

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 12 June 2012**

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**DC12/084: Change of Use of From Retail Unit to Licensed Restaurant, 53 Sylvania Way, Clyde Shopping Centre, Clydebank by Mahmut Akkurt.**

#### **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 a vacant retail premises within the southern part of the Clyde Shopping Centre in Clydebank Town Centre. The unit is on two floors, with a floor area of 371m<sup>2</sup> on the ground floor and 359m<sup>2</sup> above. It was formerly occupied by Pound Plus, a value household goods retailer which only occupied the ground floor for retail sales, but that shop has closed within the last few weeks. The site is at the north end of Sylvania Way South, fronting the covered pedestrian street and adjacent to the pedestrian bridge over the Forth and Clyde Canal. To the north, between the site and the canal, there is an area of public open space, whilst to the rear of the site is a service yard backing onto Kilbowie Road.
- 2.2** Planning permission is sought by the prospective tenant to change the use of the shop into a licensed restaurant. The applicant indicates that the ground floor of the premises would operate as an Italian restaurant which would employ approximately 10 full time and 10 part time staff. The first floor would be used for storage and staff facilities. The majority of the work will be internal, with the only significant external alterations being the installation of a ventilation flue on the rear elevation of the building.
- 2.3** The applicant has provided a supporting letter from the letting agents HP Properties the Shopping Centre Owners, indicating that they would be supportive of their potential lessees. They believe that the southern end of the shopping centre would see an increase in footfall as a result of this with a sustainable benefit for the area in terms of customer dwell time and offering catering option to compliment the shopping centre's plans to improve the tenant mix they have available.

#### **3. CONSULTATIONS**

- 3.1** West Dunbartonshire Council Environmental Health, Estates and Roads Services all have no objection to the proposed development, subject to conditions.

## **4. REPRESENTATIONS**

- 4.1** One representation has been received from an agent acting on behalf of an unspecified client. They consider that allowing the change of use would undermine the Council's efforts to resist the proliferation of non-retail uses in this part of Clydebank Town Centre, and may weaken the Council's case in a current appeal for a betting shop use at 31 Sylvania Way South (to which their client also objected). They suggest that if minded to approve the application, the Council should specify that this be for Class 3 (Food and Drink) uses only, and not for Class 2 (Services). These issues are addressed in Section 6 below.

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

### **5.1** West Dunbartonshire Local Plan 2010

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, which would include restaurants. The site also lies within an area of the Town Centre designated as the Clydebank Retail Core, where Policy RET6 seeks to protect and enhance the 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, however it is considered that in this case the proposal would enhance the vitality and viability of the Town Centre and thus be in accordance with Policy RET6. 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, PAN52 (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, cash centres and amusement centres. With the exception of the Clydebank Cooperative supermarket and department store, the retail uses which are located in Sylvania Way South are primarily convenience or value stores. 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 operators who do not wish to locate within the covered shopping centre (for example, because they trade in the evenings when the shopping centre is closed).

### Planning History

- 6.4** There have been a number of planning applications for non-retail uses within Sylvania Way South in the last few years, including two applications for amusement centres, both of which were refused but granted on appeal. The refusal of a change of use to a betting shop is subject to a current appeal and this decision is awaited. In determining appeals, Reporters have considered that non-retail uses do contribute to the vitality and viability of the street, especially where the shop unit concerned has been vacant.
- 6.5** The application site itself was subject to an application for change of use to a public house and outdoor seating area in 2007. The application was by a major pub chain, and whilst permission was granted in January 2008 the permission has not been implemented. Nonetheless, the permission (DC07/374) remains valid and does not expire until 25<sup>th</sup> January 2013. The fact that the existing permission is still capable of being implemented is a material consideration in favour of the principle of allowing an alternative food/drink use on the site.

### Retail uses within Sylvania Way

- 6.6** 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. The character of the two indoor markets has also 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. However the street remains busy, and a reasonably high footfall guaranteed by its location between the enclosed shopping centre and the main town centre bus stops/railway station.

- 6.7** Whilst the further proliferation of non-retail uses is not generally desirable, in this case it is considered that the provision of a food/drink use on the northern corner of the street would help to provide activity in the area next to the canal, which is an underutilised asset for the town. Such an aspiration was the rationale for the earlier permission for a public house, and whilst in this case the proposal unfortunately does not include elevational alterations to the canal-front elevation or any proposal for outdoor seating, such changes would be possible in the future. The applicant has indicated that whilst these are not part of the current plan they would aspire in the longer term to potentially open up the unit onto the canal side in the area of public open space between the side of the building and the canal. A condition can be attached requiring details of such alterations. The provision of outdoor seating would require a separate application.
- 6.8** An acknowledged problem with Clydebank Town Centre is the fact that the shopping centre is closed in the evenings and there is little of the normal evening activity normally associated with town centres. Such activities are present in surrounding streets, but the shopping centre itself, and the canal area, is largely unused after the shops close. This proposal would help to keep the shopping centre active during the evening. It is therefore considered that whilst the loss of retail units is not generally to be encouraged, in this particular case the provision of a restaurant on this important corner site would contribute to the vitality and viability of the town centre and would comply with Policies RET5 and RET6.

#### Other Issues

- 6.9** There is no housing in the immediate vicinity of the site, and therefore no likelihood of noise or cooking odour problems. Car parking would be available as part of the general town centre provision and all technical consultations are satisfactory.

## **7. CONCLUSION**

- 7.1** The proposal involves a non-retail use within the core retail protection area, but in the particular circumstances of this case it is considered that the proposal would enhance the town centre by providing a food/drink use on a prominent site next to the Forth and Clyde Canal. Permission has previously been granted for a public house on the site, and this is still capable of being implemented, so the principle of a food/drink use has already been established. Overall it is considered that the proposal would have a positive impact on the town centre and would comply with all relevant policies.

## **8. RECOMMENDATION**

- 8.1** **Grant** full planning permission subject to conditions set out in Section 9 below.

## **9. CONDITIONS**

- 01.** **The development hereby approved shall commence within a period of 3 years from the date of this decision notice.**
- 02.** **Prior to the commencement of development on site details of an adequate sized grease trap shall be submitted to and approved by the Planning**

Authority and shall thereafter be installed prior to the use being operational and maintained thereafter.

03. Prior to the commencement of development on site details of the proposed waste storage arrangements should be submitted and approved in writing by the Planning Authority and the approved waste storage arrangements shall be implemented prior to the restaurant being open.
04. No development shall commence until details of an appropriate flue and extraction system have been submitted to and approved in writing by the Planning Authority. Such system shall be sufficient to ensure that cooking odours and noise/vibration do not affect nearby properties. The submitted details shall include the noise output and filter system, and shall be accompanied by a report by a suitably qualified ventilation engineer assessing the impact of the proposal upon neighbouring properties. The approved flue/extraction system shall be implemented prior to the use being brought into use and shall be maintained thereafter.
05. No development shall commence until such time as details of alterations to the northern side elevation have been submitted to and approved in writing by the planning authority. Such alterations shall maximise the fenestration on this elevation, and shall either include the provision of a second frontage onto this elevation or demonstrate an internal layout which would be capable of incorporating a second frontage with minimal alterations.
06. 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.

#### **INFORMATIVE**

01. This decision does not imply any permission for any outdoor seating area, which would require a separate application.

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 29 May 2012**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010

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