



Case reference	NA-RFS-036
Application details	Erection of (non-food) retail warehouse development
Site address	Braehead Retail Park, King's Drive, Renfrew
Applicant	Braehead Glasgow Ltd
Determining Authority	Renfrewshire Council
Local Authority Area	
Reason(s) for notification	Category 4 (objection by Neighbouring Authority)
Representations	2. Objections by neighbouring authority (West Dunbartonshire Council), and Turley Associates (on behalf of Silverburn Trustees Ltd).
Date notified to Ministers	23 August 2018
Date of recommendation	13 September 2018
Decision / recommendation	Clear

Description of Proposal and Site:

- The application (Council Ref: 18/00462/PP) proposes the development of a non-food retail warehouse, including sprinkler tank, substation and pump room and provision of parking, access, landscaping and public realm. The site is currently an area of car parking for Braehead Retail Park and has an area of approximately 1.2 hectares.
- The site and surrounding area has a detailed history. Previously, Ministers have cleared proposals for a large mixed use extension to the Braehead shopping centre, including erection of a hotel, construction of transport interchanges, civic spaces and landscaping works. There are extant permissions for additional retail floor space at Braehead.
- It is noted that a similar planning application (17/0666/PP) was previously refused on this site at the retail park. That application was refused, and the reason for refusal noted as: *“The proposal is contrary to the agreed and stated policy of Renfrewshire Council as outlined in its five Strategic Town Centre Plans for Paisley, Renfrew, Johnstone, Linwood, and Erskine, which seek to prioritise economic development there as the preferred location for strategic scale retail developments.”*
- An Appeal to Scottish Government Planning and Environmental Appeals Division (reference PPA-250-2028) was lodged in respect of this refusal of planning permission. The appeal was subsequently withdrawn on 29 June 2018, at the request of the agents.
- The application site is identified in the adopted Renfrewshire Local Development Plan as being outwith the Centre Boundary.

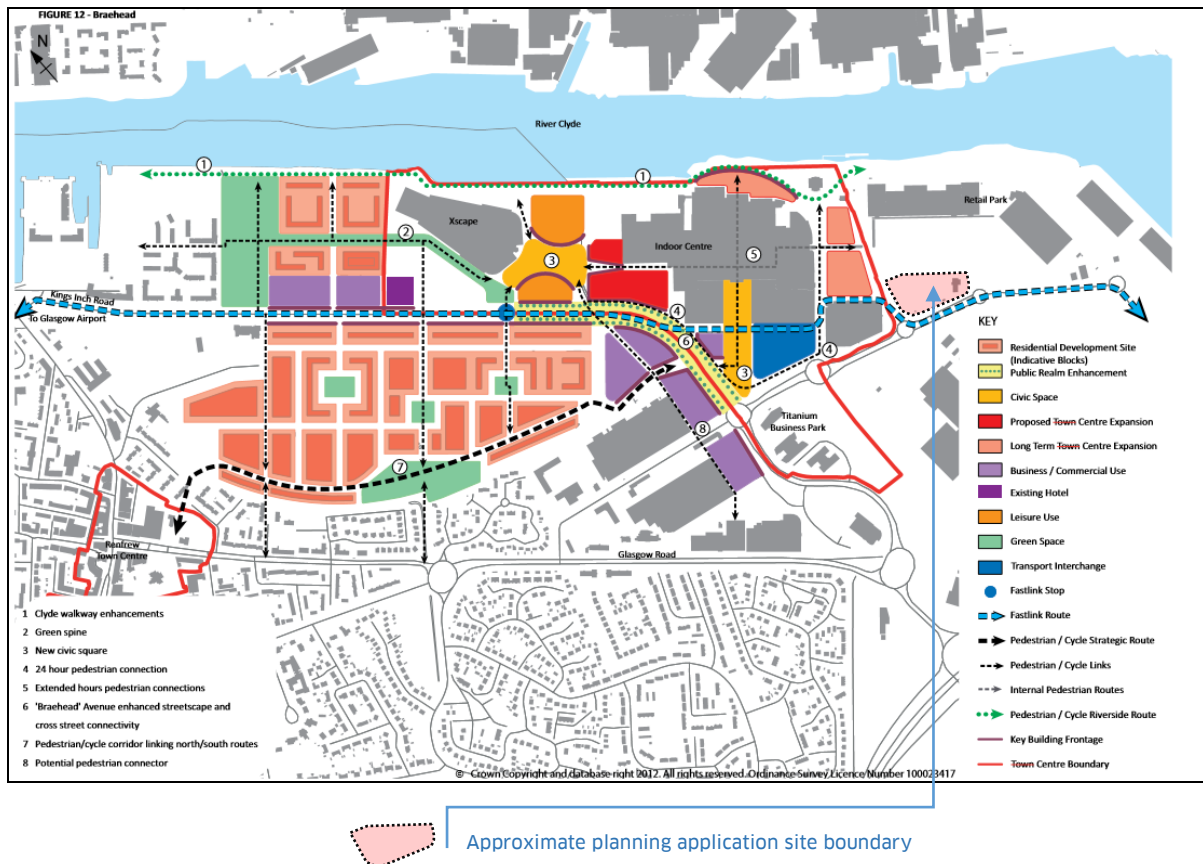
Figure 1. The Development Site Boundary (From Transport Statement)



