

WEST DUNBARTONSHIRE COUNCIL

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

Planning Committee: 14 August 2013

DC13/115: Proposed change of use from vacant public house to a shop at 16 Castlehill Road, Dumbarton by Mr Zia.

1. REASON FOR REPORT

- 1.1** This application relates to a proposal which is subject to a significant number of objections. Under 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 condition set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to the former “The Keep” public house which occupies the majority of the ground floor of a building on the corner of Castlehill Road and Blackburn Crescent. The building dates from the 1960s and is predominantly single storey with a flat roof, with a flat to the rear on the first floor. Part of the building has previously been subdivided to create two small shop units occupied by a hot food takeaway and a bookmakers, which do not form part of the application. The pub premises have been vacant for the past few years. This area of Castlehill Road is primarily residential although there is a shop and another hot food takeaway nearby, and on the opposite side of the road are the Leven Valley Enterprise Centre and St Michael’s Primary School. Directly to the rear of the application premises is its associated car park. The unit extends to approximately 350m².
- 3.2** Planning permission is sought to change the use of the vacant public house to a shop, to be used as a licensed grocery including ancillary sale of hot snack food (e.g. pastries). Internally, the bar area would be converted to form a shop occupying around 100m² of the unit. The remainder of the ground floor at the rear would be used for storage, office accommodation, toilets, a kitchen and a garage for the flat above. There would be no external alterations other than signage.
- 3.3** A previous application to convert the pub into a shop was approved in 1998 (WP98/198), but was not implemented.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads and Environmental Health Services have no objection to the proposal.

5. REPRESENTATIONS

- 5.1** Five letters of representation and a petition containing 39 signatures have been submitted objecting to this application. The reasons for objection can be summarised as follows:

- There are already an adequate number of shops in the area;
- The proposed change of use from a public house to a shop will result in anti social behaviour, including noise and general disturbance;
- The proposed shop will result in traffic congestion and pollution in the surrounding area;
- The sale of alcohol from the shop will add to social problems in the surrounding area;
- The building and parking area are currently in a state of disrepair;
- It will encourage unhealthy eating, particularly amongst local school children; and
- It will result in litter in the surrounding area.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan

- 6.1** The premises are located within an Existing Residential Area, where policy H5 states that in considering non-residential uses within Existing Residential Areas, consideration should be given as to whether they can be considered as ancillary or complimentary to the residential area and would not result in a significant loss of amenity to the surrounding properties. The policy suggests that loss of amenity might be expected to occur as a result of increased traffic, noise, vibration, smell, artificial light, litter, and hours of operation or general disturbance.
- 6.2** In this case, the proposal involves the change of use of a public house to a shop, and it is likely that any impact on amenity arising from a shop use would be less than that arising from a pub. The proposal would bring a disused building back into use, which would benefit local amenity by avoiding its further deterioration. Local convenience shops provide facilities for local residents and are in principle appropriate uses for residential areas. It is therefore considered that the proposal would be consistent with policy H5.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Impact on the amenity of the area

- 7.1** The commercial use of the premises is longstanding, and its conversion to a convenience store would perpetuate its established role as a local facility serving the surrounding residential area. Whilst the location is not designated as a Local Centre, the property does form part of a small group of commercial

premises which comprises a newsagents, two takeaways and a betting shop, and the proposed grocery would complement these uses. The building is located adjacent to the main road into Castlehill, and it would be desirable to see the unit brought back into use for a suitable alternative use rather than have it continue to lie vacant.

- 7.2** Whilst it is acknowledged that some noise might arise from persons and vehicles coming and going from the premises, this is likely to be less significant than that which would have arisen from the previous use as a public house, or that which arises from the existing takeaways nearby. If the property was to reopen as a public house then in addition to the coming and going of customers there would be noise from persons standing outside smoking, which is less likely to occur with a shop use. The proposal would involve a modest amount of hot food sales but this would be ancillary to the retail use and further permission would be required if the business was to develop into a proper takeaway. Overall, it is considered that the proposal is unlikely to give rise to significant noise or disturbance and that it would represent an improvement over the previous use.
- 7.3** There is an ample car park at the rear of the premises off Blackburn Crescent. Whilst it is acknowledged that some customers may park on the corner forecourt instead, the proposal would not result in any significant increase in parking requirements relative to the previous use and the Roads Service has no objection to the application. In terms of other technical issues, details of waste storage have not been submitted and these can be required by way of a condition. There are existing bins close to the takeaways further along Castlehill Road, but as the proposal would involve the sale of confectionary and snack food it would be appropriate to provide a waste bin close to the premises, and this can be required by way of a condition.
- 7.4** With regard to other issues raised by objectors, it is not considered that there is any overprovision of shops within the area, and the modest hot food sales element would not create an overprovision of such uses. Any issues with fire safety or the condition of the building would be addressed as part of the building warrant process. It is not the role of the planning system to control the types of food available to people, and the sale of alcohol would require an off sales license which would be assessed as part of the licensing process.

8. CONCLUSION

- 8.1** It is considered that the proposed shop would provide enhanced convenience facilities for the local area whilst bringing a vacant property back into use. Any impact on amenity would be less than that arising from its former use as a public house and the use of the property for a shop is an acceptable use in this location. The proposal is in compliance with all relevant policies and there are no significant technical issues.

9. CONDITIONS

01. Prior to the commencement of development, details of the waste bin storage arrangements shall be submitted and approved in writing by the Planning Authority and thereafter implemented prior to the shop being brought into use.
02. Prior to the shop being brought into use a litter bin shall be installed on the forecourt of the premises in a location which shall first be submitted to and approved in writing by the Planning Authority. The litter bin shall thereafter be retained, and the operator shall ensure that it is emptied as required.
03. Any sale of hot food shall be limited to hot drinks and snack food such as pastries, filled rolls, soup etc., and such sales shall form an ancillary element of the use of the premises, the principal use of which shall be as a retail shop.

Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 22 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. Representations;
3. Consultation response; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: Ward 3 (Dumbarton)