

RENFREWSHIRE COUNCIL

Application No: 04/0599/PP

DEPARTMENT OF PLANNING AND TRANSPORT
RECOMMENDATION ON PLANNING APPLICATION

Regd: 25/05/2004

Applicant

Agent

St Mirren Football Club Limited, C/O Agent Mappin Planning & Development, Gary
Mappin/Peter Carus

Nature of proposals:

Class 1 retail superstore & ancillary car parking, landscaping, petrol filling station & ancillary works.

Site:

Love Street, Paisley

Application for:

Planning Permission- in outline

Introduction

Both this application and the parallel application for the erection of a replacement stadium at Greenhill Road (04/600/PP) were the subject of a hearing of respondents. The Hearing took place on 9 May 2005 and was chaired by the Convener and attended by members of the Planning and Development Policy Board.

Description

This application seeks outline planning permission for the redevelopment of the existing football stadium at the above address as a class 1 retail store and petrol filling station with associated car parking.

Although the application is in outline the applicant has provided an indicative site layout which shows a store of 7,432 sq.m. located close to the northern boundary of the site and a petrol filling station located at the corner of Love Street and Albion Street. Vehicular and pedestrian access would be taken from a mid point of the site frontage at Love Street, with an additional pedestrian only access to the north of that. A separate vehicular route, mainly along the northern boundary, would provide access to a service yard located to the west of the proposed store and adjacent to the western boundary of the site. A car park for approximately 500 vehicles is proposed to the south and east of the proposed store.

The application is relatively flat and is currently fully used by the applicant as a football stadium. The site is bounded to the east by Love Street and to the north by an area of open space and housing. To the south is the rear of flatted residential properties fronting Albion Street. On the western boundary are modern flatted properties constructed on land formerly owned by the applicant.

In support of the proposal the applicant has submitted the following documents:

Planning Statement and Retail Assessment
Report on Enabling Development
Transportation Assessment (both sites)
Air Quality Assessment (both sites)
Site Investigation Report, phase 1,2 and analysis.
Foul and Surface Water Drainage Strategy Report (both sites)

History

None relevant to the site although the following applications are referred to in the report.

04/600/PP - St Mirren Football Club, Greenhill Road. Erection of football stadium with ancillary services, including 5 a side football pitches, ancillary car parking, planting and landscaping, means of access and ancillary works. Current application.

03/1153/PP - Former Arnotts store. Gauze Street/Smithhills Street/Lawn street. Erection of mixed use development including; Class 1 retail convenience store (13540 sq.m gross: 5920 sq.m net) with ancillary restaurant, offices and storage; 4 non-food retail units (710 sq.m gross); 768 car parking spaces; 13 flats and associated parking; office development (1284 sq.m gross); alterations and partial demolition of 2 Category 'B' Listed Buildings and demolition of 3 unlisted buildings in Conservation Area. Granted on 19 April 2005 subject to conditions following the conclusion of a section 75 agreement.

02/580/PP - Tesco Stores. Renfrew Road. Erection of Class 1 Retail store, associated car parking, access, petrol station, servicing and landscaping. Current application.

02/579/PP - Reid Kerr College/Tesco Stores Ltd. Newmains Road, Renfrew. Change of use of Class 1 retail store to further education college, Class 10. Current application.

Policy

Glasgow and the Clyde Valley Joint Structure Plan 2000 - Approved

Strategic Policy 1 - Strategic Development Locations. Schedule 1(a) identifies town centres to be safeguarded through structure and local plans. These include Paisley, Renfrew, Johnstone and Erskine.

Strategic Policy 9 - Assessment of Development Proposals. In order to comply with the Structure Plan, developments will require to satisfy a number of criteria. Where a development does not meet those criteria, it will be regarded as a departure from the development plan and will require to be justified against the criteria in Strategic Policy 10.

Strategic Policy 6(c)(i) - Assessment of Significant Retail Development Proposals. All significant proposals for retail development must accord with the strategic objectives of the Plan and will be assessed against a number of criteria.

Strategic Policy 6(c)(ii) - The Sequential Approach to Retailing and other Town Centre Uses.

Renfrew District Local Plan - Adopted

Policy G1- Within such identified areas there will be a presumption in favour of a continuance of urban development. The policy specifically presumes against new non-residential developments where they would cause conflict for various environmental, visual or traffic generation reasons. There is a presumption against new land uses for which specific provision is made elsewhere in local plan policies.

Policy S1 - states that the Council will encourage and support the existing shopping hierarchy in the urban areas and direct new investment in shopping floorspace to the existing town centre shopping areas to improve and modernise them

Policy S2 - states there will be a general presumption against shopping development proposals outwith the defined town centre shopping areas and secondary shopping centres. There are a limited number of exceptions to policy.

Policy L1 - states that there will be a presumption against the change of use of recreational buildings, active recreational areas and areas of passive amenity open space. Only proposals compatible with the existing uses will be acceptable in these areas.

