

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 26 February 2014**

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**Subject: Appeal Decision DC13/159 – part change of use from Class 1 to Class 2 (amendment to condition 4 of DC13/024) at 2 Sylvania Way South Clydebank**

#### **1. Purpose**

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

#### **2. Recommendations**

- 2.1** That the Committee **notes the outcome of the appeal.**

#### **3. Background**

- 3.1** Planning permission for the subdivision of the Clydebank Co-operative department store and for the use of parts of the building for offices and a public house was granted on 5 June 2013 (decision DC13/024). The applicant had also sought permission to use two of the resultant ground floor units for Class 2 (financial, professional and other service) purposes, but this was not approved and a condition (number 4) specified that those units must continue to be used for Class 1 retail purposes.
- 3.2** The applicant subsequently submitted an application under Section 42 of the Town and County Planning (Scotland) Act 1997 seeking to carry out the development without complying with condition 4, thereby allowing use of the two units for Class 2 purposes. That application was refused by the Planning Committee on 28 August 2013 (decision DC13/159). The reasons for the original condition and for the refusal of the subsequent application were that the change of use of these two units would result in a loss of core retail frontage and would create an undue concentration of non-retail uses within Sylvania Way South which would be detrimental to the vitality and viability of that part of the town centre. Accordingly, it was considered that the proposal was contrary to policies RET6 of the adopted local plan and SC2 of the proposed local development plan.

#### **4. Main Issues**

- 4.1** The applicant lodged an appeal against the refusal of application DC13/159, which was determined by a Scottish Government Reporter following written submissions and a site visit.

**4.2** The Reporter reached the following conclusions about the proposed change of use:

- Class 2 uses would not lead to a reduction in the vitality of the street, and could potentially increase it;
- Class 2 uses would not have any detrimental impact on the fabric or setting of the listed building, and permitting class 2 uses would have a positive impact on the listed building by increasing the likelihood of finding new occupiers;
- Loss of retail frontage could have a detrimental impact on the character and amenity of the area to some extent, although the impact of the Co-operative store remaining vacant for an extended period would be worse;
- Whilst there was a minor conflict with policy RET6, this was outweighed by the provisions of Scottish Planning Policy which emphasises the need for flexibility in allowing a mixture of uses within town centres

**4.3** Accordingly, the Reporter upheld the appeal and granted planning permission for the subdivision and change of use of the building, with condition 4 deleted.

**4.4** This was the fifth appeal in West Dunbartonshire since 2009 relating to refusal of a proposed change from retail to Class 2 or sui generis use within a core retail frontage area covered by policy RET6. Each of these five appeals was upheld by the Scottish Government. It is therefore clear that the Scottish Government considers that a greater proportion of non-retail uses within town centres is preferable to such units remaining vacant.

## **5. People Implications**

**5.1** There are no people implications.

## **6. Financial Implications**

**6.1** There are no financial implications.

## **7. Risk Analysis**

**7.1** No risks have been identified.

## **8. Equalities Impact Assessment (EqIA)**

**8.1** No equalities impact assessment is required.

## **9. Consultation**

**9.1** No consultation is required.

## **10. Strategic Assessment**

**10.1** The proposed change of use will not conflict with the Council's strategic priorities.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 5 February 2014**

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**Appendices:** None.

**Background Papers:** 1. Appeal decision letter dated 31 January 2014

**Wards Affected:** Ward 5 (Clydebank Central)