

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 28 August 2013**

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**DC13/159: Proposed part change of use from Class 1 to Class 2 (removal of condition 4 of DC13/024) at 2 Sylvania Way South, Clydebank by Clydebank Co-operative Society.**

#### **1. REASON FOR REPORT**

- 1.1** The application seeks to remove a planning condition which was attached to a permission granted by the Committee and under the approved Scheme of Delegation the application requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1 Refuse Planning Permission** for the reasons set out in Section 9 below.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to the Clydebank Co-operative Society building located on the corner of Sylvania Way South and Chalmers Street in Clydebank town centre. The principal frontage of the building is onto the pedestrianised shopping street, and the secondary frontage onto Chalmers Street faces Clydebank railway station and the town centre bus stops. The surrounding uses are entirely non-residential, comprising shops, other businesses, a Salvation Army Hall on Sylvania Way South and Chalmers Street, and a large parking area, a credit union building and the Playdrome leisure centre to the rear of the site.
- 3.2** The Co-op department store was built in 1916, and is a large, attractive, visually prominent B-listed building within Clydebank town centre. The building was built as a department store, but within the last year retail operations within the building have contracted significantly, with the previously occupied upper floors now vacant. The applicant has indicated that the remaining retail activities are likely to contract further over the coming months.
- 3.3** As the Committee will recall, on 5 June 2013 the Planning Committee approved a planning application (DC13/024) to subdivide the building into several smaller units (including a public house use on part of the ground and first floors and Class 4 office use on the balance of the upper floors). However, whereas the applicant had sought permission under the same application to change the use of two of the new ground floor units from Class 1 (retail) to Class 2 (financial, professional and other service) uses, the

permission granted by the Planning Committee on 5 June 2013 was subject to a condition (4) which specifically prohibited Class 2 uses in these units:

**04. *Notwithstanding the submitted details and description of development, no planning permission is granted for the use of any part of the building for Class 2 uses (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1992 (as amended)), and "Unit 1" or "Unit 2" shall remain as Class 1 (retail) units unless subject to a separate grant of planning permission.***

***Reason: In order to safeguard the vitality and viability of Sylvania Way South, and pursuant to Policy RET6 which seeks to protect the retail function of the Clydebank Retail Core by preventing the change of use of existing retail units to other uses where such a change would adversely affect the character and amenity of the area.***

- 3.4** The applicant has applied to have this condition removed, to allow the change of use of these units from class 1 (retail) to class 2 (financial, professional and other service) uses, and has submitted some additional supporting information which was not available at the time of the original application. The two units concerned (referred to as Units 1 and 2) would have respective floor areas of 124m<sup>2</sup> and 108m<sup>2</sup> and would both have frontages opening onto Sylvania Way South.

#### **4. CONSULTATIONS**

- 4.1** None.

#### **5. REPRESENTATIONS**

- 5.1** No representations have been received.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

- 6.1** Policy RET5 states that applications for non-retail uses within these centres, in particular those involving the re-use of vacant upper floors, will be considered favourably if they contribute to the vitality and viability of the town centre and do not conflict with other policies. The current application relates specifically to change of use of ground floor units within the designated Clydebank Retail Core, and therefore policy RET5 is of less relevance than the more specific policy RET6.
- 6.2** Policy RET6 presumes against changes of use of existing retail (Class 1) uses to non-retail uses in the core retail area of Clydebank town centre and states that such applications will only be permitted where it can be satisfactorily demonstrated that such a change would reinforce and revitalise the centre and would not adversely affect the character and amenity of the

area. The site is a significant retail unit and as the application is proposing non retail uses this would be contrary to Policy RET6. Further assessment of the loss of retail use is discussed in Section 7 below, but it is considered that in this case there are not sufficient grounds to justify a departure from this policy.

- 6.3** Policy BE2 seeks to ensure that the appearance, character and setting of listed buildings are not adversely affected by new development, while Policy BE4 provides general support for the restoration of vacant, derelict or underused listed buildings. Any otherwise appropriate use which provides a sustainable long term use for the listed building would be supported by the listed building policies, and so the proposal is not inconsistent with Policies BE2 and BE4.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### National Policies

- 7.1** The Scottish Planning Policy (SPP) supports the provision of a mixture of uses and activities within town centres. It recognises that shopping patterns are changing and town centres should support a diverse range of community and commercial activities. Planning Advice Note 59 (Improving Town Centres) emphasises the importance of providing a range of facilities within town centres in order to ensure the attractiveness of the centre. Whilst these policies support the provision of mixed commercial activities within town centres they recognise that retail frontage protection policies may sometimes be appropriate. The current proposal would result in re-use of an important vacant building but would contribute to the decline of Sylvania Way South as a retailing location.

### West Dunbartonshire Local Development Plan – Proposed Plan

- 7.2** Policy SC2 sets out criteria to be taken into account in considering applications for change of use of ground floor units within the core retail areas. These are:
- whether the change would significantly reduce the retail offer of the core retail area;
  - whether the change would lead to the concentration of a particular use to the detriment of the town centre's vitality and viability ;
  - the contribution that the use would make to the vibrancy of the town centre by increasing footfall;
  - the availability and suitability of other locations in the town centre for the proposed use to locate; and
  - whether the units have been vacant and suitably marketed for retail use.
- 7.3** The proposal would reduce the retail offer within this part of the core retail area, and would lead to a concentration of Class 2 uses therein. The proposal is for a change of use to uses already existent within this part of the town centre so is unlikely to significantly increase footfall, although a decrease in footfall can be expected if the units become vacant as anticipated by the

applicant. It is acknowledged that there are a limited number of alternative locations within the town centre for businesses which operate into the evenings (i.e. at times when the covered shopping centre is closed), however the further increase of class 2 uses in this part of the town would have a significantly detrimental impact on its vitality and viability. The units are not currently vacant but the applicant has submitted evidence demonstrating that there is no interest in their continual occupation for Class 1 uses. Overall, the proposal is considered to be contrary to Policy SC2

- 7.4** The 'Our Changing Places – Clydebank Town Centre' section within the Proposed Plan is supportive of improvements which would encourage a better range and quality of shops in the southern part of the shopping centre. It also acknowledges the listed building status of the department store and is supportive of uses which would preserve its architecture. The proposal would further undermine the range and quality of shops in this location.
- 7.5** Policy BH3 seeks to protect and enhance listed buildings. The proposed change of use is part of a package of measures which seek to keep this listed building in active use.