Renfrewshire Local Plan - Finalised

Strategic Policy 2 - Sustainable Development and Settlement Strategy: The Council will seek to ensure that development proposals adhere to the principles of sustainability.

Policy L1: Protection of Active Recreational Open Space Facilities. The Council seeks to protect the areas of active recreational open space shown on the proposals map.

Development proposals which are not of an active recreational nature are required to meet one or more of a series of criteria, and require that, in addition that there will be no adverse impact on the amenity of nearby residents.

Policy R1: Town Centre Uses. The Council will direct proposals for town centre uses to the strategic and secondary centres defined on the proposals map. Town centre uses are defined in Schedule A. All proposals for Schedule A uses will require to be considered against the criteria in Table R1.

Policy R2: Direction of Major Retail Developments to Strategic Town Centres. The Council will direct significant shopping developments of over 2,000 sq.m.gross 'comparison' floorspace and over 1,000 sq.m. 'convenience' floorspace to the strategic town centres to support the vitality and viability of those town centres. Proposals require to be assessed against Structure Plan Schedule 6(c)(i).

Central Government Guidance

Scottish Planning Policy SPP1 - The Planning System.

National Planning Policy Guideline NPPG8 revised 1998 - Town Centres and Retailing.

National Planning Policy Guideline NPPG11 - Sport, Recreation and Open Space.

National Planning Policy Guideline NPPG17 - Transport and Planning.

Publicity

The application was advertised as potentially contrary to the development plan and as a potential bad neighbour development. The advertisements appeared in the Paisley Daily Express on 4 June 2004.

In addition the applicant has certified that neighbour notification procedures have been followed.

Representations

In response to publicity letters of representation have been received which both support and object to the proposed development. The grounds of representation can be summarised as follows:

Objections

18 individual letters of objection have been received. These include Threadneedle Property Investments (owners of the Piazza); Somerfield, Kwik Save, Macdonald Estates (owners of the former Arnotts store) and Scottish Power.

In addition a number of petitions have been submitted by residents and businesses. The petitions have a total of 784 signatures, although it should be noted that not all of the addresses are local. One of the petitions has been signed by 22 local businesses.

1. Strong competition from out of centre development has meant that the Piazza has experienced difficult times. Current proposals for Braehead and Pollok will further draw trade from Paisley. The proposal for a foodstore at Love Street has the potential to seriously compromise the town centre.

2. The proposal for an out of centre store at Love Street has implications for the redevelopment of Arnotts, and would seriously compromise the opportunity to redevelop this sequentially preferable and key town centre site.
3. Several writers have concerns that the development is contrary to National, Strategic and local planning policies and consider that the quantitative and qualitative need for the store has not been demonstrated. It is noted that no strategic requirement for convenience floorspace is identified in the Structure Plan for Paisley.
4. Support for the club should not outweigh the strong policy presumption against the development advocated in planning policy at all levels. It is noted that the Club had made objections to the local plan but that these have not been supported by the Reporter.
5. The applicant has failed to carry out a sequential site assessment or to demonstrate links proposed with the town centre. There may be alternative and more appropriate opportunities located within or adjacent to the town centre.
6. As an out of centre site, the cumulative impact on the town centre, taking into account all existing consents, should be fully demonstrated.
7. The site is more than 700m from the Cross and the site is separated from the main shopping area by the railway line. Therefore the pedestrian links are not good and no proposals have been included to improve them.
8. One writer has criticised the retail study and considers that there is a deficit in available expenditure. In particular therefore may not be sufficient retail capacity within the catchment to sustain an additional foodstore of the scale proposed. As such proposed turnover of a new store in this location is unlikely to be achieved without significantly impacting on Paisley town centre. The writer considers that the applicant has placed considerable weight on the regenerative benefits of the proposals rather than demonstrating the quantitative and qualitative need.
9. Writers object to a further retail outlet of any sort as the area is well catered for and another supermarket is being built at Anchor Mills. There are enough in the town already. The writer refers to the service provided by local shops, Somerfield at the Piazza, Asda at Linwood and a late opening Spar outlet in Caledonia Street. There is a real possibility of local shops closing if the supermarket were to proceed.
10. Love Street is already busy with both local vehicles and through traffic to the M8 and the motorway. A supermarket would increase numbers of vehicles using the road and increase local journey times. A supermarket would extend the hours of heavy traffic to virtually 24 hours. The development will lead to an increase in heavy lorries causing vibration and air pollution.
11. Heavy traffic would make negotiation of Love Street difficult for pedestrians and particularly for the disabled. There are 2 primary and 2 nursery schools in the vicinity and the additional traffic would give rise to safety concerns.
12. The traffic flow from junction 29 through Greenock Road and Caledonia Street is at capacity, further traffic would lead to chaos. Love Street is the main route for emergency services to Glasgow Airport. The writer quotes the experience of the ASDA store at Linwood.
13. A supermarket will lead to early morning noise and disturbance due to deliveries, plant machinery, refrigeration and air conditioning, particularly given the proposed location of the service yard. The likely proximity of the store to existing housing would affect daylight levels.
14. A supermarket will depreciate house prices, impact on parking space from overflow parking from the shop and lead to litter, abandoned trolleys and anti-social behaviour resulting from congregation.

