

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 7 August 2012

DC12/110 Change of use of shop to café and associated external alterations at 10 West Bridgend, Dumbarton by Mr Amar Ali.

1. REASON FOR REPORT

- 1.1** This application relates to a property in which the Council has an ownership interest. Under the terms of 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 conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a ground floor retail unit located within a three storey tenement building situated near the west end of Dumbarton Bridge, on the opposite side of the River Leven from Dumbarton town centre. The premises have been vacant for around two years, and were previously used as a computer shop. This area of West Bridgend is primarily residential, although the ground floor units of the tenements on the north side of the street are a mixture of commercial properties including shops, a hot food take away and a public house, and various vacant units. The site is located opposite the junction of Clydeshire Road where there are tenement flats set back behind open space on either side of the junction. There is a public car park nearby on Woodyard Road. The premises extend to approximately 45m².
- 3.2** Planning permission is sought to change the use of the shop to a café which will provide food and drink for consumption on the premises. There would be no hot food take away at the premises. The applicant has indicated that the food on offer would be similar to what is sold at the next door 'Taj' takeaway, which is also operated by the applicant, but with more of a focus on breads, snacks (e.g. pakoras), and coffee. It is not intended for the premises to have a drinks license. The opening hours are intended to be from 6pm to 12 midnight, possibly with lunchtime opening at the weekends should there be sufficient demand. The applicant considers that there would be sufficient demand for a café of this type in the evenings to cater for people on their way home, waiting for taxis or waiting for takeaway meals at his existing business. Although in common ownership the two units would operate independently of each other. It is anticipated that there would be 4 staff employed, depending on demand. Within the café there would be seating for up to 30 diners.

Externally there would be alterations to relocate the existing double entrance doors to a more central position on the front elevation.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Estates and Roads Services have no objection to the proposal.
- 4.2** West Dunbartonshire Council Environmental Health has no objection to the proposal subject to conditions being attached concerning the provision of a suitable extraction system and grease trap.

5. REPRESENTATIONS

- 5.1** There has been one letter of objection and a petition which contains 21 signatories submitted in relation to this application. The reasons for objecting to the proposal can be summarised as follows:
- The risk of fire from the premises;
 - Reduce residential property values in the surrounding area;
 - It will lead to parking issues on West Bridgend;
 - There will be increased noise associated with the café use such as from smokers outside the premises or people entering/exiting the premises;
 - Overprovision of food/catering facilities within the area;
 - Issues associated with odours from the premises;
 - Storage of waste in the communal rear garden; and
 - Smokers using the communal close during inclement weather.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- West Dunbartonshire Local Plan 2010
- 6.1** The premises are located within an Existing Residential Area adjacent to Dumbarton town centre. Policy H5 states that in considering non-residential uses within Existing Residential Areas, consideration should be given as to whether they can be considered as ancillary or complimentary to the residential area and would not result in a significant loss of amenity to the surrounding properties. The policy suggests that loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, and hours of operation or general disturbance. In this case, the proposal would result in a vacant unit being brought back into use within a street which has traditionally contained a mixture of uses, and in principle this would comply with Policy H5 subject to the impact on amenity being acceptable. As discussed below, it is considered that the impact on the local area in terms of noise and disturbance is not likely to be significant, and consequently it is considered that the proposal complies with the local plan.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Principle of use

- 7.1** West Bridgend was once the only road west from Dumbarton and the row of shops along the north side functioned as an extension of the High Street, but the street was bypassed by the construction of the Artizan Bridge in the 1970s. Several shop units in the street appear to have been vacant for some time, and in view of this fact and the proximity of other vacant units within Dumbarton Town Centre it is accepted that there is little demand for the premises as a shop. It would therefore be desirable to see the unit returned to use for a suitable alternative purpose rather than have it continue to lie vacant. In principle, the location is suitable for a café, as such uses are commonly found within local shopping areas. The provision of cafés within tenement buildings in town centres and edge of centre locations is commonplace and is generally considered to be appropriate.

Impact on the amenity of the area

- 7.2** The applicant's proposed business model is unusual for a café, as it is intended to operate wholly or largely in the evenings. The applicant considers that there is demand for such a facility by people who want a snack after work or on their way home later in the evening, and the site is also well located to serve pedestrians walking between the town centre and residential areas to the west. Whilst it is not intended to serve alcohol or provide takeaway food, the proposed operation of the premises to midnight does raise the possibility of noise and disturbance late at night. Such disturbance might arise from persons coming and going from the premises or congregating outside to smoke. However, in view of the intended nature of the business such problems are likely to be much less significant than those arising from existing nearby uses such as takeaways and public houses. The adjacent takeaway has a license to operate to 0:30am Monday to Friday mornings and 4am on Saturday and Sunday mornings. It is intended that the proposed cafe will operate to 12 midnight which is shorter hours than are permitted at the adjacent take away. Furthermore the fact that the proposed use does not involve takeaway food and the concentration of snacks rather than meals means that customers are unlikely to be waiting outside the premise before or after eating, and the coming and going of customers would be much less than that associated with a takeaway. Overall, it is considered that the proposal is unlikely to give rise to significant noise or disturbance.

Issues Raised by Objectors

- 7.3** With regard to other issues raised by the objectors, although the premises are currently empty their use for commercial purposes is long established and it is not considered that the proposal will give rise to a high level of parking demand. There is in any event sufficient public car parking available nearby in Woodyard Road. A condition can be attached to require that details of a suitable extraction system and grease trap be submitted in order to avoid any unacceptable odour issues or damage to the drainage system arising. A further condition can be attached to require details of the waste storage arrangements to be submitted for approval. The change of use of the premises from a shop to a café will also require a building warrant and fire

safety issues are addressed by that means. The impact of the proposal on property values is not a material consideration and the absence of takeaway sales means that litter is unlikely to be a problem. Although there are other cafes and restaurants in the town centre, there are no other cafes or restaurants on West Bridgend and it is therefore not considered that there would be an over provision at this particular location. The alterations to the shop front would be minimal and the appearance of the building would be acceptable.

- 7.4** It is desirable to ensure that no regular movement of customers or staff takes place through the close between the application unit and the existing takeaway as this would be likely to cause problems for the flat above. This can be controlled by a condition. It is also understood that the internal layout shown on the plans will require to be amended for building warrant purposes as, if the internal door to the close is being retained, a new lobby would be needed in order to provide two sets of doors between the café and the close.

8. CONCLUSION

- 8.1** It is considered that the proposed café use is in keeping with the neighbouring commercial properties and will enhance the area by bringing a vacant property back into use. It is unlikely that the proposal would result in a significant impact upon the amenity of nearby residential properties in view of the existing mixed uses within the vicinity.

9. CONDITIONS

- 01. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.**
- 02. 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.**
- 03. 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.**
- 04. 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.

- 05. The premises will be used solely for the purpose of a café, as defined within Class 3 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 and shall not sell hot food for consumption off the premises.
- 06. Prior to the commencement of development, details of the bin storage arrangements shall be submitted and approved in writing by the Planning Authority and thereafter implemented as approved.
- 07. Any and all movement of customers and staff between the application unit and the adjacent takeaway unit during opening hours shall take place by way of the street. There shall be no movement of persons between these two units by way of the internal close during opening hours, at which times the internal doors leading to the close shall be kept closed and locked.
- NB. 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.
- NB. 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.
- NB. The applicant shall contact the Commercial Team of the 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: 20 July 2012

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Representations;
3. Consultation responses; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: 3 (Dumbarton)