

## Stirling Council

Agenda Item No. 7

Planning & Regulation Panel

Date of Meeting: 3 August 2021

Not Exempt

Application Under Section 42 Of The Town And Country Planning (Scotland) Act To Vary The Terms Of Condition No. 2 On Planning Permission 03/00487/DET As Amended By Condition 1 On Planning Permission 14/00707/FUL, To Allow The Sale Of A Range Of Ancillary Goods At Homebase, 23 Springkerse Retail Park, Stirling, FK7 7LL - B&M Retail Ltd - 21/00053/FUL

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### Purpose & Summary

Permission is sought by B&M Retail Ltd under Section 42 of the Town and Country Planning (Scotland) Act to vary the terms of Condition No. 2 on planning permission 03/00487/DET to allow the sale of a range of ancillary goods.

At Planning & Regulation Panel on 22 June 2021 Members agreed “to defer the application and asked Officers to provide more detailed information on Policy 2.7 of the Local Development Plan specifically (i), (ii), and (iii), in respect of the applicant’s submission on these matters and Officers’ consideration of them”.

### Recommendations

Planning & Regulation Panel is asked to refuse the application for the following reasons:

1. in the opinion of the Planning Authority, the proposal is contrary to Policy 2.6 (f) since the Springkerse & Millhall Commercial Centre performs a specific role and function as a location for household (bulky goods) retail only, to complement but not compete with the City Centre. It is considered that the type and extent of non-conforming goods sought through this application would compete with the retail offer available within the City Centre both individually and, if the sale of non-conforming goods either in terms of floor area or as a percentage of the sales area is established, cumulatively;

2. in the opinion of the Planning Authority, the proposal is contrary to Policy 2.7 since the proposal is located within a Network Centre where the scale of the proposal could adversely impact on the vitality and viability of the Stirling City Centre, as well as other Town and Local Centres. Moreover, it has not been demonstrated sufficiently that there will be no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the Network. Furthermore, it has not been demonstrated sufficiently that the development will help to meet proven qualitative and quantitative deficiencies in existing provision nor has it been demonstrated sufficiently that the scale of the development is commensurate with the Centre closest to where it is located; and
3. in the opinion of the Planning Authority, the proposal is contrary to Scottish Planning Policy 2020 since it is considered that it has not been demonstrated that the impact on the town centre is acceptable (paragraph 71). Furthermore, it has not been demonstrated that the proposal will help to meet qualitative or quantitative deficiencies nor that there will be no significant adverse effect on the vitality and viability of existing town centres (paragraph 73).

## Resource Implications

Not applicable.

## Legal & Risk Implications

Not applicable.

### 1. Background

- 1.1. See section 1.1 of previous panel report provided in Appendix A.

### 2. Considerations

#### **The Site**

- 2.1 See section 2.1 to 2.3 of previous panel report provided in Appendix A.

#### **The Proposal**

- 2.2 See section 2.4 to 2.9 of previous panel report provided in Appendix A.

#### **Previous History**

- 2.3 See section 2.10 to 2.13 of previous panel report provided in Appendix A.

#### **Previous History of relevance to the application but outwith the application site**

- 2.4 See section 2.14 to 2.16 of previous panel report provided in Appendix A.

#### **Consultations**

##### **Braehead and Broomridge Community Council**

- 2.5 See section 2.17 of previous panel report provided in Appendix A.

#### **Representations**

- 2.6 See section 2.18 of previous panel report provided in Appendix A.

## **Local Development Plan**

2.7 See section 2.19 and 2.20 of previous panel report provided in Appendix A.

## **Other Planning Policy**

2.8 See section 2.21 and 2.22 of previous panel report provided in Appendix A.

## **Assessment**

2.9 A full assessment of the proposal is set out at section 2.23 to 2.59 of previous panel report provided in Appendix A. If a proposal is not considered to be consistent with role and function of the centre then the proposal requires to be assessed against Policy 2.7 criteria (i)-(iii). The proposals are located in the Springkerse and Millhall Commercial Centre which Policy 2.6 states have a specific role and function as a location for household (bulky goods) retail only to complement and not compete with the City Centre. The proposals are considered not to form bulky goods retailing and are contrary to Policy 2.6. This being the case the proposals also require to be assessed against Policy 2.7 criteria (i)-(iii). In summary these criteria are:

- (i) Demonstrate no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the network.
- (ii) Demonstrate that the development will help to meet proven qualitative deficiencies in existing provision.
- (iii) Demonstrate that the development will be of a scale, character and design commensurate with the catchment to be served.

2.10 More detailed information on the applicant's submission on Policy 2.7 criteria (1)-(iii) and the Appointed Officer's consideration of these is set out below.