15. The plans show additional parking to the north of the store which is currently landscaped space and an important amenity space.
16. One writer on purchasing her house was advised that the site was for recreational use and that a commercial operation was unlikely to obtain planning permission.
17. The development will affect air quality due to car fumes. If traffic lights were to be installed these would increase environmental pollution.
18. If the ground is to be sold, why not for housing?
19. St Mirren and 80% of UK football clubs have financial problems. What is the Club's long term business plan to prevent future debt. What plans are there to fill a 10,000 capacity stadium when current attendance averages 2,000
20. St Mirren is a business which should not be shown preferential treatment. Other possibilities such as ground sharing should be considered. If a local business were to close due to the proposed development would preferential treatment be shown? The main benefactor of the development would not be the people of Paisley but the club. It is not for the Local Authority to 'bail out' a commercial company which is what the club is.
21. There are other sites in the area if a site for a supermarket is required.
22. Has there been consultation with local people, residents associations and the community council regarding the site of the new stadium?
23. The development would result in the loss of local business and a consequent loss to the community.
24. Members of the public had thought that the development would not proceed when the named operator withdrew their interest. Paisley North Community Council should have been consulted.
25. Scottish Power have submitted an interim objection as they have an operational sub-station and underground cables close to the proposed development.

Support

30 letters of support have been submitted, including one from the St Mirren Independent Supporters Association.

1. The loss of a football team within the town would be a disaster for the town. It is an integral part of the Paisley community. A large town needs a successful team to keep its name before the general public. St Mirren is a club which viewed with strong affection in Scottish footballing circles.
2. The club brings a financial improvement to the town and to business, which would be increased in the event of promotion. The new stadium would give a greater sense of identity to the local community.
3. St Mirren contributes to a strong sense of the Paisley identity. Were it to disappear, the decline of the town would be accelerated to become a Glasgow suburb.
4. If the development were not to proceed, the club would be required to sell Love Street and relocate outwith Paisley. Experience elsewhere has shown there is little future in these circumstances.

5. Although only 3,500 fans regularly go to Love Street, there are tens of thousands of supporters. Interest in the club should not be measured by Saturday attendance and the ramifications of the club's demise are huge.

6. The club has a beneficial school and youth programme. This facility would be improved in the new stadium and would contribute well to the club's advancement in the Scottish leagues.

7. The St Mirren Independent Supporters Association consider that the stadium at Love Street is inadequate to serve the civic and community aspirations of their association and of St Mirren. St Mirren would hope to emulate the success of Falkirk FC in promoting events attracting hundreds of young people to participate in the promotion of youth and community initiatives.

8. The new stadium would result in a modern state of the art facility attracting new jobs and businesses through substantial growth in football/non-football activities.

9. The Council should allow the club to sell the ground for retail development which would allow the club to clear its debts and construct a purpose built stadium. It would also bring regeneration to an area which currently lies derelict.

10. The club has a large support base with a long history. Although fans would be reluctant to leave Love Street, it would be better to have a new stadium than no team at all. Permission should be granted as soon as possible.

11. The closure or relocation of St Mirren would result in the loss of way of life.

12. The management of St Mirren has been lauded for its approach to poor behaviour.

13. Club supporters from out of town visit local shops and public houses on match days who would otherwise not visit the town.

14. Scottish football needs St Mirren. One writer has listed the achievements of the club since its it was founded in 1877, including winning the Scottish Cup, the league championships, the Anglo-Scottish Cup. The Council should consider the part that St Mirren has played in the history of the town.

15. A superstore at Love Street would be ideal for local residents and those in the new development at Shortroods. The custom of local shops would not be affected as they mainly rely on passing trade. In other cases small shops near superstores do well.

16. The petitions in local shops are being signed by those who do not live in the Love Street area.

Consultations

Scottish Executive Enterprise, Transport and Lifelong Learning Department - No objections subject to a condition requiring the submission and approval of a Travel Plan.

Health and Safety Executive - Do not advise against the grant of planning permission on safety grounds.

Roads Division, Traffic - No objections subject to conditions to require the submission of detailed designs of all required changes to the local road network; the proposed site access arrangements on Love Street; and of the car parking/servicing layout.

The required changes to the network include new signal controls with pedestrian facilities on a series of junctions in Love Street, Greenock Road and Caledonian Street and the introduction of optimised signal timings across the affected network of junctions using the Council's UTC system. The 14 affected junctions are listed.

In addition there is a requirement for introduction of a SCOOT system on the affected network

including the 14 junctions and 6 additional junctions.

