

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 3 April 2012

DC12/040: Change of use from shop to tea room at 1 College Way, Dumbarton by R Barrett

1. REASON FOR REPORT

- 1.1** This application relates to a use which is contrary to the development plan and under 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 unit within College Way in Dumbarton town centre. The unit lies within the pedestrianised Artizan Centre which runs northwards from the High Street. The unit is part of a 2 storey high modern building. To either side of the unit there are retail units, to the front there is College Way and to the rear there is an area for vehicles to access the back of the shops for deliveries.
- 2.2** Permission is sought to change the use of the property from a shop to a tea room. The unit was previously occupied by a card shop but has lain vacant since it closed approximately 2 years ago. There would be no external changes to the unit other than new signage which would be subject to a separate application. Internally, it is proposed to have a seating area at the front of the unit and a small kitchen and toilet would be formed at the rear. The seating area would provide enough space for approximately 40 covers. The application is retrospective as it is already operating on site.
- 2.3** The applicant formerly ran 'Aunties Tearoom' on Dumbarton High Street for over 20 years until its closure in January 2012 as a result of plans to expand a neighbouring use into the café unit. They now propose to open a similar tea room on College Way with the same type of menu, which involves no cooking of raw foods or deep fat frying. The tea room would sell mostly cold foods such as sandwiches and cakes and hot foods would be limited to items such as soup, toasted sandwiches etc. Opening hours would be Monday to Saturday 8:30am to 5:30pm, closed on Sundays, and the business would employ 4 staff initially with the possibility of increasing to 5 depending on requirements. The unit also has a first floor, however the applicant proposes to use this for storage only.

3. CONSULTATIONS

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

- 3.2 West Dunbartonshire Council Environmental Health has no objections subject to conditions relating to flues and grease traps.

4. REPRESENTATIONS

- 4.1 None

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 5.1 The proposed development site is located within the retail core of Dumbarton town centre. Policy RET5 supports applications for non-retail uses in town centres particularly where they involve the re-use of vacant upper floors and where they contribute to the vitality and viability of the centre and do not conflict with other Local Plan policies. Policy RET6 seeks to protect and enhance the retail and commercial function by encouraging the improvement of existing retail floorspace and supporting the establishment of new retail uses where appropriate. Along retail core frontages there is a presumption against any change of use from Class 1 retail to non-retail use. Such changes of 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. In this case the proposal would involve the loss of a Class 1 retail unit, however as discussed in Section 6 below it is considered that in these particular circumstances the proposal would be an appropriate use for the property, and it is considered that the proposal can be justified against Policies RET5 and 6.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Scottish Planning Policy (SPP)

- 6.1 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. In this case, it is considered that the re-use of a vacant shop unit for a tea room 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

- 6.2 Like many other town centres, Dumbarton town centre has suffered a decline in the quantity and variety of shops in recent years, due primarily to the loss of retail expenditure to out of centre locations. One of the effects of this is a relatively high number of vacant units, notably within the Artizan Centre. In this case the application premises have been vacant for two years. The fact that the unit has been empty for sometime and the very high rate of vacancies within the Artizan Centre, it is therefore appropriate to consider suitable alternative uses which would contribute to the vitality of the town centre. The applicant operated a successful local business in

the High Street for many years and the proposal would allow them to remain within the town. The loss of this particular unit would not prevent any new retailer from obtaining premises in the Artizan Centre. Consequently, the proposal would not undermine the attractiveness of the town centre, and the use of the premises on a daily basis is viewed as preferable to the unit remaining vacant.

- 6.3** It is not considered that any nearby residential properties would be adversely affected by the proposed use, and the Environmental Health Service has no objections provided that conditions are attached relating to the submission of details of the proposed flue/extraction system and grease trap. The Roads Service has no objections to the proposal as there are existing parking facilities nearby and the property is also centrally located for public transport.

7. CONCLUSION

- 7.1** The proposed development would bring a currently vacant property back into use and would allow a local business who has traded in the town for many years to continue trading. Whilst it would result in the loss of some retail floorspace within the core retail area, it would bring a property which has been vacant for some years back into use and it would contribute to the vitality and viability of this part of the town centre where there is a high level of vacant properties.

8. RECOMMENDATION

- 8.1** **Grant** 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.** **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.** **Any sale of hot food to take away shall remain ancillary to the use of the premises as a tea room.**
- 04.** **Prior to the commencement of development on site details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and thereafter it shall be installed prior to the use being operational and maintained thereafter.**

- 05. Prior to the commencement of development on site, 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/extraction system shall be implemented prior to the use being brought into use and shall be maintained thereafter.**

Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 21 March 2012

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Appendix: None

Background Papers:

1. Application forms and plans;
2. Consultation responses; and
3. West Dunbartonshire Local Plan 2010.
4. Scottish Planning Policy
5. Planning Advice Note 59 (Improving Town Centres)
6. PAN 52 (Planning in Small Towns)

Wards affected: Ward 3 (Dumbarton)