

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 18 December 2013

DC13/166: Change of use from public house to restaurant at 127 College Street, Dumbarton by Mr Santokh Singh.

1. REASON FOR REPORT

- 1.1** This application raises issues of local significance and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a vacant public house situated on the corner of College Street and Station Road, in the northern part of Dumbarton town centre. The premises comprise the ground floor of a tenement style property dating from around 1900, which is located prominently on the street corner and is a grade C listed building. The ground floor extends to 398m² and currently contains a bar area, lounge, kitchen, storage and toilet facilities. The surrounding area is predominantly residential in nature, although Dumbarton Central railway station and Dumbarton Municipal Buildings are on the opposite sides of Station Road and College Street respectively.
- 3.2** Planning permission is sought for the change of use of the vacant public house into a restaurant, which would sell food and drink for consumption on the premises. The application does not propose hot food take away sales from the premises. The applicant has indicated that the premises would generally operate from midday until midnight, subject to demand. A seating plan has not been provided, but there would be sufficient room to accommodate around 50 diners. Externally, no alterations are proposed although the internal layout would be significantly reconfigured. The internal alterations do not require listed building consent.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to the provision of a grease trap and details of the ventilation/extraction system for the premises.

5. REPRESENTATIONS

5.1 There have been two letters of representation from residents of tenement flats above the premises. In addition a letter has been received from a local MSP conveying a third resident's concerns about the proposal. The reasons for objection can be summarised as follows:

- The building is primarily residential;
- The building has inadequate sound attenuation measures to prevent the spread of noise;
- Residents previously experienced disturbance from the former public house which would be likely to reoccur if it is brought back into use as a restaurant;
- Disturbance likely to arise from late night opening, with many of the residents affected being families with young children;
- Lack of details of bin storage or kitchen ventilation arrangements; and
- Concerns about parking and antisocial behaviour

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan (2010)

6.1 The site lies within the defined Dumbarton Town Centre, although it is on the periphery of this area and is outwith the defined Retail Core area. Policy RET5 states that applications for non-retail uses within the Town Centre will be favourably considered where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. It is considered that the proposal would comply with Policy RET5 as it would bring a vacant commercial premises back into use for a purpose which is appropriate for a town centre location.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

7.1 The premises are located within Dumbarton Town Centre. Policy SC3 states that proposals for non-retail uses, including a restaurant, will be supported within town centres where they encourage visits to the town centre and are appropriate to the town centre's role and function.

Scottish Planning Policy (SPP)

7.2 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. In this instance, it is considered that re-use of a vacant public house as a restaurant would contribute positively to the town centre and would be in compliance with all relevant national policies and guidelines.

Principle of Use

- 7.3** Whilst this part of Dumbarton Town Centre is primarily residential in character, it contains a number of commercial uses in ground floor units which are remnants of the time before the area became separated from the High Street by the A804 dual carriageway. It is understood that the building may originally have been built as a hotel, but the ground floor was later used as an employment exchange prior to planning permission being granted for use as a public house in 1968 (decision D30/68). The unit therefore has a longstanding use for commercial purposes. The public house use ceased recently, and it is therefore desirable to see the unit brought back into use for a suitable alternative purpose rather than have it continue to lie vacant. Town centres are the preferred locations for restaurants, and the provision of such uses on the ground floor of tenement type properties is acceptable. In principle, the location is suitable for a restaurant as such uses are commonly found within town centres. The provision of restaurants within tenement buildings in town centres is a commonplace arrangement, and is generally considered to be appropriate.

Residential Amenity

- 7.4** It must be acknowledged that any licensed premises has potential to give rise to some late night noise and disturbance, but in this case the property was previously used as a public house and it is therefore likely that any such issues arising from a restaurant would be an improvement over the previous use. Reference has been made by objectors to inadequate soundproofing within the building, and it is understood that residual lift shaft features from the former hotel use may contribute towards the spread of noise. It is likely that any sound attenuation measures installed (when the unit was converted to a pub in 1968) would be inadequate by modern standards, but this is a historic situation over which the planning authority has no control. The level of noise likely to arise from a restaurant is anticipated to be less than that from a public house, so it would not be reasonable to require additional soundproofing as part of the current application. The Council's Environmental Health Service has not requested that a noise impact assessment is undertaken in relation to this application.
- 7.5** As the proposal would involve an enlarged commercial kitchen it is necessary to ensure that cooking odours do not affect the residents of the flats above. Normally this would be achieved by way of a flue rising to above eaves height, but this arrangement would require the agreement of other property owners. The Environmental Health Service advises that in the absence of a full height flue it should be possible to secure suitable odour control by way of a more complex air filtration system. Details of the extract ventilation system would require to be agreed in order to ensure that the system was adequate and would not itself give rise to undue noise or vibration, and this could be controlled by a condition.
- 7.6** At present, the public house stores the bins on the pavement on Station Road. The current proposal intends to provide an internal refuse store in order to avoid storing any bins on the pavement other than at collection time. This will be an improvement on the present situation and is acceptable.

Parking

- 7.7** Demand for on street car parking in the Station Road area can be high during the day because of the proximity of the railway station, but peak demand for the restaurant is likely to be in the evening. There are tenements on only one side of Station Road and College Street, the adjacent Municipal Buildings do not normally generate major parking demand, and the large public car park at Risk Street is also close to the site. It is therefore considered that adequate car parking is available in the vicinity of the site, and the Roads Service has no objection to the proposal.

8. CONCLUSION

- 8.1** The proposal will bring a disused public house within Dumbarton Town Centre back into use as a restaurant. The town centre is the preferred location for restaurant uses, and the impact of such a use on neighbouring residents is likely to be less than that of the former pub use. Whilst there may be historic issues with the internal soundproofing of the building it would not be reasonable to require that these be addressed as part of an application which would not give rise to increased noise. Technical issues relating to the extraction system can be addressed by a condition, and the proposal would be consistent with development plan policies.

9. CONDITIONS

- 01. Prior to the commencement of development, details and specifications for the proposed extraction ventilation system shall be submitted to and approved in writing by the Planning Authority. The submitted details shall include the noise output and filter system, and shall be of a specification sufficient to prevent cooking odours affecting the residents of adjoining properties. The approved flue system/extraction system shall be implemented prior the premises being brought into use and shall thereafter maintained in accordance with the approved details.**
- 02. Prior to the commencement of development, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority and shall be implemented prior to the premises being brought into use and thereafter maintained in accordance with the approved details.**
- 03. The premises will be used solely for the purpose of a restaurant, as defined within Class 3 of the Town & Country Planning (Use Classes) (Scotland) Order 1997 and the development hereby approved does not include a hot-food take away element.**
- 04. Prior to the commencement of development, exact details of the bin storage arrangements shall be submitted and approved in writing by the Planning Authority and thereafter implemented prior to the premises being brought into use.**

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 3 December 2013

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Clydebank. G811TG.
01389 738656
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None.

Background Papers:

1. Application forms and plans;
2. Consultation responses and letters of representation;
3. West Dunbartonshire Local Plan 2010;
4. Scottish Planning Policy; and
5. West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan.

Wards affected: Ward 3 (Dumbarton)