Figure 2. Proposed site layout



Figure 3. The Renfrewshire Local Development Plan (2014) Fig12, with overlaid planning application site boundary



Environmental Impact Assessment (EIA)

- The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2, and above the size threshold of 0.5 ha. Renfrewshire Council considers that the proposal does not require an EIA. They have screened the proposals against the regulations, and following analysis, they conclude that the proposed development would not have a significant environmental impact.
- The Council's view that no EIA is required is reasonable.

Consultations and Representations:

- West Dunbartonshire Council have objected to the application. They consider the development will impact upon centres within their area, in particular Clydebank and Dumbarton. This objection triggered the notification to Ministers.
- Turley Associates lodged an objection to the planning application, on behalf of their client, Silverburn Trustees Ltd, owners and managers of Silverburn Shopping Centre in Pollock Town Centre.

Assessment:

The key issue for consideration is whether this case raises national issues in relation to retail policy.

Planning History

1. The previous refusal of application 17/0666/PP was for a development on the same site, comprising a total of 4800 square metres of proposed retail floorspace. Officers had recommended approval, and suggested imposition of a planning condition proposing prohibition of mezzanine levels within the units without the prior approval of the Planning Authority. The proposal was subsequently refused.
2. Renfrewshire Council is now satisfied that the changes between the previous and current applications are sufficient for them to support the proposals. Specifically, the Council assessment of the application notes that:
 - The current application now makes reference to mezzanines, and the Retail Impact Assessment (RIA) has modelled the impacts of mezzanines in the development.
 - The applicants will commit via s.75 Agreement not to implement two extant permissions for an eastern and western expansion to the retail park. *(However it is noted that later in the council report, this is discounted as a necessary requirement to gain support of the planning authority).*
 - The developer has now completed a sequential test.

Development Plan

3. The statutory Development Plan for the area comprises the Clydeplan Strategic Development Plan (SDP) - approved by Scottish Ministers on 24 July 2017; and The Renfrewshire Local Development Plan (RLDP) was adopted in August 2014. The Reporters considering the 2014 Renfrewshire LDP set out a recommendation to the general effect that Braehead should not be designated as a Town Centre in terms of the network of strategic centres set out in the 2012 Strategic Development Plan. Renfrewshire Council decided not to take on-board this recommendation, and adopted the RLDP on the 28 August 2014.
4. Following the adoption of the RLDP, appeals against the validity of the plan were lodged at the Court of Session. An appeal in relation to Braehead Town Centre status was heard in the Court in 2015. The appeal was allowed and the sections in the LDP that referred to Braehead as a Town Centre were quashed and deleted from the plan. The written reasons for the Court's decision and the effect of the Court's ruling on the Adopted RLDP can be found online. Reference was retained to Braehead as a "centre", not as a "Town Centre". This has some consequences for sequential testing.
5. The Glasgow and Clyde Valley Strategic Development Plan (GCVSDP) sets out in Policy 4 that all strategic development proposals should protect and enhance the development of the Network of Strategic Centres, and should protect and enhance the long terms health of Glasgow Town Centre. Braehead is included within the network of the Strategic Centres though this designation does not include Braehead Retail Park. Instead, Clyde plan's designation relates to the main centre: intu Braehead, the adjacent Soar complex and adjacent car park areas.

