

To: Planning and Property Policy Board

On: 23 August, 2016

Report by: Director of Development and Housing Services

Heading: Planning Application 13/0049/PP: Braehead

1. Summary

- 1.1 The Planning and Property Policy Board at its meeting on 15 March 2016 considered a planning application for a mixed use development at Braehead, Kings Inch Drive / Kings Inch Road, Renfrew and decided that it was disposed to grant planning permission subject to the application being referred to Scottish Ministers as a result of objections from two adjoining planning authorities.
 - 1.2 Scottish Ministers have responded by letter dated 14 June 2016 advising that it is not the Scottish Ministers intention to intervene in this application and that the Council is authorised to deal with the application in the manner it thinks fit. Accordingly, a Decision Notice, granting planning permission in principle, and subject to conditions, was issued dated 16 June 2016.
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2. Recommendations

- 2.1 That Members note that following the advice from Scottish Ministers the decision of the Planning & Property Board to grant planning permission in principle, subject to conditions for application 13/0049/PP has been implemented.
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3. Background

- 3.1. An application for planning permission in principle was submitted in January, 2013 by Intu Shopping Centres Plc (formerly Capital Shopping Centres Plc) for the erection of a mixed development at Kings Inch Drive/Kings Inch Road (Braehead) Renfrew.
- 3.2. The proposals comprised of the erection of a mixed use development comprising Class 1 (retail use), Class 2 (financial, professional and other services), Class 3 (food and drink use), Class 7 (hotel use), Class 11 (assembly and leisure) including an events arena and other ancillary uses; construction of transport interchanges and route for Fastlink bus service, car parking, roads and accesses, footpaths and covered walkways, public realm works (including the provision of open space and civic square), together with landscaping, all associated works and necessary infrastructure; and the demolition of some buildings.
- 3.3. Members will be aware that this application was previously considered by the Planning & Property Board on 11th November 2014 and that planning permission was granted, subject to conditions for the expansion of Braehead as described above. However, following the granting of the planning application, a petition for Judicial Review of the Council's decision was lodged in the Court of Session.
- 3.4. Following consideration by the Courts the Planning and Property Policy Board on the 25 August 2015 were informed that the Court of Session had quashed the decision of Renfrewshire Council on Application 13/0049/PP and that as a result, the planning application was 'revived' and required to be determined once again.
- 3.5. The Planning and Property Policy Board on the 15 March 2016 considered the 'revived' planning application afresh and decided that planning permission in outline should be granted, subject to conditions, as the proposal was considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's accordance with the Development Plan.
- 3.6. The Board took cognisance of the change in status of Braehead in the Local Development Plan, and the additional information submitted and the representations received. However, Planning procedures required the decision of being "Disposed to Grant" to be referred to the Scottish Ministers prior to the issuing of a Decision Notice.
- 3.7. The Scottish Ministers, having assessed the matter (refer to Annexe 1), responded by letter dated 14 June 2016 confirming that the application does not raise issues of such national significance to merit call-in and that is not the Scottish Ministers' intention to intervene. Accordingly, the Council was authorised to deal with the application and the decision of the Planning and Property Policy Board was implemented with Decision Notice, granting planning permission in principle, issued on 16th June 2016.

- 3.8. Members should note that, an opportunity exists for an ‘aggrieved’ party to seek a Judicial Review of this decision and in this context the Courts Reform (Scotland) Act 2014 introduced a time limit of three months for a petition to be raised with the Court of Session. At this point no challenge has been raised to the planning permission as issued.
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Implications of the Report

1. **Financial** – None.
 2. **HR & Organisational Development** – None.
 3. **Community Planning – Jobs and the Economy** – The proposals have the potential to bring significant investment into Renfrewshire along with associated employment opportunities.
 4. **Legal** – None.
 5. **Property/Assets**–None.
 6. **Information Technology** – None.
 7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council’s website.
 8. **Health & Safety** – None.
 9. **Procurement** – None.
 10. **Risk** – None.
 11. **Privacy Impact** – None.
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List of Background Papers

- (a) Background Paper 1: Report of Handling for planning application 13/0049/PP considered and agreed at Planning and Property Policy Board on 15 March, 2016.

