

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 18 December 2013

Subject: Receipt of an appeal in relation to the refusal of application DC13/159 for the variation of condition 4 of permission DC13/024 (proposed part change of use from Class 1 to Class 2) at Clydebank Co-op, 2 Sylvania Ways South, Clydebank

1. Purpose

- 1.1** This report advises the Committee of the submission of a planning appeal.

2. Recommendations

- 2.1** That the Committee **note the receipt of this appeal.**

3. Background

- 3.1** Planning permission for the subdivision and part change of use of the Clydebank Co-op department store to non-retail uses including offices and a public house was granted by the Committee on 5 June 2013. The applicant had additionally sought permission to use two of the subdivided units for Class 2 (financial, professional and other services) uses, but the permission which was granted was subject to a condition which read:

04. Notwithstanding the submitted details and description of development, no planning permission is granted for the use of any part of the building for Class 2 uses (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1992 (as amended)), and "Unit 1" or "Unit 2" shall remain as Class 1 (retail) units unless subject to a separate grant of planning permission.

- 3.2** The applicant subsequently applied for the removal of that condition, but that application (DC13/159) was refused by the Planning Committee on 28 August 2013. The reasons for the original condition and the refusal of the application to vary it related to concerns that this would be contrary to the Local Plan policy on protection of core retail frontage, and that it would contribute to a concentration of Class 2 uses in Sylvania Way South which would be the detriment of the vitality and viability of that street.

4. Main Issues

- 4.1** An appeal against the refusal of planning application DC13/159 has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a site visit and written submissions. The Committee will be advised of the outcome of this appeal in due course.

5. People Implications

5.1 None.

6. Financial Implications

6.1 The Appellant has not submitted an application for an award of costs, although the time period for doing so had not expired at the time of writing of this report.

7. Risk Analysis

7.1 It is not considered necessary to carry out a risk assessment in relation to this report.

8. Equalities Impact Assessment (EIA)

8.1 No equalities impact assessment is required.

9. Consultation

9.1 No consultation is required.

10. Strategic Assessment

10.1 There are no strategic issues.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 3 December 2013

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Appendices: None.

Background Papers:

1. Application DC13/159
2. Appellant's grounds of appeal

Wards Affected: Ward 5 (Clydebank Central)