

## WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 5 December 2012

---

**DC12/206: Change of use of retail unit to a public house and associated external alterations, including the formation of an outdoor seating area at 97-99 High Street, Dumbarton by JD Wetherspoon Plc.**

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

- 1.1** This application relates to a proposal which raises issues of local significance. Under the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

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

- 3.1** The application relates to vacant retail premises situated on the southern side of Dumbarton High Street, a short distance from the Artizan Centre. The unit has a floor area of approximately 865m<sup>2</sup> over two floors. The shop was occupied by Woolworth's for many years, and was subsequently briefly occupied as a Spar convenience store, but it has been vacant for around 2 years. Within the surrounding town centre there are a mixture of business uses including shops, banks, offices, bookmakers, public houses and hot food takeaways. There is a service yard and public car parking to the rear of the unit on Riverside Lane.
- 3.2.** Planning permission is sought for the change of use of the vacant retail unit into a public house. It is anticipated that food would be served from 07.00 to 22.00 each day, with drink being sold until 00.30 (01.30 Saturday/Sunday mornings) subject to licensing. The applicant is JD Wetherspoon Plc, a major chain which operates more than 800 public houses throughout the United Kingdom. The company's business model has an emphasis on pub meals, and it has a policy of not having any music, themed entertainment, sports coverage or happy hours. Almost half of the turnover generated is expected to be from food sales, and it is anticipated that the premises could generate employment for up to 50 full and part time staff.
- 3.3** Externally, the existing shop front would be altered with the entrance doors being relocated to the middle of the elevation and a large window being formed on either side. The upper floor façade would be retained and refurbished. Both the ground and upper floors would be used, with the customer seating area and bar being located on the ground floor, and the

toilets, storage area and kitchen being located on the upper floor. At the rear, patio doors would be installed at ground floor level to provide access to a beer garden area which would be formed in the existing disused yard off Riverside Lane. The existing external staircase on the rear elevation would be retained and reconfigured slightly. The beer garden would be enclosed by timber fencing. The customer seating areas would extend to just over 300m<sup>2</sup> internally and approximately 140m<sup>2</sup> in the beer garden.

#### **4. CONSULTATIONS**

- 4.1 West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to amplified music, the provision of a grease trap, the proposed flue/extraction system and deliveries to the premises.
- 4.2 West Dunbartonshire Council Roads Service has no objection.
- 4.3 West of Scotland Archaeological Service has no objection subject to the implementation of an archaeological watching brief.
- 4.4 West Dunbartonshire Council Regeneration Team supports the reuse of a vacant unit on the High Street.

#### **5. REPRESENTATIONS**

- 5.1 None.

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

##### West Dunbartonshire Local Plan 2010

- 6.1 The site lies within Dumbarton town centre, although it is outwith the defined Retail Core area. Policy RET5 is therefore relevant and it states that applications for non-retail uses, particularly where they involve the re-use of vacant upper floors, will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. It is considered that the proposal complies with Policy RET5 as it will enhance the vitality of the town centre by bringing a vacant unit back into use for the reasons discussed in Section 7 below.

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

##### Scottish Planning Policy (SPP)

- 7.1 This document 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. At the same time, PAN 52 (Planning in Small Towns) acknowledges that a reduction in the number/variety of shops and an associated increase in the number of non-retail uses can reduce the attractiveness of town centres. However, in this case, it is considered that the

re-use of a vacant shop unit as a public house within an area where there are numerous vacant units would contribute positively to the town centre and would be in compliance with all relevant national policies and guidelines.

