

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 8 December 2021

DC21/176/FUL: Proposed Coffee shop with drive-through facility and associated outdoor seating and road re-alignment at Morrison's Supermarket, 36 Glasgow Road, Dumbarton by Trilogy (Leamington Spa) Ltd

1. REASON FOR REPORT

- 1.1 This application has generated significant local representation from the public and representation from two Community Councils. Under the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 **Refuse** planning permission for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1 The application site is an irregular shaped site located at the front of the existing Morrison's store in Dumbarton. The application site includes the main spur off the Dumbarton Road roundabout into the Morrison's car park and land to the north of the store facing Dumbarton Road. To the east of the application site is the Leven Street United Reform Church – which is a category C-listed building and is sited on the corner of Dumbarton Road and Leven Street. On the opposite side of Dumbarton Road there are a mix of land uses including some residential properties and the smaller commercial units of Greggs and Domino's. The application site is accessed off the roundabout on the A814 that also provides access to the retail park on the opposite side of Glasgow Road. Upon entering the Morrison's complex there is a petrol filling station to the west with the supermarket being sited to the south of the site. The store's service yard is to the rear of the supermarket and is accessed independently from Leven Street.

3.2 The application seeks planning permission for the construction of a coffee shop with drive-through on an area of car parking within the existing Morrison's store. The proposed coffee shop/drive through is located to the sites' northern boundary, facing Glasgow Road and would be situated approximately 18.2m from the pavement bounding the Morrison's store. The coffee shop/drive through has a total floorspace of circa 167sqm and is rectangular with a servery hatch to the front facing (north elevation) that projects out by 2.41m. An entrance door to the coffee shop/drive through is provided to the south facing elevation. In terms of the site layout vehicle access to the site is taken from the mini-roundabout contained within the Morrison's retail complex. The existing car parking spaces are proposed to be reconfigured and the internal access road is also widened slightly along part of its length. The drive-through lane wraps around the proposed coffee shop building on the western, northern and eastern elevations. Drive through customers will be able to leave the facility by turning right upon exit which then directs customers back to the internal mini-roundabout. Five (including two accessible) car parking spaces are proposed to the immediate south of the proposed coffee shop. An external seating area is also proposed to the south of the coffee shop and will provide six external tables that will be enclosed within a series of 800mm high metal balustrades.

3.3 The coffee shop is of a generic design, featuring a mono-pitch roof with the front elevation (south facing) being the highest elevation at 5.3m and featuring the main entrance doors and large windows. To the rear (facing Glasgow Road) the building features the servery hatch and some larger signage (subject to a separate application for advertisement consent). The west facing elevation is more functional with service door and a separate enclosure is also proposed for refuse storage. To the east facing elevation two large windows are proposed. The proposed materials will be render using white and a burgundy brand colour, western red cedar panels are also used throughout the design with an anthracite grey roof using a plastisol coated profile system.

3.4 Supporting technical information has been provided as part of the application and this includes a Transport Statement, Heritage Assessment, Arboricultural Report, Planning Statement, Noise Assessment and Flood Risk Assessment.

4. CONSULTATIONS

4.1 West Dunbartonshire Council Roads Service acknowledge that the proposal will result in the removal of 40 car parking spaces to accommodate the new facility. The parking surveys that have been submitted show ample spare capacity for the existing supermarket and the new facility combined and it is anticipated that there will be a number of shared trips also. There are no issues on flood risk grounds in terms of the Roads Services responsibility for flooding.

4.2 WDC Environmental Health advise that the site is on a former industrial land and although a desktop study has been completed further conditions are required, should planning permission be granted, to secure the submission of a comprehensive site investigation, remediation scheme and long term monitoring/maintenance scheme if necessary. Conditions should also be added to deal with un-encountered contamination, validation of soils, construction site hours, dust control methodology, piling method statement if required, Noise Impact Assessment validation testing, details of lighting and floodlighting.