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Case reference	NA-RFS-033
Application details	Mixed use Development
Site address	Kings Inch Drive/King's Inch Road, (Braehead), Renfrew
Applicant	Intu Shopping Centres
Local Authority Area	Renfrewshire Council
Reason(s) for notification	Category 4 (objections by Neighbouring Authority)
Objectors	West Dunbartonshire and Inverclyde Councils, Retail Property Holdings Ltd, 11 representations including a further 5 after re-advertisement
Date notified to Ministers	24 March 2016
Date of recommendation	6 June 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- An application for Planning Permission in principle (PPP) for a large mixed use development at Braehead. The application includes an extension to the Braehead shopping centre, and includes the erection of a hotel, construction of transport interchanges, civic space and landscaping works.
- The PPP was previously determined by Renfrewshire Council on 11 Nov 2014. It was recommended for approval and notified to Scottish Ministers due to objections from neighbouring authorities. Scottish Ministers cleared the application back to the Council.
- Subsequent to this statutory appeals were submitted against the adoption of the Renfrewshire LDP and the Braehead application. Renfrewshire Council decided to sist the planning application pending the outcome of the legal challenge on the Renfrewshire Local Development Plan (LDP).
- The decision to designate Braehead as a town centre was quashed by the Court of Session and deleted from the LDP. The planning application for Braehead has been reconsidered in light of the change in status of Braehead within the LDP and any other material considerations which have changed since the Council's previous decision in Nov 2014.

EIA Development:

- An Environmental Statement was submitted with the application. The assessment concludes that the project is not considered to result in significant environmental impacts.

Consultations and Representations:

- West Dunbartonshire Council objects to the application as it considers the proposals are not supported by the strategic development plan; will undermine town centres in West Dunbartonshire, Glasgow City Centre as well as other centres in the Network of Strategic Centres including Clydebank and Dumbarton. They also dispute the retail analysis considered by Renfrewshire Council when determining the application.
- Inverclyde Council objects to the application on the grounds the proposal has the potential to severely limit future growth of Greenock/Inverclyde or at the very least will slow growth down to an unacceptable level.
- Glasgow City Council who objected to the previous application, withdrew their objection to this application. East Renfrewshire Council noted that the proposed development will raise the level of economic activity of Renfrewshire as well as a wider area in the Clydeplan conurbation, and the expansion of Braehead's role will enable it to continue as catalyst for economic regeneration.
- Scottish Ministers received one objection from Burness Paul on behalf of their client Retail Holdings Ltd, who have requested that Ministers call-in the application for further scrutiny.
- The application attracted 11 letters of representation and a further 5 letters after a second round of consultation. Concerns were raised that the proposal is contrary to the LDP, will impact on other town centres and is against SPP town centre first approach.
- There were no objections from statutory consultees.

Assessment:

1. The application has been notified to Scottish Ministers due to objections from two adjoining planning authorities as set out above. Despite these objections, Renfrewshire Council is minded to approve planning permission in principle. The Council considers the proposed development complies with the development plan and would provide significant economic benefits, through investment and job creation, while enhancing the physical environment of Braehead and the continued regeneration of the Clyde Waterfront.

The development plan

2. The GCVSDP and the proposed SDP identifies a network of 23 Strategic Centres, which includes Braehead, and Glasgow City Centre is at the apex of the network. Both plans state that the wider network of strategic centres beyond the City Centre equally need to be protected and enhanced. The Retail Capacity and Impact Assessment (RIA), which accompanies the application demonstrates that the proposed development will not result in an unacceptable impact upon the City Centre or other centres in Braehead's shopping catchment. The Sequential Site Assessment also concludes that there are no sequentially preferable sites that are suitable and available to accommodate the development proposed, allowing for flexibility.
3. The Renfrewshire Local Development Plan (RLDP) continues to identify Braehead as a Strategic Centre, though no longer as a Town Centre. The RLDP identifies a hierarchical network of centres where Paisley Town Centre sits

alongside Braehead Commercial Centre at the top of the network. Based on the evidence provided in that accompanying assessments the Council consider the proposed development will add to the overall strength of Renfrewshire's network of centres and will not undermine the role of Paisley Town Centre or any other centre within the network.