2.11 **Criteria (i) - Impact on Vitality and Viability of any Centre in the Network.**

2.12 The applicant has submitted a Planning & Retail Statement outlined that their previous application included a Supporting Planning & Retail Statement by Montague Evans dated January 2019. Within the Montague Evans Statement it highlighted that £0.15m of the new trade to the B&M store would be from trade diverted from the City Centre, which would equate to an impact of around 1.95%. The applicant concluded that this proposal would have a lesser impact on comparison turnover than the Montague Evans statement estimated. The applicant's submitted information (Appendix 7 of the Planning & Retail Statement) outlined that the assessment of the impact of the development was in regard to the 550sqm of goods that are currently not permitted to be sold under the current retail park permission. The applicant main consideration on retail impact is to state that the actual change proposed would be so insignificant so as to not impact on the City Centre. The applicant's case is based on the following assumptions:

- a) Up to 5% of the floorspace can already trade in non-specified goods which they state is 282sqm;
- b) That a previous variation (14/00707/FUL) permitted the sales by a catalogue showroom retailer (Argos) on 185sqm;
- c) The applicant also highlights that the B&M proposal will remove the mezzanine floor thereby reducing the sales area;

- d) The combination of a)-c) leads the applicant to present a case that there is already 467sqm (10.5%) of floorspace permitted at this unit that can be used to sell non-bulky goods. The applicant is proposing 550 sqm of non-bulky goods (12% of the unit) (with condition) and so the difference is only an additional 83sqm of the existing (1.5%) position; and
- e) To limit impact further the applicant has also suggested conditions to only allow the sale of the additional goods by a single retailer and would specifically prevent the sale of watches, jewellery, tobacco, books and newspapers and pharmaceutical goods.

2.13 The Appointed Officer considers that the numerical change in floorspace being proposed (and therefore impact) that the applicant has presented are understated. This will be explained further in para 2.14 below. However, the main reason for considering that the proposals will have an impact on the City Centre are not focussed on numerical impact or floorspace calculations from the proposal and instead are mainly related to consequential individual and cumulative impact of the introduction of a mixed goods retailer into a bulky goods retail park. A mixed good retailer introduces a new function to the retail park that goes beyond the intentions of the network of centres identified in the Development Plan and which support the crucial role of the City Centre for such retailers. This means that the retail park, unless contained to this proposal, would function in a manner that competes directly with the City Centre rather than complementing the role of the City Centre with bulky goods provision at the retail park.

2.14 With regard to the numerical floorspace (and impact) considerations presented by the applicant, the Appointed Officer's considerations on these are set out below:

- a) The proposal is proposing 12% or 550 sqm of the unit's floorspace to be permitted to sell non-bulky goods. The proposal does not seek to change the existing 5% of floorspace that can be used for such goods and this should be added on to the 550sqm. This means that the proposal is actually seeking 21% or 716 sqm of non-bulky goods floorspace. The applicant's presentation on this matter is considered to be misleading.
- b) The 185sqm could only be utilised by a catalogue showroom retailer in the form of click and collect rather than direct sales floorspace within the unit itself. Whilst it is accepted that 185sqm for non-bulky goods (in addition to the 5% allowance) is currently permitted in this unit, it was permitted in a manner that did not alter the function of the unit as a bulky goods retailer.
- c) The mezzanine is predominantly for the sales of bulky goods, the only alteration will be in the extent of non-bulky goods which can be sold under the 5% allowance. This will change from 225sqm (5% of 4,507sqm) to 166sqm (5% of 3,311sqm). This is only a reduction of 59sqm.
- d) A combination of the differences in a)-c) above, and in addition the applicant using gross floorspace rather than net sales floorspace calculations leads the Appointed Officer to conclude that 716 sqm (21%) is not an insignificant floorspace. Furthermore, this application includes goods that were specifically excluded from any previous approvals (such as toiletries and clothes).

- e) Whilst it can be difficult to enforce conditions, such as those suggested by the applicant, they are enforceable and can meet the requirements of conditions as set out in Circular 3/2010. It is also considered that these conditions would go some way to limiting direct impact on the City Centre arising from this proposal.
- 2.15 Approval of this application will also result in the relocation of the current town centre B&M store to the retail park. This will have an effect on the vitality and viability of the town centre, albeit that the approval of an individual application may have a small effect on the town centre.
- 2.16 Policy 2.7 (i) also requires consideration to be given to cumulative impact., Whilst each application is assessed on its own merits, B&M have not presented a unique case whereby other operators could not use this application to achieve similar alterations on other units within the retail park. However, the applicant has presented a case that a combination of various consents including for the Argos sales and the mezzanine sales means that the actual floorspace being proposed for non-bulky goods is marginally different from that already permitted. In this regard, this unit in the retail park is different from others. It is also noted the applicant's proposed conditions that would limit some of the direct competing impact on the town centre.
- 2.17 **Criteria ii** states that the applicant must "Demonstrate that the development will help to meet proven qualitative and quantitative deficiencies in existing provision".
- 2.18 The applicant's submitted information (Planning & Retail Statement, Appendix 7, para AX.25) indicates that the loss of the mezzanine level will result in a reduction in the total retail offer being provided within the unit and the wider Commercial Centre and as such it is "not relevant to seek to demonstrate a quantitative need for the proposed uses in terms of the overall retail offer within the unit".
- 2.19 The applicant highlights that convenience (food) capacity forecasts in the Stirling Retail Capacity Update Study (2009) is now an understatement, with around £40m of convenience capacity not met as anticipated. The applicant therefore concludes that there is a quantitative need in Stirling for convenience floorspace.
- 2.20 The applicant cites The Stirling Retail Capacity Update Study (2009) as indicating that there is significant capacity emerging for additional comparison (non-food) provision.
- 2.21 The applicant's Supporting Statement (Appendix 7, para. AX.35) notes that there is a qualitative need for the types of products which B&M are seeking to sell as there is greater demand for discount and value brands. B&M have experienced growth as a result of changes in shopping behaviour which has resulted in B&M's Kerse Road store no longer meeting existing customers' needs. B&M therefore demonstrate a qualitative need by highlighting that their store needs to expand.
- 2.22 It is the Appointed Officer's consideration that
  - 2.22.1 It is unclear how the applicant reaches the conclusion that there is not a requirement to demonstrate a quantitative need as a result of a reduction in overall sales area within the unit.

