

## **WEST DUNBARTONSHIRE COUNCIL**

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

**Planning Committee: 22 October 2014**

---

**DC14/167: Sub-division of Existing Retail Unit, Change of Use to Betting Office and Shopfront Alterations at 18 Britannia Way, Clydebank by Betfred**

#### **1. REASON FOR REPORT**

- 1.1** This application has representations from two community councils, and is a departure from the Development Plan. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Grant** planning permission subject to the reasons set out in Section 9 below.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application relates to part of an existing retail premises situated on the eastern side of the Clyde Shopping Centre in Clydebank Town Centre. The unit is part of a small row of shops which are not part of the enclosed shopping mall but have external frontages onto the shopping centre car park. The unit is occupied by the Harry Corry interior furnishing store, and is bordered to the north and south by a Macdonald's restaurant and a Domino's Pizza takeaway. The premises front a large car park which is surrounded by a mixture of other retail and commercial uses.
- 3.2** It is proposed to subdivide the unit, with the majority of the floorspace (730m<sup>2</sup>) remaining as a single large retail unit, but with a second small (90m<sup>2</sup>) unit created in the south-west corner of the shop. It is proposed to change the use of this new unit from retail (Use Class 1) into a betting shop (Class 2). It is understood that Harry Corry will continue to trade from the premises, with a slight reduction in their retail floorspace.
- 3.3** A new shop frontage would be created for the unit in an existing portion of the front of the building which is currently facing brick. This would consist of a doorway entrance which would have two large windows either side of this. The existing glass frontages of the Harry Corry business would be unaffected.
- 3.4** The applicant is Betfred, a large chain of bookmakers who already have an existing unit within the town centre of Clydebank at the southern end of the Clyde Shopping Centre on Chalmers Street. The applicant has indicated that the proposal is for an additional facility and that the existing betting shop on

Chalmers Street would be retained. It is anticipated that the betting shop would employ 2 full time and 4 part time staff.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Estates Service has no objection to the proposal

#### **5. REPRESENTATIONS**

- 5.1** A total of 5 representations have been received, all objecting to the proposal. The objectors comprise Clydebank East Community Council, Parkhall, North Kilbowie and Central Community Council, two from members of the public and one from a planning consultant acting on behalf of an unspecified commercial client. Their grounds of objection are as follows:

- The proposed change of use does not comply with local plan Policy RET6 (Protection of Retail Core);
- The proposal would undermine the retail function of this part of the town centre;
- No evidence that unit has been marketed for retail purposes;
- Permission would set an undesirable precedent for further loss of a retail units;
- Adverse impact on the character of the area;
- Overprovision of betting shops, pawnbrokers and amusement arcades within Clydebank town centre; and
- Concerns about the social impacts of gambling, and in particular of high stakes gaming machines

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

- 6.1** The site lies within the defined Clydebank Town Centre, which Policy RET1 indicates to be the preferred location for retail and commercial leisure activities. This confirms that town centres are the most suitable location for activities such as betting shops, and the proposal is therefore consistent with that policy. Policy RET5 supports non-retail uses within town centres where these contribute to vitality and viability and comply with other relevant policies.
- 6.2** The site is also within the defined Clydebank Retail Core, where Policy RET6 seeks to protect and enhance retail and commercial function by encouraging new and improved retail floorspace. There is a presumption against the change of use of existing ground floor retail units to non-retail uses, and such applications will only be supported where it can be satisfactorily be demonstrated that the change would reinforce and revitalise the centre and would not adversely affect the character or amenity of the area. In this case the proposal involves a change of use of part of an existing ground floor retail unit in the retail core to a non-retail use, and it therefore conflicts with the presumption against such changes in Policy RET6 and is contrary to the Adopted Local Plan. This is discussed more fully in Section 7 below.

- 6.3** Policy DC2 Shop Front Design and Security requires that new shop fronts on existing buildings be designed in accordance with the Council's Shop Front Design Guide for commercial frontages. Proposals should be in keeping with the character of the building and be appropriate to the surrounding area. It is considered that the proposed alterations to the shopfront would comply with this policy and with the design guide.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

- West Dunbartonshire Local Development Plan (LDP), Proposed Plan
- 7.1** The site remains within the defined Town Centre and the defined Core Retail Area in the emerging LDP. Clydebank Town Centre is also designated as a "Changing Place", and the LDP indicates that changes of use within the retail core must be assessed against policy SC2. Policy SC2 does not presume against non-retail uses, but states that proposals for change of use of ground floor Class 1 uses within core retail areas will be assessed in terms of:

- a) whether the change would significantly reduce the retail offer of the retail core or part thereof;
- b) whether it would lead to a concentration of a particular use to the detriment of the town centre's vitality and viability;
- c) the contribution of the new use towards the vibrancy of the centre by increasing footfall;
- d) the availability and suitability of other locations in the town centre for the new use to locate; and
- e) whether the unit affected by the proposal has been vacant and suitably marketed for retail use.

