

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Acting Executive Director of Housing, Environment and Economic Development (Housing & Regeneration Services)**

**Planning Committee: 2 October 2007**

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**DC07/286/FUL:      Erection of non-food retail development (amendment to condition 12 of DC04/004 to permit sub-division to seven units) at Land Adjacent to St James Retail Park, Glasgow Road, Dumbarton**

#### **1.      Development Details**

**1.1**      This report relates to a planned extension to the St James Retail Park in Dumbarton, on a site which already has outline planning permission. Decision DC04/004, dated 3 November 2006, granted outline planning permission for a non-food retail development of 6,503m<sup>2</sup> (70,000 sq/ft) along with garden centre, builders' yard, parking, access, services and landscaping, and the applicant has already signed a Section 75 Agreement covering various improvements to the local road network. Amongst the conditions was condition 12, which requires that the 6,503m<sup>2</sup> be provided as two large units of equal size. The applicant now proposes to develop the site with seven smaller units, but within the same overall floorspace limit. The current application therefore seeks to amend condition 12 in order to allow this.

**1.2**      The Committee will recall that a similar application (reference DC06/394) was considered at the Planning Committee meeting on 19 June 2007, along with two detailed applications for the proposed development (DC06/404 and DC06/419). These were all refused, the reason for refusal of DC06/394 being that:

“The sub-division of the development to form 7 retail units would adversely affect the viability and vitality of Dumbarton Town Centre in that it would lead to the creation of units of a size which would compete directly with the Town Centre.”

The appellant has lodged appeals against all three decisions, which have been conjoined and are scheduled to be considered at a public local inquiry. As the decisions were contrary to the advice of officials, Members may be asked to appear at the public inquiry to explain the reasons for their decisions. The applicant has also now submitted three revised applications, the other two of which (DC07/284 and DC07/285) are subject to a separate report to this Committee.

**1.3**      The current application is similar to the earlier application DC06/394, but requires to be considered in the context of amendments to the detailed proposals, which will be addressed separately. As a result of these

amendments, the total retail floorspace proposed has been reduced slightly. The applicant has also provided a statement explaining in greater detail the reasons for seeking to vary the condition.

## **2. Consultations**

- 2.1** West Dunbartonshire Council Roads Service has no objection to the proposal.
- 2.2** West Dunbartonshire Council Estates Service has no objection to the proposal.

## **3. Representations**

- 3.1** One letter of objection has been received from a planning consultant acting on behalf of Jermon Developments Ltd., the owners of the Artizan Centre in Dumbarton High Street. The reason for objection is that they believe that the proposal would detract from the vitality and viability of the existing town centre. It is argued that the site is an edge of centre rather than a town centre location, and its development for retail purposes would divert trade away from the High Street area, as well as encouraging unsustainable travel patterns. Although it is recognised that the site has outline permission for retail development, they consider that the adverse impact arising from seven medium sized units would be greater than that of two large units, as the proposed units would be of a size which competed more directly with town centre retail units. This would undermine efforts to retain existing retailers in the town centre, and to attract new retailers. It is suggested that this would conflict with national and local planning policies intended to protect the retail function of established town centres. It is also suggested that retail units of the size and design envisaged would detract from the amenities of neighbouring dwellings, and that such units would be more appropriately located within the town centre.

## **4. Assessment Against The Development Plan**

- 4.1** The majority of the site is identified as a Marketable Industrial Site in the Dumbarton District, District Wide Local Plan 1999, and Policy EMP1A of that plan indicates that such sites will be safeguarded for industrial uses so as to ensure a sufficient supply of employment land within the plan area. The western end of the site is identified as part of a Retailing Development Opportunity site, and Policy R1A of the plan indicates that new retail development will generally be restricted to existing town centres and to the identified Retail Opportunity Sites. Policy R1B indicates that proposals for retail development on sites adjacent to defined town centres will be considered favourably where the impact upon the town centre will be acceptable and there are no suitable alternative sites within the town centre. The principle of developing the entire site for retail purposes was considered at the time of the outline planning application, and it was determined that this would be an appropriate use of the site, and that its impact upon the town centre would be acceptable.