5. REPRESENTATIONS

5.1 Local representations of 431 objections were received which includes representation from both Dumbarton East & Central Community Council and Silverton & Overtoun Community Council. The material planning points raised can be summarised as follows:

- Potential noise
- Loss of privacy
- Disturbance
- Pollution
- Traffic safety, generation of traffic at an already busy roundabout and impact on parking within and near the site
- Litter and disposal of single-use plastic
- Impact on the Town Centre

5.2 A number of issues have been raised within the representations that are not material planning considerations and therefore cannot be taken into account in the assessment of the application. These include:

- Proposed use would affect economic viability of existing businesses by drawing customers away from small local cafes and coffee shops
- Too many Costa coffee shops and other large chain coffee shops within the town already.
- Council should support local businesses rather than multi-national companies.

- 5.3 One representation has been received in support of the proposal, which it considers to be a great idea.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

- 6.1 The development site is located within an edge-of-centre Commercial Centre. Policy RET1 requires a sequential approach to site selection to be applied to new town centre uses. Policy RET2A states retail and leisure developments within Commercial Centres will be supported where their function complements that of the other centres within the network, having particular care not to undermine town centres. The policy also requires development to be sympathetic to the town setting. Policy BE2 relates to the protection of listed buildings and their settings. Policy H5 seeks to protect established residential amenity.
- 6.2 Policy GD1 requires all new development to be of a high quality of design and to respect the character and amenity of the area in which it is located. Policy T4 requires sites to be well integrated into walking, cycling and public transport routes.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1 On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2 The proposed development site is within the Dumbarton Town Centre and Waterfront Changing Place, and part of a wider Commercial Centre. The narrative for the Changing place states that any new retail development at this location will only be supported if it can be demonstrated to complement and not compete with the town centre, and be accompanied with measures to improve the environment of the retail park and linkages between it and the town centre. Policies SC1 and SC3 identify town centres as the preferred location for a range of uses such as retail, leisure and public services, although make no specific reference to drive-through restaurant uses. Policy DS1 requires all development to contribute towards creating successful places by having regard to the six qualities of a successful place. DS3 requires significant travel generating uses to be located within 400 metres of a public transport network. The consideration of policy BH3 is applicable with respect to listed buildings. DS7 requires

any potential site contamination issues to be addressed. The proposed development is assessed against the Proposed Plan 1 below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.3** The modified LDP 2 was approved by the Council in August 2020. The Scottish Government issued a direction to the Council on 18th December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.
- 7.4** The site is identified as a Commercial Centre within the Dumbarton Town Centre and Waterfront area. It is an edge-of-centre location. Policy SC1 requires a sequential approach for the investment of town centre uses. Associated Table 4 states that proposals in Commercial Centres will be assessed in terms of impact on town centres.
- 7.5** Policy CON1 states that developments which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and final through the use of private cars will be particularly supported, and that all new developments will be required to link to existing footpaths, cycle routes and public transport routes. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process, whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use.

Principle of Development

- 7.6** With regard to the principle of a drive-through at this location, the relevant policies of the adopted local plan and proposed local development plans highlight two key impacts on Dumbarton town centre issues, being the sequential approach to site selection and impact on town centre, in this instance Dumbarton. The Council is required to be satisfied that no sequentially preferred site exists and that there will be no adverse impact. The applicant has submitted a Planning Statement setting out the criteria considered in undertaking the sequential approach. These are summarised below:
- 1) Suitability – the proposal requires a site area of 0.2 ha with good visibility from, and access to, a major road. It is indicated in the Planning Statement that a drive-through operation is generally not suited to a town centre location, and that it is quite common for an operator to have a town centre store for walk-in trade and a drive-through outside the town centre.

