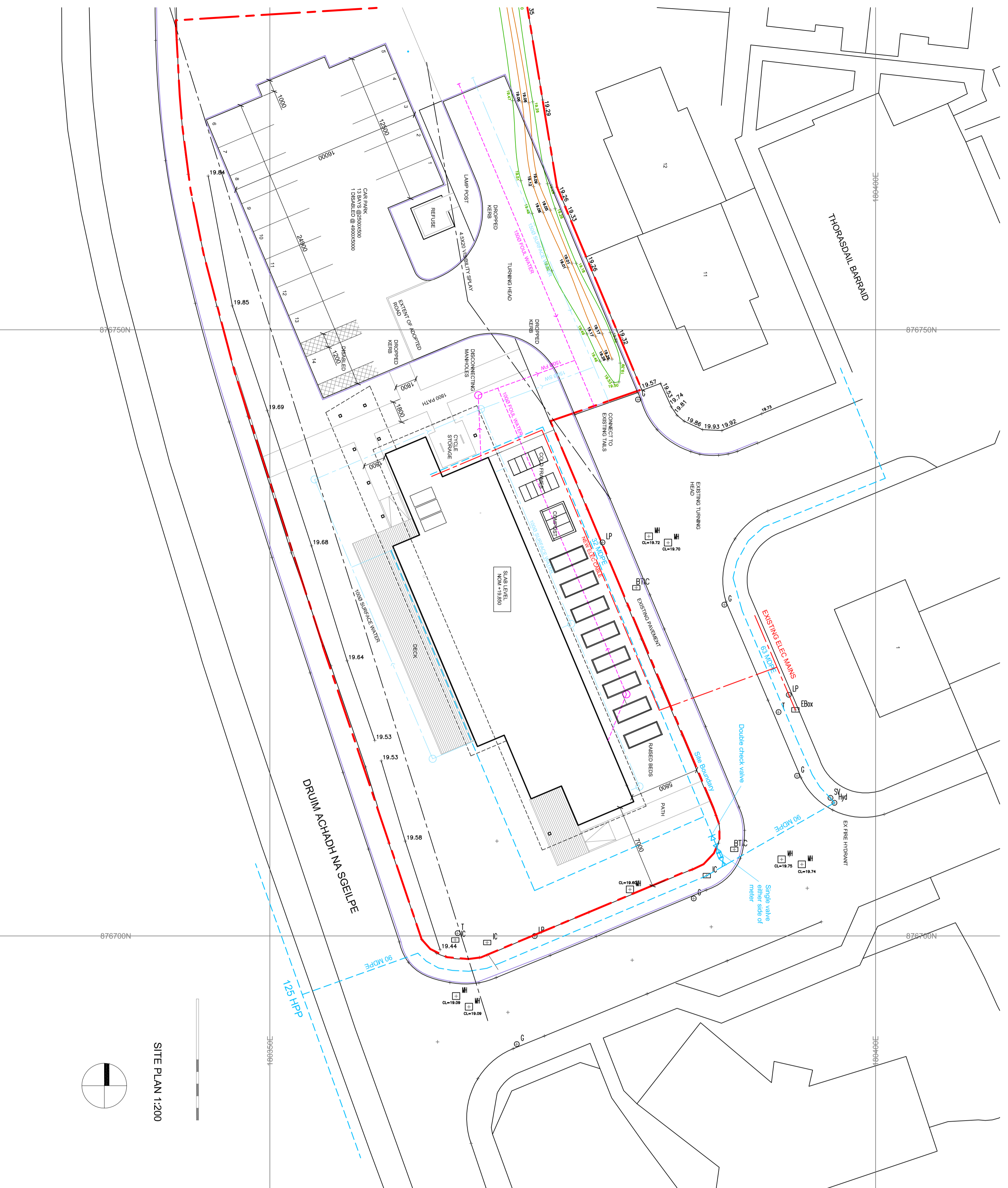
DRAWING:  
**Site Plan**

**DRAWING ISSUED FOR: CONSTRUCTION**

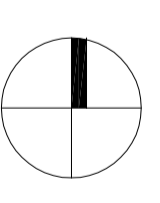
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VERIFIED BY:	
DRAWN BY:	CCH
SCALE:	1:200
DATE:	Jan 2011