4. While Renfrewshire Council accepts that there will be some impact upon the centres within the GCVSDP area, including those in West Dunbartonshire who have objected to the proposal, it is not considered to be of a significant or unacceptably detrimental extent.
5. Renfrewshire Council considers the applicants supporting information to be robust. It considers that the findings of the applicant's RIA are comparable to the Turley study for the recent Silverburn planning application and the City Centre Retail Impact Study by Roderick MacLean commissioned by Glasgow City Council. The studies concluded that both the Silverburn and Braehead expansions could be accommodated without unacceptable impact to Glasgow Centre and other centres in the strategic Centre network. The council considers this supports the evidence base of the RIA. Overall, the RIA concludes that there will be no unacceptable detrimental impact to the role and function of the other Strategic Centres in Braehead's shopping catchment.

SPP/Town Centre First

6. The LDP examination report states that, 'In the absence of town centre status at Braehead, there would nevertheless, be support from Scottish Planning Policy (SPP) for expansion at Braehead where no city or town centre or edge of centre sites were suitable or available, and the retail impact analysis revealed no significant adverse impact on the role and function of any other network centre and no unacceptable impact on Glasgow City Centre'. The Council considers this provides a clear indication that the loss of Town Centre status does not necessarily mean conflict with planning policy.
7. The sequential exercise considers there are no sequentially preferable sites, which are suitable to accommodate the development currently proposed at Braehead. The RIA indicates that neither Paisley nor Renfrew centre are expected to suffer as a result of the expansion of Braehead that and also that these centres will benefit from an increase in the proportion of spending which is retained in the Council area.

Wider Considerations

8. The Council attaches due weight to the wider economic and regeneration benefits associated with the proposal. The supporting Socio-Economic Assessment indicates that the development would represent substantial economic benefit to Renfrewshire Council and the Clyde Valley and is essential in realising the regeneration aspirations of the Clyde Waterfront initiative at Renfrew Riverside. The proposal would comprise a capital investment of £200 million with the anticipate generation of up to 3,000 permanent jobs, acting as a

catalyst for the development of the surrounding housing sites and the regeneration of the wider area.

9. The report states displacement effects are expected to be low and that no more than 5% of the additional jobs created by the proposed development will result from displacement of the retail and other jobs from elsewhere in the local area. Overall, after allowing for such displacement effects, the net additional jobs resulting from the proposed development are estimated to be in the order of 2,520. This includes up to 460 indirect and induced jobs per annum supported in supply chain and wider economy.
10. The Council have concluded that the wider economic and regeneration benefits of the proposal would be sufficient to outweigh any non-compliance with the Development Plan.
11. Renfrewshire Council have taken account of all the representations and based their assessment on the findings of the RIA, sequential and socio economic assessments which they consider to be robust. The supporting information sets out that the proposed development is not expected to significantly impact on the current network of centres as set out in the GCVSDP or the Renfrewshire LDP.

Conclusion

12. Having regard to Planning Circular 3 2009: Notification of Planning Applications, it is considered that the application does not raise issues of such national importance to merit call-in.

Decision/Recommendation:

- Clear the application back to Renfrewshire Council.

The map illustrates the Braehead area, with the proposed Braehead Tunnel route highlighted in yellow. The route starts near 'The King's Inch' and 'Graving Dock', passes through 'Shipbuilding Yard', and continues past the 'Braehead Shopping Centre' and 'Multi-story Car Park'. It then runs along the coast, passing 'Works', 'Factory', 'Mast Depot', and 'Warehouse', before ending near 'Earthwork'. The map also shows 'Mean High Water Springs' and 'Mean Low Water Springs' along the coast. Other labels include 'Graving Dock', 'Shipbuilding Yard', 'Braehead Shopping Centre', 'Multi-story Car Park', 'Works', 'Factory', 'Mast Depot', 'Warehouse', and 'Earthwork'. The map is divided into sections by a grid, with 'The King's Inch' in the top left and 'Graving Dock' in the top right.

■ Building works within the application

■ PPP Application

■ Future buildings



Indicative layout of proposed Mix Use Development