These issues are discussed below, and it is considered that the proposal would comply with Policy SC2.

- 7.2** Policy SC3 states that proposals for non-retail uses will be supported within town centres where these comply with Policy SC2, encourage visits to the town centre and are appropriate to the town centre's role and function. The proposal is considered to be in accordance with this policy.

- National Planning Policy
- 7.3** The Scottish Planning Policy (SPP) states that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into the town centre. The planning system should encourage a mix of uses to support vibrancy, vitality and viability throughout the day and into the evening. The SPP recognises that there can be concerns about the number or clustering of some non-retail uses (including betting offices), and indicates that where a town centre strategy identifies a need for constraint of particular uses in the interests of character, amenity or well-being of communities, local development plans should include policies to prevent clustering or overprovision.

- 7.4** The Scottish Government has recently launched a consultation on potential changes to planning legislation in relation to betting shops and payday lenders, and the Committee will recall that this was the subject of a workshop held after the Planning Committee meeting on 24 September 2014. The suggested changes would, if implemented, mean that changes of use to betting shops would be more likely to require planning permission in the future, but they would not have affected this proposal as it already requires planning permission under current legislation. The purpose of the suggested changes to legislation would be to give planning authorities greater control over such uses, but it would still be necessary for any applications for changes of use to be determined in accordance with development plan policies and material planning considerations.

Distribution of Uses within Clydebank Town Centre

- 7.5** The majority of shops units within Clydebank Town Centre are within four general locations:
- The enclosed section of the Clyde Shopping Centre, north of the Forth and Clyde Canal, within which the great majority of units are in retail use;
  - Units fronting the shopping centre car park, including the application site
  - The open section of the shopping centre (Sylvania Way South), where a high proportion of units are in non-retail use; and
  - Units in the streets to the south of the shopping centre, most of which are traditional tenement properties. As these streets have lower footfall they tend to be occupied by small local shops or other businesses which do not require a central site. These are the only units in the Town Centre which are not within the Retail Core boundary.
- 7.6** The application site is one of a small number of units which are “external” to the Clyde Shopping Centre, having frontages facing onto its car park rather than into the enclosed mall. At present, these units contain the following uses:
- Retail: 4 (Argos, Asda, Glamour Hairdressing, Harry Corry)
  - Food/Drink: 4 (Dominos, Little Frankies, Mcdonalds, Singapore Buffet)
  - Assembly/Leisure: 1 (Empire Cinema)

The other business which fronts this car park is McMonagle’s fish and chip restaurant, which is detached from the shopping centre. There is therefore a cluster of food and drink uses in this part of the Town Centre, and most of the businesses here (including the 24-hour Asda supermarket and the cinema) trade well into the evening. There are no residential properties nearby, and the introduction of a small betting shop within this area would not create any significant increase in evening activity at the location.

- 7.7** Of the three existing betting shops within the Town Centre, Ladbrokes and Paddy Power operate from Sylvania Way South, and Betfred’s existing property is on Chalmers Street. In recent years there has been a clustering of

Class 2 and other non-retail uses within Sylvania Way South, including a number of betting shops and payday lenders. This has led to concerns about the decline of retail frontage in that street, but it also reflects the fact that Sylvania Way South is also suitable for businesses which trade into the evening and which therefore cannot locate within the enclosed section of the shopping centre which closes at 6pm. However, the main part of the shopping centre north of the canal remains overwhelmingly in retail use, with only a small number of units in Class 2 and Class 3 use. There are therefore no betting shops within the Town Centre north of the canal, and there is consequently no risk of an over-concentration of such uses developing as a result of the proposal.

