

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 6 March 2012**

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**DC12/008: Change of Use from Class 1 (Shop) to Class 2 (Betting Office) at 31 Sylvania Way South, Clydebank by Power Leisure Ltd.**

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

- 1.1** This application relates to land 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. DEVELOPMENT DETAILS**

- 2.1** The application relates to an existing retail premises situated within the southern part of the Clyde Shopping Centre in Clydebank town centre. The unit has a floor area of 211m<sup>2</sup> and is presently occupied by Semi-Chem general store. It is bordered to the west by the service area for the shopping centre and on all other sides by a mixture of business uses.
- 2.2** Planning permission is sought by the prospective tenant to change the use of the shop into a betting shop. The applicant is Power Leisure (Paddy Power), a large chain of bookmakers which does not currently operate in Clydebank. It is anticipated that the betting shop would employ 3 full time and 3 part time staff. There is a separate application for a replacement shopfront which is the subject of a separate report to this Committee (DC12/014), and therefore this report relates only to the change of use and not to the associated physical changes to the building.
- 2.3** The applicant has provided a letter from letting agents indicating that although the shop is presently occupied by Semi Chem, this is a short term arrangement and the agents have been marketing the leasehold for the property for almost two years. Semi Chem opened a new store within the covered shopping centre at that time, but rather than having the store become vacant Semi Chem were allowed to continue to operate their original on a temporary basis until a new tenant was found. The applicant is understood to be the first prospective tenant to pursue an interest in the unit.

#### **3. CONSULTATIONS**

- 3.1** West Dunbartonshire Council Estates Service has no objection to the proposal.

## **4. REPRESENTATIONS**

- 4.1** One objection has been received from DPP Consultants on behalf of an unspecified commercial client. Their grounds of objection are as follows:
- The proposal does not comply with Policy RET6 (Protection of Retail Core);
  - The proposal would undermine the retail function of this part of the retail core;
  - It is alleged that the site had not been actively marketed for retail purposes;
  - Permission would set an undesirable precedent for further loss of a Class 1 units;
  - The proposal would result in the loss of a vibrant convenience store and replace it with a use which would adversely affect the character to the shopping centre;
  - It would result in very a concentration of non-retail uses within Sylvania Way South; and
  - A nearby application of a similar nature was refused in 2006 (DC06/070). (This is incorrect, see Section 6 below).

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

### West Dunbartonshire Local Plan 2010

- 5.1** The site lies within the defined Clydebank Town Centre, which Policies RET1 and RET2 indicates to be the preferred location for retail and commercial leisure activities. The site is designated as being within the Clydebank Retail Core, where Policy RET6 seeks to protect and enhance retail and commercial function by encouraging new and improved retail floorspace. In the case of ground floor units within the core frontage there is a presumption against changes of use of existing retail (Class 1) uses to non-retail uses. Applications for any change of use from a shop to a non-retail use 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. Policy RET5 seeks to improve the environment of Clydebank town centre and is supportive of applications for non-retail uses particularly where they involve the re-use of vacant upper floors, and where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. The proposal involves a change of use of an existing ground floor retail unit in the retail core and therefore it would not comply with Policy RET 6. This is discussed more fully in Section 6 below.

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### National Planning Policy

- 6.1** 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. 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. Together, these policies

support the provision of mixed commercial activities within town centres, but recognise that retail frontage protection policies such as RET6 may sometimes be appropriate.

#### Character of Sylvania Way South

**6.2** Whilst Sylvania Way South forms part of the Clyde Shopping Centre, it has a different character and range of uses relative to the main part of the shopping centre north of the Forth and Clyde Canal. The latter has been extensively refurbished in recent years such that Sylvania Way North is no longer a street but is now a pedestrian mall within a fully enclosed shopping centre. The northern part of the shopping centre contains a large number and variety of retail uses, as well as a relatively small number on non-retail units.