- 4.2** Under the West Dunbartonshire Local Plan (Finalised Plan), the entire site is identified as being within a defined Commercial Centre, and the site is specifically designated as a Retail Development Opportunity site. Within Commercial Centres, Policy RET1A supports retail and leisure developments provided these do not undermine town centres. This policy does indicate that unit size should be considered when assessing whether a proposal will complement existing facilities. Policy RET3 indicates that designated Retail Development Opportunity sites represent the main sites for such development within the plan area, where retail development will be supported subject to compliance with other relevant policies. The application site is referred to in Schedule RET1 as having potential for 6,503m<sup>2</sup> of non-food retail development.

## **5. Assessment Against Material Considerations**

### Principle of Retail Development

- 5.1** Although the majority of the site is identified as an industrial site within the adopted local plan, this has been overtaken by subsequent events. The development of housing at Park Street and the new Asda foodstore mean that the site is now landlocked and is only accessible through the retail park, which greatly reduces its potential for industrial development. The emerging local plan reflects this, and allocates the site for retail development. Moreover, the site now benefits from outline planning permission for non-food retail development of 6,503m<sup>2</sup>, and the impact of this upon the town centre was considered at the time of that application. As such, the principle of 6,503m<sup>2</sup> of non-food retail development on the site has been established, and is not open to reconsideration in the context of this application.

### Number and Size of Units

- 5.2** When retail development on this site was originally mooted, a major DIY retailer was interested in building a very large retail warehouse. In imposing the condition, the Council envisaged that the units would be suitable for large DIY or bulky goods type uses (although no condition was imposed on the type of goods which could be sold). At the time, it was considered preferable that this site be occupied by very large units, and that demand for smaller units be fulfilled at the Artisan Centre and at Castle Street (the 'Vico site'), which also has outline permission for retail development.
- 5.3** However, since outline permission was granted, the DIY retailer has reappraised their plans and is no longer interested in the site. Within the retail sector demand for such large units is currently very limited, and it should be noted that even within the major retail centre of Braehead, the large and modern B&Q Warehouse store has closed. Several of the existing units within the St James Retail Park are successfully occupied by DIY/bulky goods retailers, and these existing units are significantly smaller than those required by the condition. The applicant has explained that there is very limited demand for non-food retail units of the size and type required by the outline permission. Apart from foodstores, few retailers require such large units, other

than in major regional retail centres such as Glasgow city centre. As such, it is claimed that a development of the type required by the condition would not be economically viable.

- 5.4** Instead, the applicant proposes to develop the site as seven smaller units. The parallel reserved matters application shows that six of these would range in size from 465m<sup>2</sup> to 929m<sup>2</sup>, while the seventh ('unit 3') would be somewhat larger at 2,090m<sup>2</sup>. However, it is also proposed that this unit be developed as a mixed retail/leisure unit with a mezzanine level, in which case the floorspace used for retail would be limited to 1,720m<sup>2</sup>. The detailed applications covering these proposals are considered separately. Should prospective tenants wish larger units, this could be achieved by merging units, but it is said to be highly unlikely that there would be demand for units in the 3,000m<sup>2</sup> range. The sizes of the proposed units would be consistent with those of the existing non-food units in the St James Retail Park.