- 2.22.2 There is no evidence of there being surplus convenience (food) capacity. Little weight should be given to the 2009 Update Capacity Study since the convenience market has altered since the Study was compiled. The applicant has not provided any evidence of there being surplus food capacity on current patterns and figures.
- 2.22.3 It is considered that the retailing environment has altered significantly since the Stirling Retail Capacity Update Study (2009) such that little weight can be given to it. The applicant has not provided any evidence of there being surplus non-food capacity based on current shopping patterns and figures nor any evidence of residents leaving Stirling to shop elsewhere because of lack of facilities in the Stirling.
- 2.22.4 It is acknowledged that there has been an apparent growth in demand for retailers selling goods similar to those sold in B&M. However, no evidence has been produced that residents in Stirling are leaving the area to shop outwith the area because these retailers are not present in the Stirling. The town centre already includes stores which sell products similar to those sold in B&M such as The Works, Poundland, Bodycare etc.
- 2.23 **Criteria iii** states that it should be demonstrated that the development will be of a scale, character and design commensurate both with the size of the catchment to be served, and if applicable, with the Centre(s) closest to where it is located.
- 2.24 It is considered that the scale of the proposal, when assessed solely on an individual basis, could adversely impact the closest Centre. The development relates to a maximum of 716 sqm of floorspace which, when related to the small individual units located within the town centre could result in a negative. The character of this proposal is considered to be at variance with the character of the retail park. Springkerse Retail Park has been designated as Stirling's only Commercial Centre which is the location for bulky goods retailers. The current occupiers of the retail park are all bulky goods operators whereas this proposal is for a mixed goods retailer. If this application were approved, the relocation of B&M to the retail park would alter the character of the retail park from a bulky goods retail park to a bulky goods/mixed goods retail park.
- 2.25 Since the proposal relates to the utilisation of an existing unit, the design of the proposal is not relevant in this context.
- 2.26 Based upon the applicant's submission a revised wording for Condition 2 is set out below should Panel be minded to grant planning permission.
- 2.27 **Restriction on Retail Size and Goods Sold:**
- The gross floor space of each retail unit shall not be less than 750 square metres;
- The proportion of the sales area of each retail unit which is for the sale of permitted goods shall be not less than 95%;
- Only 1 retail unit shall sell office furnishings, equipment and accessories and the proportion of the sales area of the unit which is for the sale of office furnishings and office equipment shall be not less than 45%;*
- The permitted goods to be sold shall comprise only the following:
- i) Car goods and accessories;
  - ii) Carpets and floor covering;

- iii) DIY goods;
- iv) Fitted units and associated appliances;
- v) Furniture and furnishings;
- vi) Garden goods;
- vii) Office furnishings, equipment and accessories;
- viii) Gas or electrical goods or appliances or fittings.
- ix) Unit 1 only: The goods listed below are permitted to be sold from Unit 1 provided they are sold by a single retailer on a basis ancillary to the goods listed within categories i to viii above. The categories of permitted ancillary goods may only be sold up to the amount specified in the table below and only to a combined maximum of 550sqm. For the avoidance of doubt, the floor area of the goods shall conform to the approved internal store layout plan:

<b>Category of restricted permitted goods</b>	<b>Maximum gross floor area (sqm)</b>
Non-perishable, ambient food	100sqm
Non-alcoholic drinks	50sqm
Confectionary	50sqm
Toiletries	100sqm
Non-fashion clothing	50sqm
Toys and recreational goods	100sqm
Homewares and household goods	100sqm
<i>Total floor area of restricted permitted goods</i>	<i>550sqm</i>

For the avoidance of doubt 'Non-fashion clothing' is limited to the following goods: underwear and nightwear, slippers, baby clothing, school wear, seasonal wear and safety items.

**Types of goods sold within main product categories:**

<b>Main product category</b>	<b>Sub-categories</b>
Food, drink and confectionery	Non-perishable, ambient products including tinned goods, cereals, snacks, biscuits, non-alcoholic drinks, sauces, rice, pasta, condiments, cakes and confectionery. A limited range of ambient products are sold including bread, wraps and potatoes.

Toiletries	Personal and domestic items excluding health pharmaceuticals or prescription items.
Non-fashion clothing	Slippers, holiday footwear, party outfits, dressing gowns, baby products, pyjamas and nightgowns, underwear including socks.
Toys and recreational goods	Action figures, play sets, construction toys, radio-controlled toys, board games and puzzles, scooters, craft and design products, outdoor products including water pistols, bouncy castles and trampolines.
Homewares and household goods	Kitchen and tableware, household furnishings and decorative items.