Finally there is a requirement for an operational review of the Glasgow Road/Mill Street/Gauze Street/Incl Street junction within 6 months of the opening of the proposed foodstore, and the implementation of any improvements considered necessary by the Planning Authority.

Roads Division, Design - The Foul and Surface Water Drainage Strategy Report is in accordance with discussions and forms an adequate basis for a full DIA.

SEPA- No objections to the application providing that the drainage arrangements are to SEPA's satisfaction. Assurance is sought from Scottish Water that the additional flow arising from development will not contribute to premature operation of consented overflows. A condition should be imposed to require surface water to be treated in accordance with the principles of the design manual for SUDs published by CIRIA. A copy of the response has been forwarded to the applicant's agent.

Scottish Water - The report meets the requirements of Scottish Water in principle.

Environmental Services - Have responded to the various aspects of the proposal as follows:

(i) Contamination - following consultation with Glasgow Scientific Services confirm that the information submitted in the form of the phase 1 and 2 site investigation reports and the phase 1 analysis document are satisfactory.

(ii) Noise - Although the Rating Level of the proposed development will exceed the existing Background Noise level, the applicant has demonstrated that it is possible to carry out works to ensure that this does not occur. These works would include the complete enclosure of the yard and approaches with a structure which will achieve the site standard.

Sportscotland - While Sportscotland support efforts to develop improved facilities and secure the financial future of the club, they have no views on the merits or otherwise of the proposed replacement retail development.

Strathclyde Fire Brigade - No objections.

Glasgow and the Clyde Valley Joint Structure Plan - state that the Planning Statement and Retail Assessment acknowledge that the proposed store would fall outwith the town centre and that there is no capacity to support the proposal. The development has not been subject to a sequential test. There is a potentially significant impact on Paisley town centre which the Structure Plan recognises requires support.

As such the proposal is contrary to Strategic Policy 9 and requires to be justified against the criteria in Strategic Policy 10.

Carts River Valley Project - No comments.

Strathclyde Police - No reply to date.

Paisley North Community Council - No reply to date.

Assessment

Section 25 of the Town and Country Planning (Scotland) Act 1997 defines the status to be accorded to the development plan. It states that:

'Where, in making and determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'

Policy

In the case of the application site the development plan comprises the adopted Renfrew District Local Plan and the approved Glasgow and the Clyde Valley Joint Structure Plan 2000. The finalised Renfrewshire Local Plan is also a material consideration and represents the most up-to-date Council view. The policy section above lists the policies relevant to the determination of the application and these are considered as follows, considering firstly the strategic position as set out in the structure plan.

Glasgow and the Clyde Valley Joint Structure Plan

Strategic Policy 1 sets out the development framework in terms of strategic development locations. It states that in order to maximise the scale of urban renewal, priority should be given

to investment in a number of locations including town centres and urban renewal areas. In Schedule 1(a), Paisley, Renfrew, Johnstone and Erskine are identified as town centres to be safeguarded through the structure and local plans. In schedule 1(b) North Paisley is identified as an urban renewal area.

Schedule 9 identifies the scales of development likely to be significant in structure plan terms. This includes retail developments of over 2000 square metres (comparison) or 1000 square metres (convenience) floorspace. The applicant has indicated that the proposal is for convenience floorspace although it should be noted that the application has been made for class 1 permission. In any case the proposed development, at an indicative floorspace of more than 7,000 square metres, exceeds the thresholds set out in Schedule 9.

Strategic Policy 9 states that, in order to accord with the Structure Plan, development proposals will require to satisfy a number of criteria. The first criterion, A, requires that the case for development has been established. Of the listed criteria in criterion A, (iv) states that the case for development requires to be established in terms of the criteria set out in Schedule 6(c)(i).

Schedule 6(c)(i) states that all significant proposals for retail development must accord with the strategic objectives of the plan and be assessed against a number of criteria including expenditure compared to turnover and cumulative impact in the identified town centres.

The catchment of the proposed superstore is expected to cover the whole of Renfrewshire. There are four outstanding permissions for convenience foodstores in Renfrewshire these include Anchor Mills (completion September 2005), Johnstone town centre, Erskine town centre and the former Arnotts site in Paisley. Altogether, these represent a 39% increase in convenience floorspace. The proposed development would add a further 10% of floorspace.

The decline in convenience expenditure forecast, as a result of population decline, would mean that new convenience shopping in Paisley would require to increase market share and a significant erosion of existing convenience retail turnover is expected to result. The absence of growth in the projected expenditure would mean that a store at Love Street could be expected to divert trade from existing centres and undermine attempts to secure implementation of permitted developments.

The applicant has estimated in the accompanying retail assessment that the likely level of impact on convenience shops in Paisley town centre would be 8%, and also estimates a similar level of impact on convenience shops in Johnstone and Erskine town centres. However, I consider the likely cumulative impact on convenience shops in Paisley town centre would be far greater. In order to verify my conclusions, an independent appraisal of the applicant's retail assessment was commissioned. This was carried out by DTZ Pinda Consulting who previously carried out the Paisley Retail Study 2002 on behalf of the Council. The report concludes that the level of impact of the proposed development on convenience stores in Paisley town centre would be 22%. This has serious implications for convenience expenditure in the town centre and would affect the likely development of the Arnotts site which is not yet committed.

