

13/00731. Change of use from retail (Class 1) to cafe and takeaway (Class 3 and Sui Generis) at 79, East Clyde Street, Helensburgh.

Submitted by the applicant John Campbell, 48 Malcolm Place, Helensburgh, G84 9HP.

I wish to reiterate the comments made in my earlier submission. There have been no objections from any source to this planning application. The only response is from the Area Roads Engineer and I must make this last challenge to his inflexible stand to mitigate the impact of his decision which will ultimately lead to the closure of my business.

- I have been supported by Business Gateway since I started my business in March 2012. In her latest review (copy letter attached) Ann Scott commends me on increasing my sales from £80 per day to an average of £300 a day, an increase in eighteen months of 380%. She notes my focus on building a regular, local customer base, praises my £4500 of capital investment and recognises my achievement in now providing employment for two full time and one part time staff with the potential to increase this staff number further.
- This letter endorses the fact that I am doing everything that Argyll and Bute Council says it wants to achieve - a growth in local businesses securing local employment which provide what the customers want in our towns.
- Clyde St. Café has had three previous tenants; I have lasted longer than all of them put together. This has only been possible due to the way I currently trade. Should my appeal not be upheld, I can see no future for my business. This would mean the loss of two full time jobs and one part time job.
- When planning for Farmfoods was granted, just a few hundred yards along the road from my premises, a flexible, common sense approach was taken to the recognition that delivery and collection access would have to be on double yellow lines, a few feet away from the junction of Maitland Street and East Clyde Street, with deliveries being made by large vehicles and articulated lorries. This flexible approach to deliveries allowed Farmfoods to open and provide much needed services and local employment, a sensible decision that everyone welcomed but yet no flexibility is being offered to me, my business which is predominantly for people on foot will be closed because I do not have parking spaces outside my building.
- Since I opened my business, the double yellow lines were not repainted and a few people did park outside my shop because it was not an offence to do so. However, even when they did park there, no road problem was created, traffic moved freely on the wide road and there was not a single complaint about car problems created by my customers. The double yellow lines have now been repainted and so it is an offence to park there so people avoid being fined, they do not park outside.
- The new development of Argyll & Bute council offices opposite my premises will mean that the functioning of this 10 metre wide road will have to be reviewed by the Area Roads Engineer once it is open and filled with council staff. The width of the

road should allow consideration for a relaxation or rezoning or parking on the North side. This could be in the form of single yellow lines or thirty minute no return within one hour parking. I am less than thirty metres away from where there are no roadside parking restrictions and the shops there, further than my premises from the town centre, enjoy unrestricted parking in front of their businesses. The shops on my row would benefit from a less onerous parking regime which could come about in time through a Road Traffic Order once the council offices open and as we have seen when there were no road markings down, then no traffic problems were created and cars moved freely in the area.

- If the Roads Engineer gets his way and is supported by LRB members my business will not be here to benefit from the huge number of staff who will move into the new council offices in 2015. What is the point of bringing staff into the town centre so we can supposedly benefit from the increased **footfall** when you have closed my business down because you think all my customers arrive by car, illogical to say the least.
- The new council offices only got planning permission because they relaxed their transport policy and parking requirements by claiming a green transport policy stating a lot of the staff would not use cars, but walk or use public transport. Why are my customers different to council staff?
- Against all my success record I am now faced with the fact that the Area Roads Engineer wants to close me down because my land-locked, road fronting premises cannot provide four parking spaces which my customers do not need, do not want and will not use.
- This stand by the Area Roads Engineer must be seen in the context of the fact that there have been no complaints or concerns about traffic flow from local residents, businesses or police and emergency services around my premises.
- A recent survey of my 180 of my clients undertaken during the 17th to the 24th September 2013 confirms the following that on an average day, the majority of my clients buy take-away with less than ten per cent sitting in. Most clients have walked to my shop and come from their place of work, the following businesses in the immediate area of my shop - Autotechnique, Enable, R. B. Steele, Lomond Letting, Mandersons, Auto Spares, Skeas, Red Motors, Social Work Department, Kwikfit, NAR, Farmfoods, CNN signs, Job Centre, SAS motors, Speedy Hire, Graham Construction and McLays. All these people have already parked for the day at their place of work and have walked to my shop. This is the type of client I cater for, workplace staff who come out to buy their lunch or break pieces.
- The policy that the Roads Engineer says I contravene is LP TRAN 6 and he will not move his stated position from that originally expressed so he has obviously not taken any notice of my lengthy submission and all the points I raised to present the other side of the case because he has not used the flexibility which is there in the policy. I have not persuaded the Roads Engineer of my case, so my last chance to save my business rests with the members of the Local Review Body and I submit the following in response to LPTRANS 6 which is the single planning policy being used to close me down.

- All Council Planning Policies are subjective and without exceptions contain a degree of flexibility that can be applied by Elected Members, otherwise there would be no need for Planning Committees or LRBs. Each planning application has to be decided on its merits and that is where the flexibility of the Council's Planning Policies laid down in the extant Development Plan can be applied by Elected Members.
- The sole issue here is one of the requirements by LP TRAN 6 for off street parking detailed in Appendix C for the proposed class use. The premises are fronted by double yellow lines and well served by local car parks and significant nodes of transport.

Appendix C at paragraph 1.12 states, *In Normal circumstances, adequate off- street parking or communal parking should be provided adjacent to all new development to ensure that vehicles are not parked on the road where they may impede traffic flow or cause a hazard. A degree of flexibility will be available where:-*

1. *It can be shown by the applicant that the parking requirements can be met by existing car parks and that the demand for parking in connection with the development will not coincide with peak demand from the other land uses in the area.*

Comment: There have been no objections from the Police or other businesses in the area. My business has been trading since March 2012 without any form of objection. The flexibility within the policy is appropriate to my business where I have taken over a building that has been there for years, I am not a new development, merely a slight alteration to an existing use and this alteration will allow me to thrive and succeed where others have failed. My business is situated in what is regarded as a secondary trading area, where most, but not all, businesses are light industrial trades. The workers have already travelled to work and parked their vehicles if they have them elsewhere using the car parks or off street parking. They do not come to my business by car, they walk from their workplace.

2. *The development is a straight replacement that can use the existing parking provision. It should be noted that there may also be a requirement to provide additional parking spaces if there was a shortfall in the original provision.*

Comment: The only difference in this business which will come into effect if consent is granted is the temperature of the food on offer and this was well covered in the comparison tested in the courts with reference to Greggs and the fact that a just a few can sit down to eat their piece.

At paragraph 1.13 Appendix C goes on to say "It should be noted however, that before the parking requirements are reduced or increased it would have to be shown to the Council's satisfaction that the development complies with one or more of the above criteria."

Comment: This minor development to my business does comply with both of these criteria for the reasons stated.

The Area Roads engineer has applied the letter of Tran 6 without exploring the merits of the Appendix C flexibility and that is now the area for Elected Members to explore.

- The Scottish Government has encouraged local authorities to relax parking restrictions to aid small businesses to grow, if not survive during this time of economic recession; I would like to think that Argyll & Bute could adopt a similar policy.

I would urge the appeals committee to take all of the above comments into consideration before arriving at their decision.

Yours faithfully

John Campbell.

Proprietor, Clyde St, Café.