### 3. Implications

#### **Equalities Impact**

3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

#### **Fairer Scotland Duty**

3.2 This section is not applicable.

#### **Climate Change, Sustainability and Environmental Impact**

3.3 An Environmental Impact Assessment is not required

#### **Other Policy Implications**

3.4 All relevant policies have been set out within Considerations of this report.

#### **Consultations**

3.5 As set out within Considerations of this report.

### 4. Background Papers

4.1 Planning Application file 21/00053/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	

### 5. Appendices

5.1 Appendix A – Panel report presented to Panel on 22 June 2021.



Author(s)

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Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	7 July 2021

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager – Infrastructure	22 July 2021

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Cllr Alasdair MacPherson Cllr Danny Gibson
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Wards affected:	Ward 6 Stirling East
Key Priorities:	N/A
Key Priority Considerations:	N/A
Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan)	N/A



**Stirling Council**

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 22 June 2021

Not Exempt

Application Under Section 42 Of The Town And Country Planning (Scotland) Act To Vary The Terms Of Condition No. 2 On Planning Permission 03/00487/DET As Amended By Condition 1 On Planning Permission 14/00707/FUL, To Allow The Sale Of A Range Of Ancillary Goods At Homebase, 23 Springkerse Retail Park, Stirling, FK7 7LL - B&M Retail Ltd - 21/00053/FUL

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**Purpose & Summary**

Permission is sought by B&M Retail Ltd under Section 42 of the Town and Country Planning (Scotland) Act to vary the terms of Condition No. 2 on planning permission 03/00487/DET to allow the sale of a range of ancillary goods.

A written request was received from Councillor Flannagan to remit this application to the Planning and Regulation Panel for determination.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request has been made within timescales according to procedure in order to have the opportunity to address the Panel.

**Recommendations**

Planning & Regulation Panel is asked to refuse the application for the following reasons:

1. in the opinion of the Planning Authority, the proposal is contrary to Policy 2.6 (f) since the Springkerse & Millhall Commercial Centre performs a specific role and function as a location for household (bulky goods) retail only, to complement but not compete with the City Centre. It is considered that the type and extent of non-conforming goods sought through this application would compete with the retail offer available within the City Centre both individually and, if the sale of non-conforming goods either in terms of floor area or as a percentage of the sales area is established, cumulatively;

2. in the opinion of the Planning Authority, the proposal is contrary to Policy 2.7 since the proposal is located within a Network Centre where the scale of the proposal could adversely impact on the vitality and viability of the Stirling City Centre, as well as other Town and Local Centres. Moreover, it has not been demonstrated sufficiently that there will be no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the Network. Furthermore, it has not been demonstrated sufficiently that the development will help to meet proven qualitative and quantitative deficiencies in existing provision nor has it been demonstrated sufficiently that the scale of the development is commensurate with the Centre closest to where it is located; and
3. in the opinion of the Planning Authority, the proposal is contrary to Scottish Planning Policy 2020 since it is considered that it has not been demonstrated that the impact on the town centre is acceptable (paragraph 71). Furthermore, it has not been demonstrated that the proposal will help to meet qualitative or quantitative deficiencies nor that there will be no significant adverse effect on the vitality and viability of existing town centres (paragraph 73).

## Resource Implications

Not applicable.

## Legal & Risk Implications

Not applicable.

## 1. Background

- 1.1 The applicant has sought to alter the trading restrictions applied to this unit on two previous occasions either directly (19/00971/FUL) or via a submission by the retail park owners (18/00690/FUL). Neither occasion was successful since the 2019 application was withdrawn and the 2018 application was refused.

## 2. Considerations

### **The Site**

- 2.1 The site is a vacant retail unit (Unit 1) within Springkerse Retail Park which was, until around 2018, occupied by Homebase. The site is located within the south-eastern corner of the retail park and has an expanse of car parking to the front, north, of the building. Vehicle access to the site is via a roundabout within the retail park where the spur runs east and forms an internal access road which passes 'PC World' to access this site. Springkerse Retail Park is the only retail park within the Stirling area and houses brands such as B&Q, Halfords, as well as a Morrisons superstore and petrol filling station. Some food outlets, which include drive-thrus, are also located here such as Costa Coffee, McDonald's and Burger King.

- 2.2 The retail unit extends to circa. 3,928sqm gross (excluding the garden centre which is 1,315 sqm and the mezzanine which is 1,141 sqm). The Planning Statement, submitted in support of the application, states that the gross floor area (including the mezzanine) extends to 5,648sqm (Table 2.2). However, the applicant intends to remove the mezzanine (albeit that 407sqm will be retained as storage/warehousing).
- 2.3 It is understood that the overall (ground and mezzanine level) net trading area of the unit when operated by Homebase was 4,507sqm (excluding the garden centre) and that the net trading area for B&M will be 3,311sqm (excluding checkouts and garden centre).