#### Impact on Town Centre

- 5.5** The principal issues to be addressed in the consideration of this application are whether the proposed seven units would have any greater impact upon the town centre than would the consented development of two large units, and if so, whether that impact would be unacceptable.
- 5.6** In approving the outline application, it was considered that the impact of the proposal upon Dumbarton town centre would be relatively modest. The types of retailers expected to be attracted to the retail park were unlikely to compete directly with the types of retail remaining within the town centre. Rather than abstracting trade from the town centre, it was considered that the main impact of providing additional retail floorspace in the retail park would be to recapture some of the relatively high proportion of comparison retail expenditure which is currently exported from the Dumbarton, Vale of Leven and Helensburgh areas to destinations such as Braehead. The benefits of retaining this expenditure, and thus boosting Dumbarton's role as a retailing centre, were considered to offset any immediate abstraction of trade from existing retailers.
- 5.7** The outline consent allows 6,503m<sup>2</sup> of retail, but apart from specifying that it should be non-food, it does not impose any restrictions upon the type of goods sold. In general, the impact of new retail development is considered to be relative to the total quantity of floorspace and not the manner of its provision, and as such it is unlikely that the proposal would cause any greater impact upon the town centre than would two large units. The submitted retail impact assessment suggested that the loss of trade to the High Street area as a result of the proposal would be in the region of 3% of existing turnover, a level which is considered acceptable. The main impact of the new retail units is likely to be upon existing retail park units and supermarkets, as well as serving to retain a proportion of the expenditure currently exported.
- 5.8** The objector has raised the point that, by reducing the size of the proposed new units, these would become attractive to retailers who might otherwise choose to locate within the town centre. The previously approved large

3,250m<sup>2</sup> units, on the other hand, would be unlikely to appeal to such retailers (or indeed any retailers, according to the applicant). The objector therefore suggests that the impact of seven units would in fact be greater than that of two larger units, in that the seven-unit development would make it more difficult to attract new retailers to units within the High Street area.

- 5.9** In assessing this impact, it is necessary to consider the size and range of retail units available within the High Street area. It is recognised that at present there is an existing problem of low demand for retail units within the High Street, which manifests itself as vacant/underused units. The revitalisation of Dumbarton town centre is a priority for the Council, and it would be undesirable to allow development which would undermine this. However, the majority of the existing vacant units within the High Street area are relatively small, typically less than 200m<sup>2</sup> (with the notable exception of the former Co-op store). The consented refurbishment of the Artizan Centre (which involves refurbishment of existing buildings and some demolition/new building) will create a number of larger units of similar size to those proposed by this application, and to this extent, it is possible that the two developments would be competing for the same tenants. However, the proposed development would also compete for tenants with the planned retail development on the former distillery site at Castle Street (the Vico Properties site), which also has outline permission for retail development, although a detailed application was recently refused on design grounds and that decision is currently subject to an appeal.
- 5.10** The current application site is considered to be a logical extension to the established retail park, and is in some respects preferable to the Vico site as a location for retail development. Although some competition for tenants with other approved developments may arise, it is considered that the site competes more directly with the Vico site than the High Street area. As both the application site and the Vico site have outline permission, it would not be appropriate to treat one or other preferentially in the context of a reserved matters application, and ultimately the retail market should determine if there is sufficient demand for both schemes. It is considered that this development will help to retain existing exported expenditure and will help to improve Dumbarton's overall attractiveness as a retail destination.

#### Impact on Neighbouring Houses

- 5.11** It is not considered that the impact of seven units upon neighbouring houses would be significantly different from the impact of two large units of the same overall size. Specific issues relating to the impact of the detailed proposal are considered separately.

## **6. Conclusion**

- 6.1** The principle of developing this site as an extension to the retail park has been established, and this application is merely concerned with the number of units employed to make up the permitted new floorspace. When outline permission was granted, the positive benefits of retaining some of the existing exported

expenditure within the town were considered to outweigh the relatively slight loss of turnover for the High Street area. It is considered that the impact which seven units would have upon the town centre would not be significantly greater than that of two larger units of the same overall size, and the proposal is therefore considered acceptable.

## **7. Recommendation**

**7.1 Grant** full planning permission, unconditionally.

## **8. Conditions**

Granted unconditionally.

NB This consent discharges condition 12 of outline planning permission DC04/004, dated 3 November 2006. All other conditions attached to that permission still apply.

**Irving Hodgson**

**Acting Executive Director of Housing, Environment and Economic Development (Housing and Regeneration Services)**

**Date: 18 September 2007**

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**Appendix:** None

**Background Papers:**

1. Planning application forms and plans;
2. Supporting documents;
3. Consultation responses;
4. Letter of Representation;
5. Planning Application No. DC04/004

**Wards Affected:** Ward 3 (Dumbarton)