It follows that, taking into account all consented development, I consider that the cumulative impact of the proposed development would adversely impact on the vitality and viability of Paisley town centre and other identified town centres within the catchment area.

I do not consider that the proposal will contribute to an improvement in the vitality and viability of the centre. The size of the proposed store and the location of the site is such that it is likely to attract primarily car borne customers. Furthermore, I do not consider that a good functional relationship with the existing town centre could be achieved. The site is, at its closest point, some 550 metres from the defined town centre boundary and is separated from the town centre by the northern section of the Paisley ring road and by the main railway line which bridges the pedestrian route to the town centre at Moss Street. I do not consider that this distance is likely to encourage linked trips whereby customers at the proposed store would combine a convenience

shopping trip there, with comparison shopping in Paisley town centre by parking at the application site and walking to the town centre.

Turning to the remaining criteria in Schedule 6(c)(i), it is noted that the proposal is not for the sale of bulky goods; Schedules 6(c)(iii) and 6(c)(iv) do not identify any additional floorspace requirements or retailing opportunities for convenience floorspace in Paisley. Any qualitative deficiencies would be addressed by the consented developments.

As the development does not meet the criteria set out in Schedule 6(c)(i) I do not consider that the case for the development has been established in retail terms.

Criteria B of Strategic Policy 9 requires that proposals are assessed to determine whether the location is appropriate.

In this respect it is noted that the proposal is to develop a brownfield site, that the drainage strategy has demonstrated that the development would not result in flooding; and that the Health and Safety Executive has not opposed the development on safety grounds.

However B(iii) seeks to safeguard the vitality and viability of town centres by taking a sequential approach to proposals for retail development. First preference should be for town centre sites, followed by edge of centre sites and only then by out of centre sites. The application site is in an out of centre location and planning permission has been granted for a convenience store on a sequentially preferable site at the former Arnotts site in Paisley town centre, which is available for development.

The applicant agrees that the site is out of centre but has argued in his planning statement that as the proposal is for 'enabling' development, there are no sites within Paisley town centre which would accommodate his requirements. The sale of the existing stadium site for retail purposes is a pre-requisite to relocating St Mirren to Greenhill Road and this would not be enabled by a town centre site.

Strategic Policy 9C requires that appropriate provision has been made by the developer for infrastructure works. As noted above, the drainage strategy submitted by the applicant is considered an acceptable basis for a detailed submission at reserved matters stage.

With regard to transport issues, the Head of Roads has made detailed recommendations in relation to network improvements required to accommodate the proposed store and the replacement stadium, together with a need for a green travel plan. These requirements could be imposed as conditions.

I would conclude that the development fails to meet the criteria set out in Strategic Policy 9 and also does not accord with the Metropolitan Development Strategy.

As such the development must be considered a departure from the development plan and requires to be assessed against the criteria in Strategic Policy 10 and any other material considerations. Further material considerations are considered in detail below.

Criterion A sets out the matters to be considered in assessing the need for the development. In this respect there is no clear evidence of a shortfall in the existing and planned supply of land for retail development in the catchment area, nor would the development serve to remedy any qualitative deficiencies in retailing provision taking into account all consented development.

Criterion B criteria relate to economic, social and environmental benefit. In terms of economic benefit, the applicant has advised that the proposed superstore could be expected to create around 350-400 jobs and would also safeguard the existing jobs with St Mirren Football Club. The provision of additional jobs would represent an economic benefit to the area.

With regard to the potential social and environmental benefits of the development, I do not consider that the development now proposed would assist in the urban renewal of North Paisley and, although the applicant has stated that the provision of enhanced shopping facilities in the area would be a social benefit, this view does not appear to be shared by local residents, many of whom have objected to the application. Finally, I do not consider that there is capacity in the catchment area to absorb further retail development.

The proposal would not satisfy criterion A and part of criterion B of Strategic Policy 10. Therefore, the development would comprise a significant departure from the development plan. Should the Council be minded to grant planning permission for the development, the application would require to be notified to the Scottish Ministers.

Renfrew District Local Plan

Policy G1 is the general urban policy and states that there should be a presumption against new land uses for which provision is made elsewhere in the local plan policies. In this case, the most relevant policies relate to retailing and recreation, leisure and open space.

In the case of the proposed retail use of the site, the relevant policies are S1 and S2. Policy S1 aims to support the shopping hierarchy by seeking to encourage and support town shopping centres by directing new floorspace to them. The application site is located outwith the defined town centre and at its closest point is some 550m from the boundary as defined on the proposals map. As such the proposed development would not be located within the existing town centre and it therefore conflicts with the terms of policy S1.