### **The Proposal**

- 2.4 The proposal seeks to vary the terms of Condition No. 2 on planning permission 03/00487/DET as amended by Condition 1 on planning permission 14/00707/FUL, to allow the sale of a range of ancillary goods.
- 2.5 Condition 2 of planning permission 03/00487/DET states:  
Restriction on Retail Size and Goods Sold:
- 2.5.1 The gross floor space of each retail unit shall not be less than 750 square metres;
- 2.5.2 The proportion of the sales area of each retail unit which is for the sale of permitted goods shall be not less than 95%;
- 2.5.3 Only 1 retail unit shall sell office furnishings, equipment and accessories and the proportion of the sales area of the unit which is for the sale of office furnishings and office equipment shall be not less than 45%;
- 2.5.4 The permitted goods to be sold shall comprise only the following:
- 2.5.4.1 Car goods and accessories;
  - 2.5.4.2 Carpets and floor covering;
  - 2.5.4.3 DIY goods;
  - 2.5.4.4 Fitted units and associated appliances;
  - 2.5.4.5 Furniture and furnishings;
  - 2.5.4.6 Garden goods;
  - 2.5.4.7 Office furnishings, equipment and accessories;
  - 2.5.4.8 Gas or electrical goods or appliances or fittings.
- 2.6 The applicant is seeking to alter Condition 2 to “permit the sale of a limited range of goods to enable the company to open a B&M homestore with garden centre” (Planning & Retail Statement submitted in support of the application). The applicant suggests a revised condition which, whilst including all the previous text within Condition 2, also incorporates:  
Notwithstanding the above, the following additional goods are permitted to be sold from Unit 1:
- 2.6.1 Food (Up to 100sqm net);
  - 2.6.2 Drinks (Up to 50sqm net);
  - 2.6.3 Confectionary (Up to 50sqm net);

- 2.6.4 Toiletries (Up to 100sqm net);
- 2.6.5 Non-fashion clothing (Up to 50sqm net);
- 2.6.6 Toys and recreational goods (Up to 100sqm net);
- 2.6.7 Homewares and household goods(Up to 100sqm net);

Non-fashion clothing shall be limited to the following goods: underwear and nightwear, slippers, baby clothing, school wear and seasonal and safety items.

The additional goods can only be sold by a single retailer on an ancillary and/or incidental basis to the main goods permitted to be sold in this condition.

The applicant provided a table listing the type of goods sold within the main product categories which has been reproduced in Appendix 1.

- 2.7 The applicant also highlights in the description of the development that an amendment had previously been permitted under 14/00707/FUL. This application also altered Condition 2 of 03/00487/DET by including an 9<sup>th</sup> category within the permitted goods section (section d) so that, as well as DIY goods and garden goods etc., 9d stated:

“Class 1 non-food goods will be permitted from a maximum of 185 square metres of the existing sales area only if occupied by a catalogue showroom retailer. For the avoidance of doubt, a catalogue showroom retailer is defined as a retailer selling a wide selection of non-food goods selected by the visiting public from a catalogue or digital browser and supplied to them fully packaged. Notwithstanding the above, no clothing shall be displayed or stocked-in within the permitted area of 185 square metres.”

- 2.8 As stated above, the net trading area for B&M in Unit 1 will be 3,311sqm. Condition 2b of 03/00487/DET requires that the proportion of the sales area of each retail unit which is for the sale of permitted goods shall be not less than 95%. This means that 3,145sqm (95%) of Unit 1 must be for the trade of permitted goods (as defined under criterion d of Condition 2) and 166sqm (5%) can trade in any other goods since this is not defined or restricted. The applicant is seeking to include a variety of goods (food, drinks, toiletries etc.) within the definition of ‘permitted goods’ though the overall floor area of these goods would be limited to 550sqm. This would result in up to 716sqm of sales area given over to goods that did not fall within the definition of permitted goods under Condition 2 (166sqm plus 550sqm). It should be noted that the sales area/trading area may be altered to suit the requirements of the operator. It is likely that most operators will seek to maximise the trading area (as opposed to the warehouse and staff welfare areas) since most physical stores obtain greater profit from the trading areas. Therefore, whilst the floor area of the *non-permitted* goods may increase or decrease depending on the sales area (since this is set out as a percentage of the sales area – 5%), the extent of the new variety of permitted goods sought by the applicant would be static and would not alter if the sales area altered – limited to 550sqm. Condition 2 allows 5% of the sales area to be used for the sale of *non-permitted* goods. This proposal would result in 21% (716sqm) of the sales area being utilised for goods that are not currently expressly permitted under Condition 2.

- 2.9 Noting that 716sqm or 550sqm can be difficult to envisage in terms of a retail unit, as an indication of scale and as submitted within the applicant's supporting information, the retail unit at Burghmuir (formerly occupied by Maplin) which is adjacent to TK Maxx and Waitrose is 566sqm. The Bank of Scotland unit on Port Street in Stirling is 730sqm with a large number of the retail units within Stirling town centre being below 83sqm (900sqft).