#### Vitality and Viability

- 7.2** Like many other town centres, Dumbarton High Street has suffered a decline in the quantity and variety of shops in recent years, partly due to the loss of retail expenditure to out of centre locations and online sales. One of the effects of this is a relatively high number of vacant units, notably within the Artizan Centre. The application premises are also vacant, and the presence of a relatively large vacant unit close to the centre of the High Street detracts from the vitality and viability of the street. Bringing the unit back into use would improve the appearance of the area and would help to generate activity and footfall, for example by attracting lunchtime meal customers, which should benefit retail traders in the town centre.
- 7.3** Whilst the unit is one which was previously occupied by one of the town centre's major retailers, the site is not located within the defined core retail frontage area, and there is no planning policy objection to its use for non-retail purposes. There are various other vacant units nearby, and the re-use of this particular unit would not prevent any new retailer from obtaining similarly sized premises in the town centre. The presence of other long-term vacant units within this area indicates that demand for retail units is currently low, and the appropriate reuse of this unit would serve to reinforce and revitalise the town centre. Scottish Government policy strongly encourages the re-use of vacant shops for other town centre purposes, and several previous decisions to resist loss of retail frontage within Dumbarton and Clydebank town centres have been overturned by the Scottish Government on appeal. The appeal decisions have confirmed that it is preferable not to have vacant units, even in the retail core and that whilst proposals may not necessarily be retail related, alternative uses can contribute to revitalising parts of the town centre and thus contribute positively to the vitality and viability of a town centre.

#### Amenity

- 7.4** Whilst there are some flats in the High Street, and it must be acknowledged that any licensed premises has potential to give rise to some late night noise and disturbance issues, it is nonetheless considered that the High Street area is the most suitable location for public houses and restaurants. The number of public houses in the High Street area has declined over recent years due to the closure of several such premises, and it is not considered that an undue concentration would arise. Overall, it is not considered that the proposed use would have any significant adverse effect upon the character or amenity of the area or the amenities of local residents.

## **8. CONCLUSION**

- 8.1** Whilst the proposal involves a non-retail use within Dumbarton town centre, the fact that the unit has been vacant for some time and the presence of several other vacant units in the vicinity indicate that there is limited demand for retail floorspace at this time. The proposal would bring a vacant unit back

into use and would complement the existing uses within a mixed area of the town centre. It is considered that the proposed public house would therefore contribute positively towards the vitality and viability of the town centre and can therefore be justified in terms of Policy RET5 of the local plan.

## **9. CONDITIONS**

- 01. Prior to the commencement of development, details of the flue system/extraction system shall be submitted to and approved in writing by the Planning Authority. The submitted details shall include the noise output and filter system. The approved flue system/extraction system shall be implemented prior the premises being brought into use and thereafter maintained in accordance with the approved details.**
- 02. Prior to the commencement of development, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and shall be implemented prior to the premises being brought into use and thereafter maintained in accordance with the approved details.**
- 03. There shall be no amplified music, piped music or live bands on the premises unless a noise impact assessment has been undertaken and its findings submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.**
- 04. Deliveries to the premises shall only be made between 0800 and 1900 hours.**
- 05. Prior to the commencement of works, full details of the design and location of all hard surfaces, walls and fences to be installed on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**

### **Informatives**

- 1. The development hereby approved shall commence within a period of 3years from the date of this decision notice.**
- 2. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:
  - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);****

- b) **A Notice of Completion of Development as soon as practicable once the development has been completed.**
- 3. **This grant of planning permission does not authorise the installation of external roller shutters, which would require the submission of a separate application for planning permission.**
- 4. **This grant of planning permission does not authorise the installation of an illuminated fascia sign which would require the submission of a separate application for advertisement consent.**
- 5. **The applicant shall contact the Commercial Team of the Council's Environmental Health Section to ensure that the kitchen facilities and premises are appropriate and comply with the requirements of the Health & Safety at Work etc Act 1974, the Food Safety Act 1990 and the legislation/regulations made there under.**

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 19 November 2012**

---

**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:** None.

**Background Papers:**

1. Application forms and plans;
2. Scottish Planning Policy;
3. Consultation responses; and
4. West Dunbartonshire Local Plan 2010.
5. Appeal decisions

**Wards affected:** Ward 3 (Dumbarton)