

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 14 August 2013

DC13/147: Change of use from Class 1 to Class 3 (Food and Drink) (retrospective) at 8A Carinthia Way, Clydebank by HP Properties Ltd.

1. REASON FOR REPORT

- 1.1** The proposal relates to property in which the Council has a partial ownership interest. 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 unconditionally.

3. DEVELOPMENT DETAILS

- 3.1** The application site comprises a long narrow unit located at the corner of Carinthia Way and Sylvania Way in the northern section of the Clyde Shopping Centre. It currently operates as O'Brien's Sandwich Bar. The unit has a floor space of approximately 110.6m² with the enclosed kitchen area at one end, and the counter and seating area forming an open area fronting the pedestrian mall. The unit is internal to the shopping centre and is enclosed on all sides by the pedestrian mall and by other retail and commercial units.
- 3.2** The unit was formed as part of the refurbishment of the shopping centre which was granted planning permission in 2001, and it has been occupied by a Class 3 operator since 2005. The consent for the refurbishment (PE99/058) included a café unit adjacent to this corner and an open plan alcove on the corner itself, although the café use was not explicitly mentioned in the description of the development. However it has come to light that the boundaries of the unit which was built do not correspond with those of the original permission, although there is significant overlap. In order to regularise the situation the site owners are seeking retrospective planning permission.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Estates Service has no objection.

5. REPRESENTATIONS

5.1 No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

6.1 West Dunbartonshire Council Local Plan 2010.

The unit lies within the town centre, where Policy RET1 encourages retail and commercial leisure uses to locate. Policy RET5 seeks to improve the environment of Clydebank town centre and is supportive of applications for non-retail uses where they contribute to the vitality and viability of the town centre and do not conflict with other local plan policies. The Clyde Shopping Centre is an important retail facility within Clydebank Town Centre, and the inclusion of complementary non-retail uses such as cafés and restaurants is supported by Policies RET1 and RET5.

6.2 Policy RET6 presumes against the change of use of Class 1 units to non-retail uses. Any such change of use will only be permitted where it can be demonstrated that a non-retail use would reinforce and revitalise the centre and would also not adversely affect the character and amenity of the area. In this case the unit seems to have originally been built with the intention that it would be a café type use, and the layout of the unit does not lend itself to retail purposes. The unit has been occupied as a café since it was formed, and there has therefore been no loss of retail floorspace. The inclusion of eateries within large shopping centres contributes to the attractiveness of these centres to visitors, and the proposal therefore accords with policy RET6.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

National Planning Policy

7.1 The Scottish Planning Policy (SPP) 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. Together these policies support the provision of mixed commercial activities within town centres.

Café Use

7.2 Whilst the predominant use of the Clyde Shopping Centre is retailing, and most of the centre is covered by the core retail frontage policy, it is recognised that most large shopping centres include cafés and/or food courts and that the availability of places to eat helps to make such centres more appealing to visitors. Although the café unit as built did not correspond with the approved plans, permission was granted for a café and the property has been used as such for the past eight years. The current application merely seeks to regularise the situation and no changes to the existing operation, layout or elevations are proposed. There is therefore no loss of retail floorspace and it is considered that the café use contributes positively towards the vitality and viability of the shopping centre.

8. CONCLUSION

- 8.1** Planning permission is sought retrospectively for the use of an open-frontage unit as a Class 3 use. The unit has never been used for Class 1 retail uses and has operated successfully for 8 years with a positive impact on the vitality and viability of the shopping centre. The proposal complies with all relevant policies.

9. CONDITIONS

None.

Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 18 July 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. West Dunbartonshire Local Plan 2010; and
3. Consultation responses.

Wards affected: Ward 6 (Clydebank Waterfront)