Objection of West Dunbartonshire Council (Neighbouring Authority)

6. West Dunbartonshire Council (WDC) objected to the application. They consider the proposal would result in adverse impacts upon centres within their area, in particular Clydebank and Dumbarton town centres.
7. WDC consider the development will have impacts upon centres within their area, in particular Clydebank and Dumbarton. In summary, it is contended:
 - The planning and retail statement accompanying the application did not assess centres in West Dunbartonshire.
 - WDC does not agree with the outcomes of the sequential assessment, considering Clydebank and Dumbarton preferable to Braehead Retail Park.
 - The proposals are contrary to Clydeplan.
 - The findings of the RIA are disputed, and the impact on Clydebank and Dumbarton is well underestimated.
 - If the permission was to be limited to bulky goods, WDC would withdraw its objection, as this would be unlikely to result in adverse impacts on the vitality and viability of West Dunbartonshire's Town Centres.
8. The objections of WDC have been considered in detail by Renfrewshire Council. In terms of the distance of the cited centres from the site, it is noted that whilst Clydebank and Dumbarton are close to the site, on the opposing side of the River Clyde, in terms of surrounding road networks, the site is a 23 minute drive from Clydebank via the Clyde Tunnel, or a 26 minute drive via the Erskine Bridge.

Objection of Turley Associates, on behalf of Silverburn Trustees.

9. It is noted that Turley Associates lodged an objection to the planning application, on behalf of their client, Silverburn Trustees Ltd, owners and managers of Silverburn Shopping Centre in Pollock. Silverburn Shopping Centre is located within the Glasgow City Council administrative area, and forms part of the designated Pollock Major Town Centre, which is subject to Clydeplan policy CDP4 "Network of Strategic Centres".
10. The objection from Turley Associates sets out that they consider there are omissions and discrepancies arising in the current application at Braehead; in summary, it is contended:
 - The development is not in accordance with the LDP, not ancillary or complementary to the existing retail park, and the unrestricted nature of the floorspace proposed will dilute the intended function of the retail park as a specialist bulky goods retail destination.
 - The development is premature, in advance of analysis being undertaken on the impact of the expansion of Braehead on other strategic centres.
 - There are extant permissions for over 44,000 sqm of retail floorspace within Braehead Shopping Centre and Braehead Retail Park. No justification is given as to why this current development cannot be accommodated within this consented space.
 - The Retail Impact assessment undertaken is considered to be flawed.

- The proposals fail the sequential test. The development proposed could be accommodated within Pollock Town Centre, and at Sites in Erskine and Johnstone Town Centres. The Pollock site (Silverburn) would be sequentially preferable.

Retail policy and sequential testing

11. Scottish Planning Policy sets out that decisions on development proposals should have regard to the context provided by the Network of Centres identified in the Development Plan and the sequential approach when proposals are contrary to the development plan. This requires that locations are considered in order of preference (town centres, edge of town centres, other commercial centres identified in the development plan; out of centre locations that are or can be made easily accessible by a choice of transport modes).
12. The proposed development meets the definition of a strategic scale of development under thresholds set out in Clydeplan.
13. The planning application was accompanied by a RIA. Renfrewshire Council notes that the RIA submitted as part of the application is based on the work undertaken to accompany the Braehead Masterplan scheme. Renfrewshire Council, as planning authority, was satisfied that the development would not have a significant adverse impact upon the Network of Strategic Centres, and considers that there are no sequentially preferable locations which could accommodate the development. The Council is content that the supporting information confirms the proposed development would not conflict with policy 4 of Clydeplan, and would augment the role and function of Braehead Retail Park.
14. It is noted that the applicant was prepared to enter into a legal agreement which would have seen the applicant forego part of the extant permission for retail floor space, in favour of the current application floorspace. Renfrewshire Council, having considered this proposition, has concluded that such an agreement to revoke the previous expansion permissions is not necessary here. They concluded that when considered on a cumulative basis, and taking into account other consented developments, the development would not have a significant detrimental adverse impact on strategic centres, town centres, and other local service centres within the network of centres.

Conclusion

15. The main issue for consideration is whether this application raises issues of national importance in relation to retail policy.
16. We note that a sequential test has been carried out and also note that it has been disputed by WDC and Turley Associates. We note that the planning authority are content that the application is acceptable in terms of the sequential test, development plan policy and cumulative impact. We do not have any reason to question the council's consideration of the sequential test and are not aware of any issues which are nationally significant that would warrant intervention by Ministers.

Decision/Recommendation:

- The application does not raise issues of national significance.
- We recommend that the application be cleared back for determination by Renfrewshire Council.