**6.3** In contrast, Sylvania Way South has not been modernised and remains a pedestrianised street, albeit partially covered by a roof. Whilst the street has a high pedestrian footfall due to its location between the main part of the shopping centre and the transport facilities on Chalmers Street, it contains a greater proportion of non-retail uses such as banks and pawnbrokers. With the exception of the Clydebank Co-operative supermarket and department store, the retail uses which are located in Sylvania Way South are primarily convenience or value stores. A recent survey of uses within Sylvania Way South revealed that the 24 units fronting the street comprised:

- 12 Class 1 shops
- 1 mixed-use indoor market
- 1 indoor market which operates primarily as a food court
- 3 banks
- 3 pawnbrokers/loan firms
- 1 betting shop
- 1 amusement centre
- 1 Salvation Army hall
- 1 vacant unit (formerly a shop)

**6.4** Therefore, whilst Sylvania Way South forms an important part of the town centre, it is an area which contains a greater mixture of uses than other parts of the centre. It is also the main part of the town centre for small retail/commercial operators who do not wish or cannot afford to locate within the covered shopping centre.

#### Planning History

**6.5** There are currently two betting shops in the vicinity of the site, comprising Ladbrokes at the bottom of Sylvania Way South, and Betfred on Chalmers Street. The expansion of the original smaller Ladbrokes unit into a neighbouring retail unit was approved in 2007 (DC06/429). Planning permission was also granted in 2006 for a third betting shop at the north end of Sylvania Way South (DC06/070), but that permission was not implemented and has since lapsed.

**6.6** With regard to the proliferation of wider non-retail uses in Sylvania Way South, this has been a cause for concern for several years, and in 2010 the Planning Committee

refused two applications for amusement centres in the street due in part to these being considered contrary to Policy RET6 (DC10/189 and DC10/194). Both of these applications were subject to appeals, which were upheld by the Scottish Government. In granting planning permission for the amusement centre at 34 Sylvania Way South the reporter noted that despite the number of non-retail uses in Sylvania Way South it appeared to be generally busy and vibrant, and however he gave substantial weight to the fact that the unit concerned had been vacant for some time with little interest from retail operators.

#### Retail uses within Sylvania Way

- 6.7** In general, there has been a decline in Sylvania Way South's role as a retail location as a result of the cumulative changes of use. In addition to the increased number of pawnbroker, gambling and amusement uses, the character of the two indoor markets has changed over the last few years, with the Clyde Shopping Hall now containing a significant number of non-retail uses, and the former Shopping Hall 2 having evolved into the 'Clydebank Food Court', with very limited retail activity remaining. Although the street remains busy, and a reasonably high footfall is guaranteed by its location between the main shopping centre and the main town centre bus stops/railway station, it is considered that the proliferation of non-retail units has eroded the retail function of the street. In this case, whilst it is accepted that betting shops are an appropriate use to locate within town centre areas, the proposal would represent a further loss of an existing retail unit which is presently operational in an area where this would serve to undermine the character and amenity of the area. The unusual circumstances of the present tenant and the fact that the site has been marketed for some time are noted, but the unit nonetheless remains in retail use. It is therefore considered that the proposal would not maintain the character and attractiveness of the area and that a sufficient case for allowing the loss of the retail unit has not been demonstrated. Policy RET5 protects the retail core areas and in this instance it is considered that this unit should remain as a retail unit. There is not sufficient justification to allow a departure from the above policy and permit a further non-retail use within the retail core area.

## **7. CONCLUSION**

- 7.1** The proposal involves a non-retail use within the core retail protection area, and it is considered that the cumulative impact of the loss of another retail unit within this part of the town centre would erode its character and amenity. Accordingly, the proposal is considered to be contrary to Local Plan Policy RET6 – Protection of Retail Core and it is considered that material considerations justifying a departure from the policy have not been sufficiently demonstrated.

## **8. RECOMMENDATION**

- 8.1 Refuse** planning permission for the reason set out in Section 9 below.

## **9. REASONS**

- 1. 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 within the Retail Core Area without sufficient justification and it would result in a further proliferation of non-retail uses within a part of Clydebank Town Centre and would detract from the amenity and character of the area.**

**Elaine Melrose**  
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**Date: 22 February 2012**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans;
2. Letters of representation
3. Scottish Planning Policy, and
4. West Dunbartonshire Local Plan 2010.

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