### **Previous History**

- 2.10 19/00971/FUL – Proposal: Application under Section 42 of the Town and Country Planning (Scotland) Act to vary the terms of Condition No. 2 on planning permission 03/00487/DET as amended by Condition 1 on planning permission 14/00707/FUL, to permit the sale of a limited range of goods; Applicant: B&M Retail Ltd; Outcome: Withdrawn.
- 2.11 18/00690/FUL – Proposal: Application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 2 of planning permission 03/00487/DET, as amended by Condition 1 of planning permission 14/00707/FUL, to allow for the sale of a proportion of food and an ancillary range of non-food goods at Unit 1, 23 Springkerse Retail Park; Applicant: BBC Pension Trust Ltd; Outcome: Refused.
- 2.12 14/00707/FUL – Proposal: Further Application to vary Condition 2 of planning permission 03/00487/DET to allow the sale of Class 1 non-food goods by a Catalogue Showroom Retailer from up to 185 square metres of the existing sales area - Homebase, Unit 1, 23 Springkerse Retail Park, Stirling; Applicant: Home Retail Group; Outcome: Approved.
- 2.13 03/00487/DET – Proposal: Erection of retail warehouse units (70,000 sq.ft.), garden centre (14,000 sq.ft) with associated roads, parking areas and service yard; Applicant: L & B Properties Ltd; Outcome: Approved.

### **Previous History of relevance to the application but outwith the application site**

- 2.14 14 Springkerse Retail Park - 14/00573/LWP – Proposal: Class 1 (Retail) where 95% of the sales area on the ground floor is limited to the sale of household goods as defined in planning permission U/93/0717/DET; and goods sold on the mezzanine shall be limited to those which fall within "household shopping" as limited and defined in planning permission 12/00325/FUL; Applicant: Coal Pension Properties Ltd; Outcome: Approved.
- 2.15 14 Springkerse Retail Park - 15/00558/FUL – Proposal: Installation of a mezzanine floor (measuring 929sq m) and allowance for up to 15% of the total net retail sales area in unit 14 (unit 1C) to sell decorative goods, gifts and giftware, seasonal goods, kitchenware and pet products when ancillary to the primary sale of furniture and furnishings; Applicant: Coal Pension Properties Limited; Outcome: Approved.
- 2.16 14 Springkerse Retail Park - 17/00460/FUL – Proposal: Application under Section 42 of the Town & Country Planning (Scotland) Act 1997 to vary Conditions 1 and 2 of permission 15/00558/FUL in respect of Unit 14(1C) Springkerse Retail Park to increase the ancillary floorspace to 30% of the net sales area; Applicant: Coal Pension Properties Limited; Outcome: Refused.

## **Consultations**

### **Braehead and Broomridge Community Council**

- 2.17 Object to the application. The objection is with regard to the principle rather than the specifics of the B&M proposal. They consider that the principle of permitting the variation in the range of goods sold could, ultimately, have a devastating effect on Stirling town centre. They also consider that the Stirling Local Development Plan needs to be re-assessed in terms of its proposal that Stirling needs a substantial increase in retail development. The Community Council notes that the economic benefits cited in this proposal provides the increase in jobs as a gross figure rather than a net figure and queries whether, once the existing B&M store closes and displacement is taken into account, any new jobs will be created.

## **Representations**

- 2.18 No representations received.

## **Local Development Plan**

- 2.19 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any 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. The following provisions of the Development Plan are considered relevant to the consideration of this application
- 2.20 Primary Policy 2 (Supporting the Vision and Spatial Strategy); Policy 2.6 (Supporting Town Centres); Policy 2.7 (Retail and Footfall Generating Uses)

## **Other Planning Policy**

- 2.21 Scottish Planning Policy, 2020; Town Centre Action Plan – Review Report: Interim Joint Response; A New Future for Scotland’s Town Centres, Feb 2021; Planning Advice Note 59: Improving Town Centres, 1999.
- 2.22 SG08B: City Centre Development Framework; Stirling & Local Centres Retail Monitoring Report 2020.

## **Assessment**

- 2.23 Policy 2.6 (Supporting Town Centres) highlights that town centres will be the preferred locations for uses which generate significant footfall, including retail, where such uses support the vitality and viability of such centres and are consistent with their role, function and scale. It also states that all new retail proposals within the identified Network of Centres will be assessed against Policy 2.7 (Retail and Footfall Generating Uses). Policy 2.6 highlights that Springkerse & Millhall Commercial Centre performs a specific role and function within the Network of Centres as a location for household (bulky goods) retail only, to complement but not compete with the City Centre.



