

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 27 August 2014

DC14/128: Change of use from class 1 (retail) to class 3 (food and drink) and hot food take away at Unit 3 32 High Street, Dumbarton by Lasalle Investment Management

1. REASON FOR REPORT

- 1.1** This application relates to a development that is contrary to the development plan and is recommended for approval. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1** The application site is a vacant retail unit on the north side of High Street in Dumbarton town centre. The unit comprises part of the ground floor of the three storey high former Dumbarton Co-operative building. The ground floor units surrounding the application site are occupied by various commercial uses, with the immediate neighbouring units being occupied by Skills Development Scotland and by the West Employability Hub, with the latter also occupying the upper floors of the building. The wider High Street area is characterised by a mix of uses including shops, service uses, offices, public houses and flats.
- 3.2** Planning permission is sought to change the use of the unit from retail to a food and drink use and/or a hot food take-away. The application is speculative as the applicant does not currently have a prospective tenant for the unit, but rather seeks consent for these alternative uses in order to broaden the appeal of the unit to a wider range of potential occupiers. The precise nature of the end user is therefore unknown, but Class 3 encompasses use for the sale of food and drink for consumption on the premises (e.g. restaurants, cafés, coffee shops), and permission is also sought to allow use as a hot food takeaway, either in its own right or as an element of a mixed restaurant/takeaway use. Whilst the detailed internal layout would obviously be subject to the eventual occupiers' specification, the indicative plans show a customer eating and/or waiting area located at the front of the unit, and the kitchen located at the rear. There would be no changes made to the front of the building other than a ventilation louvre to be installed above the entrance. On the side elevation (facing into a rear service

yard area) a flue would be attached to an existing chimney stack and a louvred panel would be installed above the rear fire exit door.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal.
- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to the specification of grease traps and extraction systems.

5. REPRESENTATIONS

- 5.1** No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

6.1 West Dunbartonshire Local Plan 2010

The application site is located within the defined Retail Core of Dumbarton Town Centre. Policy RET5 (Town Centre Enhancement) seeks to improve the environment of Town Centres and states that applications for non-retail uses within designated Town Centres 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. The proposal is considered to be consistent with this policy.

- 6.2** Policy RET6 (Protection of Retail Core) seeks to protect and enhance the retail and commercial function of Town Centres by supporting new retail uses. The policy presumes against any change of use from Class 1 within areas designated as Retail Cores. Applications for 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 or amenity of the area. These issues are discussed in Section 7 below, and it is concluded that whilst the proposal is contrary to the presumption against changes of use contained in Policy RET6, it would nonetheless have the potential to assist in the revitalisation of the centre and would not adversely affect the character and amenity of the area.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

7.1 West Dunbartonshire Local Development Plan (LDP), Proposed Plan

The proposed development site is located within the defined Dumbarton Town Centre, outwith the core retail area of Dumbarton town centre. Policy SC3 supports non-retail uses in town centres where these comply with the Retail Core policy, encourage visits to the town centre and are appropriate to the town centre's role and function. The site is outwith the modified Retail Core boundary proposed in the LDP, and therefore Policy SC2 is not applicable.

Policy DS1 states that all development will be expected to contribute towards creating successful places by having regard to a range of criteria including avoiding unacceptable impacts on adjoining uses including noise and smell. It is considered that the proposed use is supported by these policies and that the proposal is consistent with the emerging development plan.

7.2 Scottish Planning Policy

Scottish Planning Policy states that town centres should be the focus for a mix of uses and that planning authorities should support a diverse range of community and commercial activities within town centres. It further states that the evening economy should be encouraged and managed in appropriate centres to ensure life and activity outwith usual retail hours and that planning authorities should consider the likely impact, including cumulative impact on the character and function of the centre, the amenity of nearby residents and anti-social behaviour and crime. The preferred location for non-retail uses such as restaurants and takeaways is the town centre; as such activities will generally enhance the town centre by improving the evening economy. The proposed use is therefore considered to be consistent with the principles of the SPP.

7.3 Loss of Retail Unit

Although the unit is located within the currently defined Retail Core area, it has been vacant since 2007 when it was formed as part of the sub-division of the former Co-op department store building. The owners have marketed the property as a retail unit since 2007, however they have stated that there has been no interest from prospective occupiers. The applicant therefore wishes to obtain permission for a food/drink use in order to broaden the appeal of the unit to a wider range of potential tenants, and the granting of planning permission would not prevent the re-use of the unit for retail purposes should such an occupier emerge.