#### Core Retail Frontage Policies

**7.8** The proposal is contrary to Policy RET6 of the adopted local plan, which presumes against the loss of retail floorspace within the defined Retail Core. However, as the Committee will be aware a number of applications for non-retail uses within Retail Core areas which have been refused on the basis of Policy RET6 / loss of retail floorspace have subsequently been allowed by the Scottish Government Reporters Unit on appeal. In the past the Scottish Government has hitherto taken the view that allowing non-retail uses are preferable to allowing units to remain vacant. In this particular case the floorspace is not currently vacant, but there are various vacant units within the Clyde Shopping Centre, which are more likely to be attractive to retail operators than the application site. The proposal would not result in any adverse impact upon the character or amenity of the area, and it is therefore considered that a departure from Policy RET6 would be appropriate in this instance.

**7.9** Furthermore, the equivalent policy in the emerging LDP (Policy SC2) does not presume against changes of use, provided that the individual proposal satisfies a number of criteria. In this case, the proposed change of use would comply with these criteria because:

- a) The proposal would not result in any significant reduction in the retail offer of the Town Centre / Retail Core, as it relates to a small part of the floorspace of an existing large retail unit, which would otherwise remain in retail use;
- b) The proposal would not result in a concentration of Class 2 uses within this part of the Town Centre, as there are few such uses north of the canal and none within the group of units fronting the shopping centre car park;
- c) The proposal would contribute towards the vitality and viability of the shopping centre as the proposed small reduction in retail floorspace is not likely to result in a significant reduction in custom for the Harry Corry unit, whilst the betting shop would itself attract new footfall;
- d) There are no suitable alternative sites outwith the Retail Core for this operator. The only commercial units within the Town Centre which are not designated as being the Retail Core are in the streets to the south of Chalmers Street, but the applicant already serves this part of the town centre from their existing betting shop on Chalmers Street and does not require a second facility in the same location. It would also be undesirable

- to have more betting shops in the southern part of the Town Centre as this would further create an undue concentration of such uses in that area;
- e) The agent has indicated that the unit has been marketed for approximately 18 months by the agents of the Shopping Centre operators. It was advertised primarily for Class 1 retail use, with the agents approaching businesses in respect of this. The unit has received no Class 1 use interest in that time period and the agents have tried to increase interest by opening up to alternative uses. The only interest prior to the current application was for a Class 3 food and drink use however this was not progressed beyond informal discussion.

Accordingly, the proposed change of use is considered to be in compliance with Policy SC2 of the emerging local development plan.

#### Elevational Alterations

- 7.10** The proposed new unit would utilise what is currently a solid section of wall fronting onto the car park. This would be demolished and a new shopfront would be installed, featuring two large windows on either side of a central double-door. The lines of the stallriser and fascia signage would follow through from those of the existing Harry Corry shopfront, which would not be altered. The proposed new shopfront is considered to be in compliance with the Council's adopted Shop Front Design Guide, and the provision of additional shop frontage would enhance the appearance of this part of the shopping centre.

### **8. CONCLUSION**

- 8.1** The proposal is contrary to Policy RET6 of the adopted local plan. However, the amount of floorspace involved is relatively insignificant as the majority of the existing retail unit would continue to operate as a shop, and the proposal would not result in any loss of active retail frontage as the section of frontage in question is currently a blank wall. The town centre is the most appropriate location for betting shops, and there are a limited number of locations within Clydebank Town Centre which are suitable for betting shops given the unsuitability of the enclosed shopping centre and the need to avoid an over-concentration around Sylvania Way South/Chalmers Street. Accordingly, the proposal is consistent with Policy SC2 of the emerging local development plan (LDP). As the LDP provides a more detailed and up-to-date consideration of this issue, it is considered that compliance with Policy SC2 is sufficient to justify the departure from RET6. The unit is within a part of the shopping centre where various evening uses take place and which is remote from any residential uses, so there would be no impact upon amenity, and the proposed alterations to the shopfront would improve the appearance of the building.

### **9. CONDITIONS**

- 1. Prior to the commencement of the development full details of the design of the roller shutters to be used shall be submitted for the**

further written approval of the Planning Authority and shall be implemented as approved.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 03 October 2014**

---

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Housing, Environmental and Economic Development,  
Council Offices, Clydebank. G81 1TG.  
01389 738656  
email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. Letters of representation
3. Scottish Planning Policy
4. West Dunbartonshire Local Plan 2010
5. West Dunbartonshire LDP - Proposed Plan
6. West Dunbartonshire Shopfront Design Guide
7. Consultation responses

**Wards affected:** Ward 6 (Clydebank Waterfront)