Policy S2 states there is a general presumption against shopping development outwith the defined town centres but lists a number of exceptions where the policy would not apply by reference to policies contained in the previous structure plan. The criteria quoted are superseded and updated by the current structure plan, and it has been concluded above that the development conflicts with the structure plan. As such I consider that the development does not comprise an exception in terms of Policy S2.

Policy L1 is a general policy stating that there is a presumption against the change of use of active recreational areas, the reason for the policy being that existing facilities require to be protected from development pressures. In this case, although the proposed development would entail the loss of the existing football stadium, the Council is to assess the loss on the basis of the relocation of the facility as detailed in the parallel application for Greenhill Road (04/600/PP). SportsScotland are satisfied that the alternative stadium would improve upon the existing provision and relocation is therefore acceptable. If the Council were minded to approve the proposed development, it would be essential to link the provision of the replacement facility to the development of the application site. I am satisfied that in this way the development would not conflict with the objectives of policy L1

Renfrewshire Local Plan

The public local inquiry into the finalised Renfrewshire Local Plan was held in December 2003, and the Reporter's conclusions following consideration of the objections heard at the inquiry, and by written submission, are now public.

The site is identified in the finalised plan as one to be protected for active recreational use (Policy L1). The applicant objected to the proposed policy and made representation to the effect that a specific policy should be inserted into the plan to recognise the financial and operational difficulties of the club. In addition, the applicant recommended that the terms of policy SS3 in relation to the River Cart Corridor regeneration area should be extended to include the existing stadium site.

The Reporter's conclusions are that in the light of uncertainty in relation to the replacement site at Greenhill Road, Policy L1 is the most appropriate designation. He found that a number of issues weighed against an alternative designation including the presumption against developing

playing fields, the requirement to conform to the structure plan, and government advice which is that designations should not be made in such circumstances.

Policy L1 would allow the relocation of the stadium subject to alternative provision of equal or greater benefit. Provided that the site at Greenhill Road was to be available and the alternative provision completed within an agreed timescale, the policy would not preclude the redevelopment of the current site.

Policy R1 refers to Schedule A which lists town centres uses and states that these should be directed to the strategic and secondary centres defined on the proposals maps. The proposed retail development is for a town centre use in an out of centre location. The development therefore requires to be considered against the criteria in Table R1.

Some of the criteria in Table R1 are similar to the criteria contained in structure plan policies in relation to the catchment population and likely impact of development. These issues have been considered above and do not require to be repeated.

The issues relating to transport and traffic circulation, access and parking have been commented on by the Head of Roads. His conclusion is that there is a requirement for further works to the network in order to accommodate the development but that these matters can be dealt with by conditions.

Turning to the likely impact on the amenity of adjacent and nearby property, it is clear that the nature of the proposed development would give rise to different noise characteristics when compared with the current stadium. The applicant submitted air quality and noise assessments to consider the level of impact and these have been assessed by Environmental Services. They have been found to be satisfactory as they demonstrate that, subject to works to the proposed service yard, the proposed development can be accommodated on the site without unacceptable detriment. The indicative layout submitted with the application proposes that the store would not be located adjacent to residential boundaries, and therefore visual impact would be reduced. In any case the height of the proposed store would be lower than that of the existing stadium.

As the proposal is in outline it is not possible to comment on the physical characteristics of the form, scale, materials and colour of the proposed store. However, the applicant has submitted a design brief for the site. This is satisfactory in the main although, for reason of urban design, I would wish any development of the site to locate the store with a frontage to Love Street. This would also ensure that the centre of activity on the site is more remote from housing.

Policy R2 states that the Council will direct significant retail development to the strategic town centres of Paisley, Renfrew, Johnstone and Erskine, subject to assessment against structure plan Schedule 6(c)(i). As noted above the development is outwith the designated town centres and is in conflict with the structure plan. The proposal is therefore contrary to the terms of policy R2.

Central Government Advice

Insofar as the proposed development would result in the loss of an existing stadium, NPPG11 is relevant. Government advice is that facilities and resources for sport and recreation in urban areas should be safeguarded. It does however also state that it may be possible to relocate sporting facilities, particularly where relocation would result in an overall improvement in provision. Guidance also requires consultation with Sportscotland. In this case, the response from Sportscotland is summarised above and it will be noted that there is support for the relocation of St Mirren to Greenhill Road.

NPPG8 and NPPG17 are complementary in advocating a sustainable approach to site selection through joint consideration of land use, transport, economic development and the environment.

NPPG8 provides policy advice on the assessment of new retail developments. Paragraph 45 states that where a proposed development is not consistent with the development plan it is for the developer to demonstrate why an exception to policy should be made. Such proposals require to be rigorously assessed by the planning authority and refused if a series of 11 considerations cannot be met.

