

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 7 August 2012

Subject: Outcome of an appeal in relation to the change of use of a Class 1 Retail Unit to Class 2 Betting Office), 31 Sylvania Way South, Clydebank (DC12/008)

1. Purpose

- 1.1** To advise the Committee of the outcome of a recent planning appeal.

2. Recommendations

- 2.1** The outcome of the appeal in relation to 31 Sylvania Way South, Clydebank is one of a number of recent appeals where Reporters have overturned the Council's decisions to refuse non-retail uses within town centres due to policies which seek to protect core retail areas from inappropriate non-retail uses, in circumstances where there are vacant units in the area. In this case the fact that the unit concerned remained in retail use, albeit on a temporary basis, did not alter the decision. These decisions demonstrate that the Scottish Government considers non-retail uses to contribute positively to town centres, and that loss of a retail unit within an area which has vacant units does not of itself provide sufficient grounds to refuse an application.
- 2.2** It is recommended that the Committee note the outcome of this appeal.

3. Background

- 3.1** An application for planning permission for the change of use of a vacant retail unit to a betting office was refused by the Planning Committee on 6 March 2012 on the grounds that 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 and result in a further proliferation of non-retail uses and would detract from the amenity and character of the area. The applicant appealed against this decision to the Scottish Ministers. The appeal was dealt with by way of written representations.

4. Main Issues

- 4.1** The Reporter considered that the Sylvania Way South area of Clydebank Shopping Centre was a busy and vibrant area with a diverse mix of uses operating including shops, indoor and outdoor markets, pawnbrokers, amusement arcade, banks and an existing betting shop. The two existing vacant units within this area were considered to detract from the character and amenity of the area as one unit had its rollershutters down and the other

unit's internal windows were covered in paper. The Reporter noted that whilst the appeal premises was currently in operation as a retail unit this was a temporary arrangement until such time that another business would take over the lease, and he accepted that as this had been ongoing for 2 years it was evident there was difficulty attracting new retail uses to Sylvania Way South. The proposed betting office would be open until 10pm, thereby providing evening activity within the town centre and contributing to its vitality.

- 4.2** The Reporter considered that the proposed change of use to a betting shop would not have a detrimental impact upon the character of Sylvania Way South as betting shops are regarded as appropriate town centre uses. He therefore considered that the proposal was consistent with Policy RET6 of the West Dunbartonshire Local Plan 2010. Also, the proposed use was consistent with Scottish Planning Policy (SPP) which states that town centres should be a focus of uses including retail and leisure uses and that planning authorities should support a diverse range of community and commercial uses in town centres. The Reporter therefore concluded that the application was consistent with both local and national planning policies and that there were no material considerations that would justify a refusal. He therefore upheld the appeal and granted planning permission.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications.

7. Risk Analysis

- 7.1** None.

8. Equalities Impact Assessment (EIA)

- 8.1** None.

9. Consultation

- 9.1** No consultation required

10. Strategic Assessment

- 10.1** There are no strategic issues

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Date: 20 July 2012

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Appendix: None

Background Papers: 1. Appeal decision dated 18 July 2012 (DC12/008)

Wards affected: Ward 6 (Clydebank Waterfront)