

Case reference	NA-WDS-002
Application details	Demolition and redevelopment of existing retail unit and associated works (renewal of permission (DC12/093))
Site address	Antartex Village, Bowie Road, Alexandria Industrial Estate, Alexandria
Applicant Determining Authority Local Authority Area	Edinburgh Woollen Mill Group West Dunbartonshire Council
Reason(s) for notification	Category 2 (Objection by HSE)
Representations	Nil
Date notified to Ministers Date of recommendation	9 October 2017 26 March 2018
Decision / recommendation	Clear

Description of Proposal and Site:

- The application (DC16/280) relates to 'Anartex Village', an existing retail outlet covering an area of approx. 1.09 hectares within Loch Lomond Industrial Estate, and is surrounded by the Loch Lomond Distillery.
- The premises consists of a former cloth factory which has been progressively converted to an entirely retail use over time. There is also a café/restaurant within the building.
- The application seeks to renew a previous planning permission for this site, which has not been implemented (DC12/093).
- The proposal is contrary to the adopted plan as the site is designated for industry and business use. However it is noted that the Antartex Village has developed over the years into a successful tourism related facility, and this is recognised within the proposed plan, which designates the site as a Commercial Centre and supports refurbishment with limited additional floorspace.
- As the committee report highlights, the proposal aims to substantially reconfigure the development, in order to improve its attractiveness as a retail outlet and visitor destination. The key elements of the proposal include the demolition of the unused parts of the building, and the construction of replacement retail floorspace. The current buildings which form the Antartex Village extend to 5,235sqm, of which it is proposed to retain 2,700sqm and demolish 2,535sqm. In its place, 2,700sqm of replacement floorspace would be constructed, thereby increasing the overall floorspace by only

165sqm, to a total of 5,400 sqm. Included within the reconfigured and extended building would be a café, children's soft play area and coach drivers facilities, whilst externally, an outdoor seating and children's play area would be formed.



Figure 1 - Site overview (Bing maps)

EIA Development:

- West Dunbartonshire Council screened the proposal as the site falls within Schedule 2 (category 10(b)) of the EIA Regulations. Following screening under Schedule 3 of the EIA Regulations, the Council concluded that EIA is not required for this case as they consider that the development is not likely to have significant effects on the environment and have provided a screening opinion used to determine this.

Consultations and Representations:

- Health and Safety Executive (HSE) object to the application as it is within the inner zone of the Loch Lomond Distillery. It should be noted that whilst HSE did not object to the original application, HSE have since communicated to the Scottish Government stating that they believe the current and previous decision to grant planning permission for this development was made on the incomplete application and understanding of HSE's advice. As a result, HSE officials met with senior planning officials at West Dunbartonshire Council to explain their advice and the risks which the distillery poses to the proposed development. Additionally, this also gave the opportunity for the Council to put forward the planning merits of the case to HSE.
- Following notification of the case to Ministers, Planning Decisions contacted HSE to find out if it wishes to maintain its objection, or provide any additional comments. HSE consider recommending call-in, only in cases of exceptional concern, or where important policy or safety issues are at stake. HSE has examined all aspects of the application in order to determine whether the case is of exceptional concern. After careful consideration, HSE has decided that it would not recommend Scottish Ministers call-in the application. However that does not mean that their advice is withdrawn. HSE is satisfied that if planning permission is granted, the Council will be acting in full

understanding of HSE's advice and the consequences that could follow should a major accident occur at the Loch Lomond Distillery.

- SEPA, do not object to the planning application.
- The Council's Environmental Health Service has no objection to the proposal, subject to conditions that are not relevant to HSE's objection.
- No representations were made on the application.

Assessment:

1. West Dunbartonshire Council are minded to grant consent for this proposal against the advice of HSE. This is why the application has been notified to Scottish Ministers and is therefore the primary focus of this assessment.
2. Scottish Planning Policy (and HSE themselves) indicates that, although it is important to have regard in decision-making to HSE safety advice, other planning considerations require to be weighed in the balance when reaching a decision.
3. The Council's position is that although the proposals are extensive and involve demolition and rebuilding, the actual increase in floorspace over the site is less than 4% of the existing facility.
4. The committee report highlights that the redevelopment of the site has the potential to create an additional 50 full, and part time jobs. The original committee report also highlights that there is hope that the proposed redevelopment will help to increase visitor numbers. Therefore, if there was an accident, there is potential for a greater number of people to be harmed. However, it should also be acknowledged that whether the existing premises remains as it is, or whether the site is redeveloped, the population working and visiting the premises will remain at the same risk under which it has been operating to date.
5. The Council have considered the points raised by HSE and the information that was provided during the meeting and let HSE know that they will not be revising their 'minded to grant' position at this time.
6. Accordingly, West Dunbartonshire Council consider that the benefits the development would have for tourism and employment are sufficient to outweigh the departure from the adopted local plan. The Council have had due regard to the advice of HSE. HSE has decided that it would not recommend Scottish Ministers call-in the application. However HSE's land use planning advice, for the purpose of Article 13 of the Seveso III Directive, remains that there are sufficient public safety grounds, for advising against the grant of planning permission and HSE's decision in this case, not to recommend call-in does not mean that this advice is withdrawn. HSE acknowledge that if the case is cleared, that the final decision on whether to grant planning permission rests with the Council. HSE is satisfied that if planning permission is granted, the Council will be acting in full understanding of HSE's advice.
7. In this instance, as the reason for triggering notification to Scottish Ministers was HSE's objection, and as HSE do not recommend call-in, I consider that the case should be cleared back to West Dunbartonshire Council to determine. There are no other issues of national significance that warrant intervention by Scottish Ministers.

Decision/Recommendation:

- Clear the application back to West Dunbartonshire Council