

Case reference	NA-RFS-034
Application details	Renewal of Application 13/0431/PP for residential Development with associated car parking, landscaping and vehicular and pedestrian access (in principle)
Site address	St Mirren Football Club, Love Street, Paisley
Applicant	London & Scottish Developments
Determining Authority	Renfrewshire Council
Local Authority Area	
Reason(s) for notification	Category 2 (Objection by HSE)
Representations	Nil
Date notified to Ministers	11 November 2016 but not fully documented until 14 November 2016
Date of recommendation	5 December 2016
Decision / recommendation	Clear

### Description of Proposal and Site:

- The application is for the renewal of application 13/0431/PP which was originally consented under planning approval 08/1055/PP, for the erection of a residential development at the former St. Mirren football stadium at Love Street, Paisley. The stadium has since been dismantled.
- An occupier on nearby Murray Street (William Tracey Ltd at 60 Murray Street, Paisley – a recycling and resource management company) holds a hazardous substances consent – as such the site is within the consultation zone surrounding the major hazard (COMAH) site.
- Scottish Ministers previously considered this application in June 2010 and September 2013 and both times recommended that the application be cleared back to Renfrewshire Council for determination (NA/RFS/024 & NA/RFS/028).

### EIA Development:

- The proposal fits the description of being an urban development project under 10(b) of the table in schedule 2. Renfrewshire Council have provided a screening opinion and concluded that an EIA is not required.

### Consultations and Representations:

- The Health and Safety Executive (HSE) has advised against development because the proposed site is located within the middle consultation zone of a Control of Major Accident Hazard Site (COMAH).

- Following notification, HSE were consulted to find out whether they maintained their objection. HSE advised that it only recommends call-in in cases of exceptional concern or where important policy or safety issues are at stake, and that having carefully considered this case, has decided it is not one that it would recommend Scottish Ministers to call-in. It maintains its advice against granting planning permission, but notes that this is a decision for the local authority to take.
- HSE also state that they were notified in 2011 by William Tracey Ltd that the site at Murray Street was no longer subject to the control of Major Accident Hazard Regulations 1999 (as amended). This suggests that the hazardous substances consent for the site, granted by the Renfrewshire Council, is not being utilised. HSE has recommended that the Council seek to engage with William Turvey Ltd. to discuss the possibility of revoking or modifying the hazardous substances consent.
- There were no other representations from statutory consultees or third parties.

### **Assessment:**

1. The application has been referred to Scottish Ministers because HSE have advised against the proposed development due to the proximity to an existing COMAH site. Whilst HSE maintain their advice, they conclude that the application is not an exceptional case and they do not recommend that the application is called in to Scottish Ministers for determination.
2. The current application seeks the renewal of a previously approved permission for the same proposal to allow a further three years for the development to come forward, given the current economic climate.
3. Renfrewshire Council has considered the proposal against the relevant LDP policies and other material considerations. The application is for a renewal of an existing consent and the site is identified as suitable for development of this nature in the Local Development Plan. The Council concludes that given that the area surrounding the proposed development site consists of housing, the proposed residential development is an appropriate use for the site.
4. The Council considers that as the previous application was approved, the granting of planning permission is justified in this instance. Notwithstanding the advice from HSE, the Council consider that the proposed renewal of this application is acceptable in all other aspects.
5. The principle of this development was considered through the earlier notified cases and it was determined that there were no issues of national importance that would merit Scottish Ministers' intervention. Since that time HSE has been advised that the hazardous substance consent is not being utilised, indicating the risk is now lower.
6. It therefore appears appropriate for Ministers to clear back the case to Renfrewshire Council for its own determination. There are no other national issues that warrant intervention by Ministers.

### **Decision/Recommendation:**

- Clear back to Renfrewshire Council.