- 2) Availability – whether suitable sites are available is also a consideration, to ensure that sites can come forward in a suitable time frame and are not bound by legal or ownership problems.
 - 3) Viability – the developer would need to assess a number of market variables to establish whether the principle of the drive-thru is viable such as market costs, funding, land value, attractiveness of the locality, market demand etc.
- 7.7** On the basis of the above considerations, the Planning Statement concludes that there is no sequentially preferable site for the proposed drive-through in Dumbarton Town Centre. The Council's position is that although opportunities do exist within the town centre for food and drink uses, the specific drive-through format would be difficult to accommodate with regard to current site availability and acceptable design.
- 7.8** On the matter of impact on the town centre, the Council does not have a model that allows it to quantify this, nor does the applicant provide figures. There are coffee shops and cafes within Dumbarton town centre, including a Costa that will be impacted by this development, but it is not possible to conclude if the development would ultimately impact on their viability. What can be presumed, however, is that the proposal will draw some footfall away from the town centre and strengthen the attractiveness of the St James Retail Park/Morrison's as a destination, which would be to the detriment of the town centre.
- 7.9** The Draft National Planning Framework 4, although not a formal part of the assessment of this application, strengthens planning policy in support of town centres, and makes specific reference to drive-through facilities in promoting a town centre first approach. The Council has ambitious plans for Dumbarton town centre based on a successful bid for £19.9 million from the government levelling-up fund. This will be used to purchase and redevelop the Artizan Centre, turn Glencairn House into a modern library, and support the Connecting Dumbarton project.
- 7.10** Overall, it is concluded that locating the drive-through coffee shop at the proposed location would strengthen the Commercial Centre as a destination to the detriment of Dumbarton town centre, with the latter being the Council's focus for new investment. As such the proposals is considered to be contrary to policy RET2A of the adopted local plan, and SC1 of the LDP2 Proposed Plan.

Site Layout, Design and Appearance

- 7.11** The proposal would result in the removal of established car parking spaces of the Morrison car park and the coffee shop/drive through is sited 18.2m back from Glasgow Road and sits further back than the United Reform Church so in this respect the proposal will not have an adverse impact on the wider streetscene which is mixed in character. The layout and the relationship with the wider streetscene is considered to be acceptable and accords with Local Plan policies seeking to create well designed spaces.
- 7.12** The proposed coffee shop/drive through building is of modest scale with a footprint of circa 167 sqm and is fairly conventional in design using corporate branding and colour choices and materials. Aside from the adjacent listed building the area is predominantly characterised by larger retail units with associated car parking and signage with fairly conventional material choices. The design of the coffee shop has mono-pitch roof and a degree of interest to more public elevations. The front elevation (facing in to Morrison's car park) has large glazed elements and these continue to the west facing elevation, this would be more visible from outwith the site. The more public elevation (facing Glasgow Road) has limited fenestration. The internal arrangement of the store as proposed precludes the addition of further glazing to this elevation. On balance the design of the building is considered to be appropriate to the wider commercial setting and would not have an adverse on the surrounding commercial areas in terms of visual amenity and the wider streetscene.

Transportation issues

- 7.13** A Transport Assessment has been submitted in support of the proposal and this has been considered by the Council's Roads Service. It identifies that the siting will result in the removal of 40 spaces as part of the wider Morrison's supermarket area reducing the overall total to 437.
- 7.14** To determine existing traffic movements into and out of the car park and the parking accumulation, surveys were undertaken to reflect the typically busy periods of the store. These surveys demonstrated a maximum car park occupancy of 52%. It is advised by the applicant from modelling of similar coffee shops/drive through developments and the survey results there is capacity within the existing layout to reduce the car parking available with no notable impact on available car parking that would impact on highway safety. The survey also seeks to understand what proportion of the trip generation will actually be 'new' trips on the local network. The Transport Statement uses previous surveys to inform the make-up of trip generation associated with the proposed drive-through.

The Statement offers the view that the majority of trips will be either 'pass by' trips (total 40%) which are already on the network or 'linked' trips (40%) that would be associated with the existing Morrison's store. The Statement concludes that new trips will be 20%. The survey findings and the loss of 40 car parking spaces are accepted by the Council's Roads Service.

