

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 12 June 2012**

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**Subject: Receipt of two appeals in relation to:**

- a) Change of use of Class 1 (Retail Unit) to Class 2 (Betting Office), 31 Sylvania Way South, Clydebank (DC12/008)**
- b) Change of Use of an industrial unit to pre-school nursery, Unit 6, The Alpha Centre, South Douglas Street, Clydebank (DC11/260)**

**and outcome of an appeal in relation to:**

- c) Change of use of retail unit to a financial services office at 86-88 High Street, Dumbarton (DC11/252).**

#### **1. Purpose**

- 1.1** To advise the Committee of the receipt of two appeals and the outcome of a third appeal.

#### **2. Background**

##### 31 Sylvania Way South, Clydebank

- 2.1** An application for planning permission for the change of use of a retail unit to a bookmakers was refused by the Planning Committee on 6 March 2012 on the grounds that the proposed use would be contrary to Policy RET6 of the West Dunbartonshire Local Plan 2010, as it would result in the loss of an existing retail unit and result in a further proliferation of non-retail uses and would detract from the amenity and character of the area.

##### Unit 6, Alpha Centre, South Douglas Street, Clydebank

- 2.2** An application for planning permission for the change of use of an industrial unit to a pre-school nursery was refused by the Planning Committee on 6 March 2012 on the grounds that the proposed use would be contrary to Policy GD1 and LE1 of the West Dunbartonshire Local Plan 2010, as it would have an adverse impact on both existing and future industrial development in the immediate area and the use of the building is not appropriate for a building in this location. It was also refused with regard to these policies in that it failed to provide adequate provision of safe parking of vehicles whilst dropping off/picking up children from an industrial access road where on street parking is at capacity.

### 86-88 High Street, Dumbarton

- 2.3** An application for planning permission for the change of use of a retail unit to a financial services office was refused by the Planning Committee on 7 February 2012 on the grounds that the proposed use would be contrary to Policies RET5 and RET6 of the West Dunbartonshire Local Plan 2010, as it would have a negative impact on the vitality and viability of the town centre and would create dead frontage in the prime retail area.

## **3. Main Issues**

### 31 Sylvania Way South, Clydebank

- 3.1** An appeal against the refusal of planning permission has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a site visit and written submissions.

### Unit 6, The Alpha Centre, Clydebank

- 3.2** An appeal against the refusal of planning permission has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a site visit and written submissions.

### 86-88 High Street, Dumbarton

- 3.3** The Reporter considered that Dumbarton town centre is clearly not thriving and that there are a number of vacant retail units within the town centre, indicating a decline in the quantity and variety of shops in recent years due to the loss of retail expenditure to out of centre locations. At present the vacant unit has a dead frontage and does little to enhance Dumbarton town centre. Consequently the Reporter concluded that while the use would not be a retail use, bringing it into use would revitalise a key part of the town centre and contribute positively to the vitality and viability of the town centre, thus complying with policies RET5 and RET6 of the West Dunbartonshire Local Plan 2010. The appeal was therefore upheld and planning permission granted.
- 3.4** The applicant had applied for costs against the Council however no costs were awarded by the Reporter as he considered that the reasons for refusal were not unreasonable.

## **4. People Implications**

- 4.1** There are no personnel issues.

## **5. Financial Implications**

- 5.1** There are no financial implications.

## **6. Risk Analysis**

- 6.1** None.

## **7. Equalities Impact Assessment (EIA)**

**7.1** None.

## **8. Strategic Assessment**

**8.1** There are no strategic issues.

## **9. Conclusions and Recommendations**

**9.1** The outcome of the appeal in relation to 86-88 Dumbarton High Street is the latest in a series of appeals where Reporters have overturned this Council's decisions to refuse non-retail units within town centres due to policies RET5 and RET6. These decisions indicate that the Scottish Government considers that non-retail uses do contribute positively to town centres, especially in cases where the town centre has a high rate of vacancies or the unit has itself been vacant for some time.

**9.2** It is recommended that the Committee note the receipt and outcome of these three respective appeals.

**Elaine Melrose**

**Executive Director of Housing, Environmental and Economic Development**

**Date: 29 May 2012**

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**Appendix:** None.

**Background Papers:**

1. Appeal submission dated 23 April 2012(DC12/008)
2. Appeal submission dated 15 May 2012 (DC11/260)
3. Appeal decision dated 1 March 2012 (DC11/252).

**Wards affected:** Ward 3 (Dumbarton)  
Ward 6 (Clydebank Waterfront)