7.4

Like many other town centres, Dumbarton has experienced a decline in the number and range of retail units over the last few years. Within the nearby Artizan Centre there are currently 12 vacant units, some of which have never been occupied since the centre was refurbished some years ago. Whilst the proportion of units on the High Street itself which are vacant is not as high, the proportion of units which are in non-retail use has increased. Of the seventeen units on the High Street east of the Artizan Centre, there are currently only five units in Class 1 use, with the application site being the only vacancy. The non-retail units in this part of the street comprise a mixture of banks, offices, a betting shop, public houses, restaurants and takeaways. There is therefore limited demand for retail floorspace within Dumbarton town centre, and the majority of retail uses are now located in the central and western parts of the street.

7.5

Whilst the retention of existing and the attraction of new retailers is essential for the regeneration of the town centre, it is highly undesirable for empty units to remain vacant for long periods. This is recognised by Scottish Government policy and has been reinforced by numerous appeal decisions over the last few years, where the Ministers have overturned Council decisions to refuse

the change of use of vacant shops to non-retail uses. In recognition of these facts. The emerging Local Development Plan has amended the Retail Core boundary to exclude the eastern part of the street, and the application site is therefore outwith the new Retail Core boundary.

- 7.6** It is therefore considered that notwithstanding the fact that the site is within the existing Retail Core area, as defined by the adopted local plan, changing its use from retail to non-retail would be appropriate. The unit has been vacant for 7 years so demand from retail operators is clearly limited, and the site is within a peripheral part of the High Street which has been deleted from the Retail Core boundary in the emerging LDP. Granting permission for a wider range of uses would allow the unit to be marketed to a broader range of businesses and would thus increase the prospect of it being brought back into use. This in turn would contribute to the vitality and viability of the town centre by bringing more people and activity into the town centre.

7.7 Food and Drink / Takeaway Use

As the application is speculative it is not known exactly what type of operator might occupy the unit. However, the applicant has advised that there has been some interest in units in the town centre from local restaurateurs and also from several national restaurant chains (e.g. Tony Macaroni, Pizza Hut, Harry Ramsdens, etc.). It is also noted that despite the weak demand for retail units in the town centre a national chain has recently opened a new public house in the High Street, demonstrating business confidence in Dumbarton Town Centre as a location for mixed commercial activities. Town centre sites are the most suitable location for restaurants and takeaways, and it is desirable to encourage such uses as part of a vibrant mix of town centre activities.

- 7.8** Many food and drink uses operate late into the evening and thus have potential to create disturbance to local residents. In this case whilst there are some flats on the upper floors of properties within the High Street, there are none immediately above or opposite the application property and the nearest flats are around 40m away. It is therefore unlikely that any residents would be affected by noise directly generated by the application site. The introduction of another evening activity would have potential to increase the level of activity within the High Street generally, but evening activity is an accepted characteristic of town centre locations. The proposal would not result in an undue concentration of Class 3 uses or hot food take-aways on this part of the High Street, as such uses are currently spread throughout the street.

- 7.9** A flue on the side of the building would be sufficient to prevent any cooking smells affecting the office space above, subject to the detailed specification being agreed with the Environmental Health Service (which can be controlled by a condition). The position of such a flue would not be visually prominent. The site is within the town centre and staff/customers would be able to use existing town centre car parking facilities. Hot-food takeaway uses can give rise to short-term parking demand as some customers may be tempted to park inconsiderately whilst waiting for their food, but this is also true of many convenience stores and parking in the High Street is managed accordingly.

Peak demand for a restaurant or takeaway is likely to be in the evening when demand for shop parking is low. Accordingly, the proposal does not raise any parking or road safety concerns and the Council's Roads service has raised no objection to the proposal.

8. CONCLUSION

- 8.1** The proposed development would enable a unit that has been vacant for a significant period of time to be marketed for a wider range of uses, thereby increasing the prospect of it being brought back into use. This would contribute toward the viability and vitality of the town centre by increasing activity and footfall. Although the proposal would result in the loss of a retail unit within the current Retail Core area (and is therefore contrary to Policy RET6), the fact that the unit has already been vacant for seven years suggests that there is little prospect of it being brought back into retail use in the immediate future. Furthermore, Scottish Government policy supports showing flexibility towards a diverse range of uses within town centres, and the proposal would be in accordance with the policies of the emerging Local Development Plan, the Councils most recent policy statement. It is considered these material considerations outweigh the terms of Policy RET6, and that the proposal is therefore acceptable.

9. CONDITIONS

- 1. 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 in consultation with Environmental Health and thereafter it shall be installed prior to the use being operational and maintained thereafter.**
- 2. Prior to the commencement of development on site, details of the flue system/extraction system shall be submitted to and approved 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 operational and shall be maintained thereafter.**

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Date: 5 August 2014

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Appendix:

None

Background Papers:

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. Consultation responses

Wards affected:

Ward 3 (Dumbarton)