It follows from the above assessment in relation to the approved structure plan and the adopted and finalised local plans, that I consider that the proposed development is contrary to the development plan. Many of the considerations listed at paragraph 45 of NPPG8 form part of the assessment criteria set out in development plan policy. Nevertheless I would briefly comment on each as follows:

- (a) the proposed development does not satisfy the sequential approach.
- (b) the proposed development would adversely affect the development plan strategy.
- (c) the proposed development would undermine the vitality and viability of Paisley town centre.
- (d) any existing deficiencies in qualitative or quantitative provision can be met by extant permissions.
- (e) whereas the application site is accessible by car and public transport in the form of buses, pedestrian and cycle routes from the town centre are poor.
- (f) existing bus services may required to be improved.
- (g) the developer has identified necessary improvements in the existing local road network.
- (h) detailed design issues would be considered at reserved matters stage. The majority of the aspects are covered in the applicant's Design Brief.
- (i) the development would not conflict with other non-retailing policy objectives.
- (j) residents consider that the development would adversely impact on existing levels of amenity, particularly in relation to noise and traffic.
- (k) other environmental effects have been addressed by the applicant in the information submitted in support of the application.

Insofar as the proposed development does not meet the considerations set out in Paragraph 45 of NPPG8, government advice is that planning permission should be refused.

Other Material Considerations

In his submissions, the applicant has set out issues which he considers represent material considerations which taken into account in the assessment of the application.

Scottish Planning Policy SPP1, The Planning System states that there are 2 main tests in deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

The personal circumstances of an applicant can be a material consideration in the determination of a planning application particularly where the development would be of community benefit and where the retention and creation of jobs is involved. In such cases the consideration is site specific and it is necessary for the applicant to demonstrate that there is a special case to be made. If an application is granted for planning permission based on material considerations and in conflict with the development plan, the Council must give specific reasons for accepting the case.

It is for the Council, as decision maker, to determine the weight to be accorded to material considerations and whether they are sufficient to outweigh the provisions of the development plan.

The applicant has submitted supporting information in the form of a planning statement, an enabling development report and correspondence which set out the personal circumstances of

the applicant in justification of the development.

The principal issue is the financial circumstances of the club. The club first advised the Council of financial difficulties by letter in 2003. The current position is that as a result of previous commitments, the club has substantial debts which their bank is seeking to recover. The bank advised that if no progress had been made by 30 November 2004 regarding the sale of the ground, the Directors must take steps by 31 May 2005 to pursue alternative disposal.

The applicant has stated that it needs to sell its existing football stadium in order to raise finance to clear existing levels of debt, and relocate to an alternative site in Paisley. Whereas a number of alternative uses have been examined, including residential development, these uses would only generate sufficient funds to clear the debt. Only achieving retail value for the site would also fund the construction of a replacement stadium. It is stated in the supporting information that, without the funds generated by the sale of the site to a superstore, St Mirren will be unable to continue in its current role as a leading professional football club. This would mean that the Love Street site would be sold, probably for housing. Although this would allow debts to be cleared, there would be insufficient funds for a new stadium. The short term alternative would involve ground sharing but this would not be a long term solution and it is likely that the club would fold.

The importance of the club to Paisley is detailed both in terms of its history in the town and achievements in the sporting field. Emphasis is given to the strong community role, particularly through the provision of youth facilities.

The applicant set out at the hearing of respondents the material considerations which he believes should be taken into account in the assessment of the application. These are as follows:

1. Personal circumstances. These have been summarised above. A number of examples of developments elsewhere have been provided where the personal circumstances of an applicant have comprised one of the determining issues in granting planning permission.
2. Positive benefits. The development at Greenhill Road would bring benefit to the Ferguslie area.
3. Benefit to Paisley town centre. The applicant considers that the provision of a superstore on the application site would assist in the clawback of trade to Paisley which is currently lost to the retail developments at Braehead and Phoenix. At the hearing of respondents, the applicant explained that, although it is accepted that the application site is out of centre, it is not out of centre in the same way as Braehead and Phoenix and for all practical purposes, it should be considered a town centre site.
4. Benefit to surrounding area. The applicant considers that the erection of a superstore at Love Street would provide a needed shopping facility for existing residents in north Paisley and for those in the new developments both under construction and proposed in the area.

Finally, the Council is invited to consider the consequences of its decision, which the applicant states would be catastrophic and result in the impoverishment of the community.

Representations

The grounds for making representation have been detailed above and considered in the assessment of development plan policies. Letters have been received which both support and oppose the development.

Those opposing the development include existing retailers and commercial property owners in Paisley town centre including the Piazza. They refer to the development plan context for retail decisions, the difficult times experienced by Paisley town centre and concerns that a foodstore

at Love Street will seriously compromise the town centre and impact on existing retail outlets. The view is also expressed that the proposed development may compromise the redevelopment of the former Arnotts store which is a town centre site.

There is also significant opposition from local traders who consider their businesses would be adversely affected by the development with a consequent loss to the local community.

Many objectors refer to traffic issues. The Head of Roads has recommended a considerable number of requirements to accommodate the proposed development but subject to these does not object.