Applicant's Supporting Documents

- 7.6** The agent has submitted a Planning Statement which sets out a number of points in justification for the departure from Policy RET6 of the West Dunbartonshire Local Plan.
- 7.7** The applicant notes that the proposal would represent a small percentage of the overall ground floorspace of the Co-op building. The total ground floor area of these five units proposed is 2654m<sup>2</sup>, which would break down as 65% Class 1 retail, 26% public house and 9% Class 2 floorspace. The applicant therefore submits that as the overall Class 2 floorspace proposed is relatively small the impact on the vitality and viability of this part of the shopping centre is minimal.
- 7.8** The applicant submits that the site is outwith Clydebank's primary retail area, which is the covered Clyde Shopping Centre. Nationally, demand for retail floorspace is weak due to the wider economic situation, and those retailers that are looking for premises within Clydebank prefer units within the covered centre or in the nearby retail parks. The property has been marketed for the last 15 months by the Culverwell Property Consultants. The applicant submits that it is very difficult to attract interest in these units from retailers, and that despite their marketing efforts the only serious retail interest in any of the new units has been from a charity shop. There is interest from operators in the betting and financial sectors (Class 2) which are more willing to locate in Sylvania Way South such as William Hill, Betfred, Ladbrokes and the Money Shop.

Vitality and Viability

- 7.9** In recent years there has been a decline in the number and range of Class 1 retail units in Sylvania Way South, and a corresponding increase in the

number of non-retail uses. At present the breakdown of units on the street (excluding the Co-op) is as follows:

Class 1	11	including Cash Generators and 3 charity shops
Class 1/mixed	1	indoor market
Class 2	7	3 banks, 2 pawnbrokers, 2 bookmakers
Class 3	2	
Other	2	amusement arcade and Salvation Army hall

Despite the decline in retail uses Sylvania Way South maintains a healthy footfall as it is the main pedestrian route between the shopping centre and the town centre bus stops/railway station, and at present there are no vacant units.

- 7.10** There is therefore a difficult balance to be made between accepting non-retail uses as a means of maintaining occupancy levels, and preventing non-retail uses which cement the decline of retail in the street and which potentially make it more difficult for retail to return. In this case the need to find new uses for an important listed building is a further consideration. Over the last few years the Council has generally sought to preserve the street's retailing function and prevent the proliferation of non-retail uses, but on the three recent occasions that the Council has refused applications for non-retail uses in the street on the basis of non-compliance with Policy RET6 (decisions DC10/189, DC10/194 and DC12/008), the change of use was granted on appeal.
- 7.11** Through the Proposed Plan, the Council has reiterated its desire to maintain Sylvania Way South as part of Clydebank's core retail area, and in this particular case it is considered that the loss of these units from retail use would be undesirable. The run down of the Co-op department store has been a significant blow to Sylvania Way South and the loss to retail use of a significant proportion of its street frontage would be a further unfortunate change. It is considered that an undue proliferation of these particular uses being suggested by the applicant would detract from the vitality and viability of the town centre. The proposal would result in there being three betting shops and three pawnbrokers/loan shops in Sylvania Way South, along with a fourth betting shop nearby on Chalmers Street and a secondhand goods shop which offers payday loans on Sylvania Way South itself. It is considered that this concentration of such uses within such a small area would not be appropriate and would substantially affect the vitality and in the long term the viability of this part of the town centre.

## **8. CONCLUSION**

- 8.1** The Co-op building is a very important building within Clydebank Town Centre, and it is considered to be highly desirable that it is kept in productive use. However, the proposal would lead to a loss of retail floor space and frontage which would be contrary to Policy RET6, within a street where vitality and viability has already been adversely affected by loss of retail uses. The loss of retail floorspace and the resultant concentration of Class 2 uses within

the Sylvania Way South area also renders the proposal contrary to Policy SC2 of the Proposed Local Development Plan.

## **9. REASONS**

- 1. *The removal of the condition, to allow the change of use of these units from class 1 (retail) to class 2 (financial, professional and other service) uses, would be contrary to the purpose of Policy RET6 of the West Dunbartonshire Local Plan as it would result in the loss of ground floor Class 1 units within the core retail frontage of Clydebank town centre.***
- 2. *The removal of the condition, to allow the change of use of these units from class 1 (retail) to class 2 (financial, professional and other service) uses, would be contrary to Policy SC2 of the Proposed West Dunbartonshire Local Development Plan as it would contribute to a significant reduction in the retail offer of Sylvania Way South and a concentration of Class 2 uses which would be to the detriment of the vitality and viability of that part of the town centre.***

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 14 August 2013**

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**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G811TG.  
01389 738656  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** 1. Committee report for application DC13/023 & 024.

**Background Papers:** 1. Application forms and plans;  
2. Planning Statement;  
3. Letter from Culverwell Property Consultants dated  
25 June, 2013; and  
4. West Dunbartonshire Local Plan 2010.

**Wards affected:** Ward 5 (Clydebank Central)