- 7.15** Whilst it is recognised that the development is close to public transport routes, the drive-through nature of the development indicates that the majority of customers are likely to be car borne. This is likely to include car journeys that will be specifically generated by the development. The layout of the development is also geared towards car users. LDP 2 Policy CON1 supports developments '...which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the private car...'. The proposal is not considered to be in keeping with this approach and is therefore considered contrary to Policy CON1 of LDP2.

Relationship with listed building

- 7.16** Adjacent to the site is the Leven Street, United Reform Church, "C" listed building with part of this property being sited directly on the shared boundary with the wider Morrison's superstore site. The proposed coffee shop is to be sited 21m from the main west facing elevation of the Church and is 16m from the single storey hall that sits further back on in to the site. The Heritage Statement identifies that the only potential for impact is the effect on the western elevation of the Church meaning some views of the Church's western elevation will be partially obstructed. There is a degree of mature vegetation adjacent to the Church's west facing elevation that offers some green screening to this elevation. Overall, having regard to the wider setting and the proposed development the relationship is considered to be acceptable and the proposals would not have a significantly adverse impact on setting of the listed building.

Residential amenity

- 7.17** Castleview Court shares a boundary with the wider Morrison's site and is sited 50m from the proposed drive through building. This is a block of flats with the rear elevation facing into Morrison's car park. The agent has advised that the coffee shop would be open from 0500 to 2300 hours. Given the separation distance and the context of the wider Morrison's site, it is unlikely that the normal level of activity at a drive through of this nature would have an adverse impact on the established amenity levels that the occupants of Castleview Court currently enjoy. It is also noted that there are a number of residential houses on the northern side of Glasgow Road also sited over 30m from the proposed drive through building. Again, given the wider context within which these houses are sited on a main road and adjacent to a busy roundabout it is unlikely that the proposed drive-

through will give rise to a loss of amenity. It should also be noted that the Council's Environmental Health Service has raised no objection to the proposal in respect of noise and disturbance in terms of the relationship with residential properties.

- 7.18** Pollution from additional traffic generated by the proposal has been raised as a concern. The Transport Statement forecasts that only 20% of journeys made to the premises by car will be 'new trips' and as such it is not expected that the proposal will result in a significant increase in traffic to the site with its associated air pollution. It should also be noted that the Council's Environmental Health Service has raised no concerns in this regard.

Technical Matters

- 7.19** The Council's Environmental Health Service have requested a site investigation report including remediation and mitigation measures. These matters alongside other matters regarding dust mitigation and construction activity can be addressed as planning conditions.

8. CONCLUSION

- 8.1** The proposed development is considered to be contrary to Policy RET2A of the adopted Local Plan and Policy SC1 of the LDP2 Proposed Plan as by strengthening the attractiveness of the St James Retail Park/Morrison's Commercial Centre as a destination, this would be to the detriment of Dumbarton town centre. Further, as the proposed development is geared towards car users, it is considered that the policy conflicts with purpose of LDP2 policy CON1 which seeks to support developments which maximises access via sustainable modes of transport rather than the private car.

9. REASONS FOR REFUSAL

- 1. The proposed development is contrary to Policy RET2A of the Local Plan (2010) and Policy SC1 of Local Development Plan 2 Proposed Plan (2020) as it would have a detrimental impact on Dumbarton Town Centre.**
- 2. The proposed development is contrary to Policy CON1 of Local Development Plan 2 Proposed Plan (2020) as the proposed development does not prioritise active travel and promotes the use of the private car.**

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Appendix: Location Plan

Background Papers:

1. Application forms and plans;
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. West Dunbartonshire Local Development Plan Proposed Plan;
6. West Dunbartonshire Local Development Plan 2 Proposed Plan.
7. Draft National Planning Framework 4

Wards affected: 3 - Dumbarton