A large number of local residents are concerned about potential noise, disturbance and other environmental issues.

In support of the application, letters have been received from both the local and wider community. All emphasise the importance of the football club to the town and the example which it sets in footballing circles in terms of behaviour, and its school and youth programme.

The achievements of the club during its long history are listed and the benefits which it brings to the town in terms of recognition and economic benefit.

The loss of the club would affect a way of life and would adversely affect local shops and public houses on matchdays.

Conclusions

The applicant agrees that the application site is in an out of centre location. My conclusion regarding the assessed impact of the development on the strategic town centres within the catchment area, is that the proposed store would have an unacceptable impact on the vitality and viability of those centres. Moreover there is a sequentially preferable site which is available for development, namely the former Arnotts site which obtained planning permission last month, on 19 April 2005.

For these reasons I would conclude that the development is contrary to the approved Glasgow and the Clyde Valley Joint Structure Plan (approved 2002) and the adopted Renfrew District Local Plan. In addition the development is contrary to policies in the finalised Renfrewshire Local Plan and to Central Government guidance as set out in NPPG8. It should be noted that the policies contained in the finalised local plan have recently been the subject of a public local inquiry.

Section 25 of the Town and Country Planning (Scotland) Act 1997 which is quoted above states that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The principal material consideration which the applicant wishes taken into account in the determination of the application is the financial circumstances of the club. The applicant has therefore founded his case on this aspect as it is maintained that only the site value which would result from a planning permission for retail development of the application site would both fund the construction of a replacement stadium and clear the club's debts.

There has been no suggestion in any of the submissions made by the applicant, by consultees or in representations that the existing stadium at Love Street is inadequate in terms of size or safety, although it is recognised that a modern stadium would have advantages.

It is agreed that personal circumstances can be a material consideration, particularly where the development would be of community benefit and where the retention and creation of jobs is involved. However it is for the Council to decide the weight to be accorded to this material consideration and the implications of setting aside the development plan.

It is also for the Council to consider the implications of granting the development for Paisley town centre taking into account committed developments and current proposals. Paisley town centre has been significantly affected by a number of factors including the impact of out of town developments. The Council has taken steps to address the decline by undertaking major environmental improvement works in Paisley town centre and by positively supporting investment site and redevelopment within the town centre and at an edge of centre site.

The approved foodstore at Anchor Mills is due for completion in September 2005 and this is expected to have a positive effect on the town centre by encouraging linked trips. Proposals for the redevelopment of the former Arnotts site for both convenience and comparison shopping have also been welcomed by the Council as a substantial investment in the town centre which would assist in the regeneration of the shopping fabric of the town. Detailed planning permission was granted in April 2005.

This application is not the only proposal for out of centre development before the Council. Tesco Stores Ltd submitted an application in 2002 for the erection of a foodstore and petrol filling station in Renfrew Road. The applicant in that case has also emphasised material considerations in that the development of the site would provide investment for the development and expansion of Reid Kerr College.

In these circumstances I find that greater weight in the determination of this application should be accorded to the development plan framework which provides for a balanced assessment of development proposals. My conclusion is therefore that planning permission should be refused as the development would be contrary to structure plan and adopted local plan policies, and would conflict with policies contained in the finalised local plan and government guidance as contained in NPPG8 and NPPG17 principally in that it would be detrimental to the vitality and viability of Paisley town centre.

RECOMMENDATION

Refuse

Other Action

1 None.

Conditions and Reasons

- 1 The proposal is contrary to Strategic Policy 1 of the Glasgow and the Clyde Valley Joint Structure Plan in that the development is not within a Strategic Development Location, does not satisfy the criteria set out in Strategic Policy 9 and cannot be justified as a Departure from the Structure Plan against the criteria set out in Strategic Policy 10.
- 2 The development is contrary to the terms of Policies S1 and S2 of the adopted Renfrew District Local Plan as the proposal is for out of centre development and cannot be justified as an exception to policy as it would have an adverse cumulative impact on the vitality and viability of the existing centres, and as the proposed floorspace cannot be supported by the catchment population.
- 3 The proposed development is contrary to Policy R1 of the finalised Renfrewshire Local Plan as it comprises a Town Centre use which cannot be justified against the criteria set out in Table 1.
- 4 The proposed development is contrary to Policy R2 as it comprises a Major Retail development outwith a Strategic Town Centre which cannot be justified against Structure Plan Schedule 6(c)(i).

- 5 The proposal conflicts with Government Guidance as contained in National Planning Policy Guideline NPPG8 - Town centres and Retailing insofar as the development is not consistent with the development plan and the considerations set out in NPPG8.
- 6 The development is contrary to the terms of National Planning Policy Guideline NPPG17 - Transport and Planning in that the site is not consistent with the principles of sustainable transport.

Director of Planning and Transport

Local Government (Access to Information) Act 1985 - Background Papers
For further information or to inspect any letters of objection and other background papers,
please contact John Smart at extension 5252.