- 2.24 This proposal will still result in Unit 1 being used predominantly for the sale of household/bulky goods however the extent of floor area given over to non-household goods will increase (from 5% to 21%) and the type of goods sold within the 21% sales area will also alter. At present, the 5% of the sales area that trades in other goods generally reflects, though is not limited to, goods that complement the bulky goods sales. For example, a company that sells beds, mattresses and bedroom furniture may also sell duvets and pillows as well as linens (sheets, duvet covers, pillowcases). The result is that visitors to the bulky goods store are seeking to purchase a specific item sold by that retailer and then may purchase another, complementary item as an impulse buy. So, a visitor to a bed store may purchase a pillowcase but the reason for their visit was to purchase a bed. If the visitor was simply seeking to purchase a pillowcase then they would have visited a town centre store. This ensures that occupiers of Springkerse Retail Park do not generally compete with operators located within the town centre.
- 2.25 This proposal includes an array of items that do not complement the bulky goods sold such as food, drink, confectionary, toiletries and clothing. Indeed, it is difficult to determine what bulky goods predominate in the proposed B&M store. The range of goods specified by the applicant are all items that reflect the retail offer within the town centre. Moreover, the sales area to be given over to non-bulky goods (716sqm) is in excess of the sales area of many of the town centre stores which specialise in such goods. It is therefore considered that the proposal is contrary to Policy 2.6(f) since the extent of non-bulky goods and the categories of goods to be sold within this section of the store would compete with the City Centre.
- 2.26 Table 7 of Policy 2.6 highlights that the Springkerse & Millhall's key role and function is as a household (bulky goods) retail centre where the scale is regional. This highlights that the customer draw to the stores at Springkerse are on a regional scale where customers are prepared to travel greater distances for specialist items.
- 2.27 **Site Selection:** Policy 2.7 (d) states that all other retail which would generate significant footfall must provide evidence that the sequential approach to site selection has been used in the following order:
- 2.27.1 City Centre, Town Centre or Local Centre
  - 2.27.2 Edge of Centre locations
  - 2.27.3 Commercial Centres
  - 2.27.4 Out of centre locations that are, or can be made, easily accessible by a choice of transport modes.
- 2.28 It is understood that B&M is not a developer and does not build its own stores, nor does it redevelop existing previously developed or greenfield sites. Its primary focus is on re-occupying and re-profiling existing retail space which has become vacant. In the case of the current application, the applicant proposes to open a new store in the format of a 'Homestore with Garden Centre' and has indicated the following requirements:
- 2.28.1 Ability to sell both bulky and non-bulky non-food goods as well as ancillary food products from a minimum of 4,000 square metres.

- 2.28.2 Customer car park of an appropriate size to allow the safe and direct transfer of goods from store to customer vehicle, for the purchase of bulky goods. The company requires the provision of an outside area to store trolleys.
- 2.28.3 Main sales area on a single, ground floor level is required to facilitate trolley shopping and the transfer of bulky goods purchases from store to customer transport.
- 2.29 The Applicant has undertaken a sequential assessment and as part of that has considered a wide range of City Centre premises in addition to a number of potential (undeveloped) City Centre and Edge of Centre sites. Fuller details are set out in Appendix 8 of the Planning and Retail Statement. It is therefore acknowledged that there is not a more sequentially preferable site available that meets the search criteria set out by the applicant. However, Scottish Government policy and case law requires that both the applicant and the Planning Authority should exercise reasonableness in looking at sequential preferable sites. It is considered that the applicant's site selection criteria are unreasonably restrictive. Indeed the retailer's criteria replicates most retailers desired criteria, but is unable to be wholly fulfilled because of policy requirements to support town centres with the physical form that most traditional town centres take. It is considered that with reasonable compromise on, for example level of floorspace or ease of car parking provision, that there are a number of vacant sites within or adjoin the town centre that could accommodate the development e.g. former Mappin, Woolworths, Debenhams etc.
- 2.30 Policy 2.7 states that within a Network Centre where the proposal is inconsistent with the role and function of the Centre and/or of a scale that could adversely impact upon the vitality and viability of a Centre there are 3 criteria that must be satisfied:
  - 2.30.1 Demonstrate that there will be no unacceptable individual or cumulative impact on the vitality and viability of any Centre within the Network.
  - 2.30.2 Demonstrate that the development will help to meet proven qualitative and quantitative deficiencies in existing provision.
  - 2.30.3 Demonstrate that the development will be of a scale, character and design commensurate both with the size of the catchment to be served, and if applicable, with the Centre closest to where it is located.

- 2.31 **Individual or Cumulative Impact on the Vitality and Viability of any Centre:** The applicant set out within Appendix 7 of the Planning Statement the need for the proposal and the impact of the proposal. It is stated that 5% of the floor space can be used for the sale of goods other than those specified in Condition 2b and states that this would allow up to 282sqm to be used for the sale of unspecified goods. 282sqm is 5% of 5,640sqm – which is the gross internal area of the unit (including the mezzanine, warehousing, staff welfare areas etc.) and is not the sales area. Condition 2 only allows 5% of the sales area. In the case of Homebase, the sales area (which included the mezzanine) was 4,507sqm - so 225sqm was permitted for the sale of non-prescribed goods (5% of the sales area). This application will not alter that since the goods the applicant is seeking to sell are in addition to the 5% allowance already permitted under Condition 2b. This means that this applicant can sell goods on 166sqm (5% of the sales area which B&M state will be 3,311sqm). The difference between the non-prescribed sales area (i.e. 5% of the sales area) from when the unit operated as Homebase to how the applicant proposes to operate the unit will only result in a reduction of 59sqm.
- 2.32 The applicant also highlights that the approval of 14/00707/FUL permitted the sale of any goods sold by a catalogue showroom retailer from 185sqm of floorspace with no restriction on products except clothing. It is considered that the utilisation of the floorspace for a catalogue showroom retailer was a sufficiently unique form of retailing (similar to a retailer that also offers internet sales option) that it would not have a significant impact on the town centre.
- 2.33 In the Supporting Statement, Appendix 7, para AX.13, it states “This means that in practice there is no proposed change to the types of goods that can be sold from 467sqm of this 550sqm (although there is a change in the retailer), meaning that the actual changes will in practice only affect 83sqm of the existing floorspace, or 1.5%.” This statement is misleading. The figure 467sqm is derived by adding the floor area permitted for the sale of any goods sold by a catalogue showroom retailer (185sqm) and 5% of the gross internal floor area of Unit 1. The first point to highlight is that the 5% should relate to the sales area, not the gross internal area. Homebase’s 5% allowance extended to 225sqm (not 282sqm, a difference of 57sqm). Secondly, the 185sqm could only be utilised by a catalogue showroom retailer in the form of click and collect rather than direct sales floorspace within the unit itself. Since this application will not alter the 5% allowance, the only figures that can be compared is that this application seeks to allow 550sqm of floorspace to sell food, confectionary, clothing etc. whereas the Planning Authority had previously granted 185sqm to a catalogue showroom retailer.
- 2.34 In the Supporting Statement, Appendix 7, para AX.14, the applicant highlights that the removal of the mezzanine reduces the internal sales area from 4,507sqm to 3,311sqm. Since the sales area is predominantly for the sales of bulky goods, the only alteration will be in the extent of non-bulky goods which can be sold under the 5% allowance. This will change from 225sqm (5% of 4,507sqm) to 166sqm (5% of 3,311sqm). This is only a change of 59sqm.