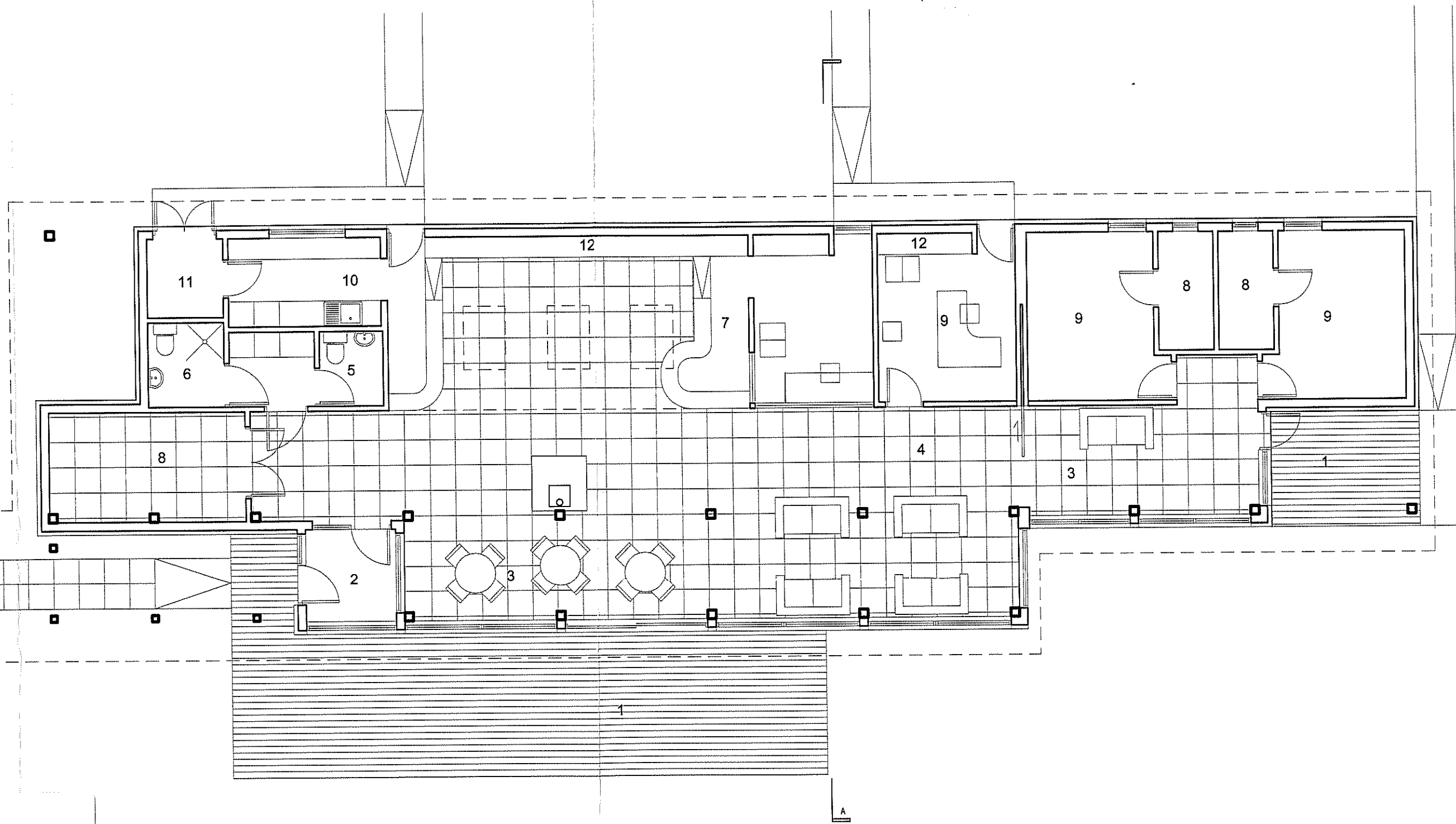
PROJECT NO | DRAWING NO

**1084 06 W01 G**



SITE PLAN 1:200





RECEIVED  
17 JUN 2009

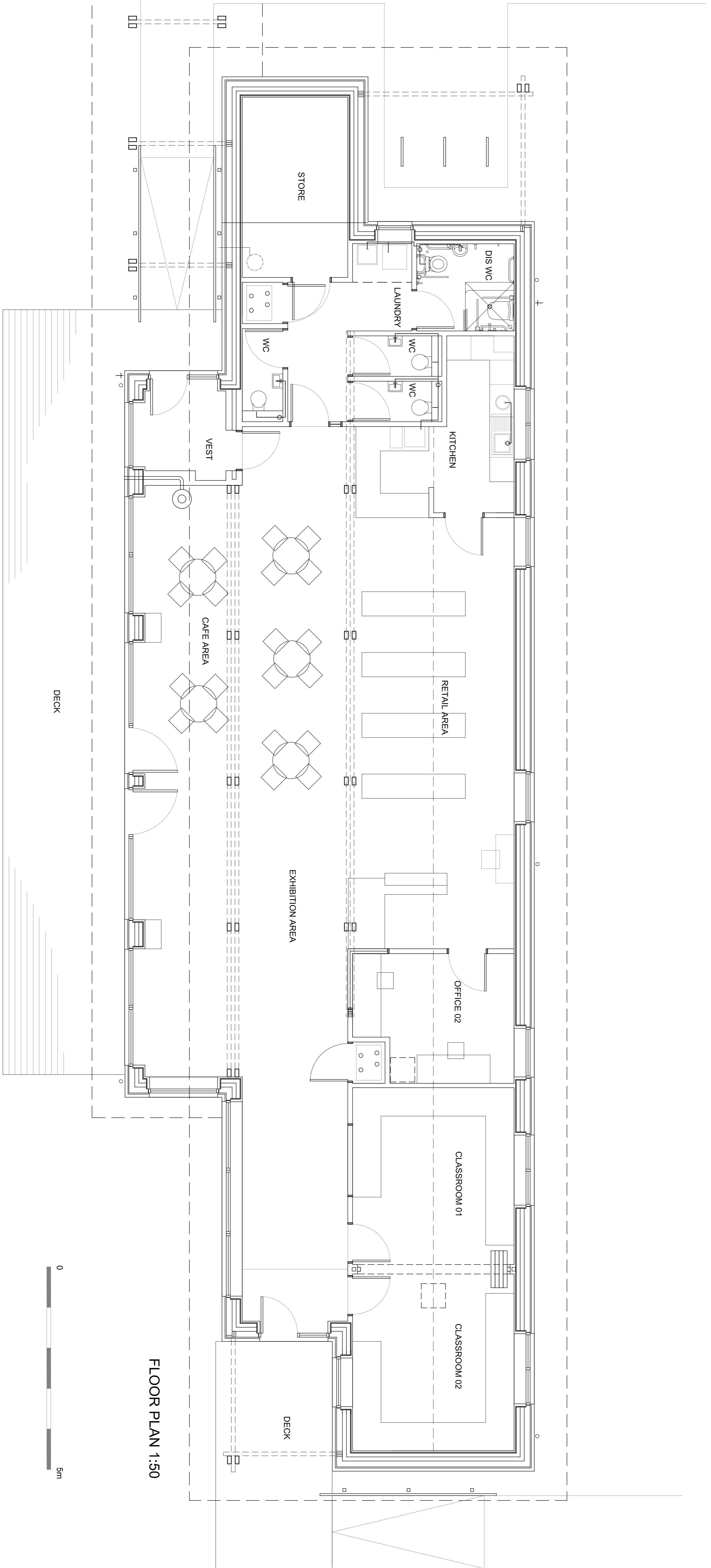
THE HIGHLAND COUNCIL  
 PLAN 4 OF 8 SUBMITTED WITH PLANNING  
 APPLICATION REFERENCE 09/00008/FULRC  
 DATE OF RECEIPT: 17 June 2009

REV A Ammendments to Layout

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Project  
 NEW GALE VISITOR CENTRE | GAIRLOCH  
 Title

17



FLOOR PLAN 1:50

Date	Jan 2014	Drawing Title	Floor Plan	Project Title	GALE Visitor Centre Achterrairin Development Site Gallicloch
By	CH	Revision		Dwg Number	1084 06 W101
		Scale	1:50		
<b>Neil Sutherland</b> Architects LLP 170 Dundas Street Glasgow G1 1JH Tel: 01463 709093 Fax: 01463 709155 Email: info@neilsutherland.com			This drawing is copyright of Neil Sutherland Architects		