- 2.35 It is not considered that the applicant has demonstrated that there will be no unacceptable individual or cumulative impact on the vitality and viability of the town centre. Approval of this application would permit 716sqm of this 3,311sqm unit to trade in non-bulky goods. Furthermore, the goods sold also replicate goods sold within the town centre and a sales area of 716sqm would represent a sizeable town centre unit. Whilst each application is assessed on its own merits, B&M have not presented a unique case whereby other operators could not use this application to achieve similar alterations on other units within the retail park. Indeed, B&M have referred to previous applications at Unit 14 within the retail park as a material consideration in the determination of this application. If the Planning Authority was to support this application for 550sqm of additional sales area to be utilised for the sale of non-bulky goods, or 21% of the sales area to be utilised for the sale of non-bulky goods or to agree to the type of goods sold (clothing, toys, homewares etc.) within this area, such that similar applications would be difficult to resist, then the cumulative impact on the vitality and viability of the town centre could be significant.
- 2.36 Aside from the numerical differences in floorspace being proposed for non-compliant goods, there is also a significant concern that the proposals would introduce a mixed goods retailer into a bulky goods retail park. The non-compliant goods being proposed are not complementary goods that support a bulky goods retailer. Para 2.24 above explained the complementary role that, for example, the sale of pillowcases would have in supporting a bulky good bedding retailer. In contrast a mixed good retailer introduces a new function to the retail park that goes beyond the intentions of the network of centres identified in the Development Plan and which support the crucial role of the City Centre for such retailers.
- 2.37 Approval of this application will also result in the relocation of the current town centre B&M store to the retail park. This will have an effect on the vitality and viability of the town centre, albeit that the approval of an individual application may have a small effect on the town centre.
- 2.38 **Meet Proven Qualitative and Quantitative Deficiencies:** The applicant states that removing the mezzanine from the unit will reduce the overall retail offer “reflecting the current state of the retail market where over-provision of space is a greater challenge than deficiencies in provision in quantitative terms. As such it is not relevant to seek to demonstrate a quantitative need for the proposed uses in terms of the overall retail offer within the unit.” The applicant is therefore stating that by B&M’s individual requirements of not trading on a mezzanine, then the reduction in non-bulky goods sales area by this application does not need to be demonstrated.
- 2.39 The applicant cites The Stirling Retail Capacity Update Study (2009) as indicating that there is significant capacity emerging for additional comparison provision. The Stirling Retail Capacity Update Study does conclude that “there remains significant comparison floorspace capacity which should be identified for the City Centre and its environs with the potential for some future capacity (bulky goods) outside the City Centre.” (para 4.39). It is therefore clear that the Capacity Study, in noting capacity for comparison floorspace, identifies that this capacity should be within the City Centre. Nonetheless, it is considered that the retailing environment has altered significantly such that little weight can be given to a retail report from 2009.

- 2.40 The applicant's Supporting Statement (Appendix 7, para AX.34) highlights that assessing the proposal against the forecasts set out in the Stirling Retail Capacity Update Study indicates there is a quantitative needs for both new convenience and new comparison floorspace which this application will go some way to meet. Even if the Capacity Study figures were reflective of Stirling's current retail position, the Springkerse and Millhall Commercial Centre is required to perform a specific role and function as a location for household (bulky goods) retail only. Any quantitative need should therefore be met elsewhere in the hierarchy of the Network of Centres.
- 2.41 The Retail Monitoring Report 2020 provides a clearer picture of the current retail environment in Stirling. It noted that 12% of retail floorspace was vacant, which had remained the same as 2019 though doubled from 6% in 2016. 12% of units in the City Centre were vacant compared to the Scottish average of 14%. The vacancy rate is up from 2019 where it was 10% in the City Centre whereas the Scottish average then was 8.7%. This means that whilst the vacancy rate in Stirling City Centre is increasing (10% in 2019; 12% in 2020), it hasn't increased as fast as the Scottish average (8.7% in 2019; 14% in 2020). It is unlikely that the figures for 2021 will be more optimistic since the publication of the 2020 Retail Monitoring Report did not take account of some significant closures including Debenhams and Topshop as well as Zara. It is noted that the trend over the last 5 years has been an increasing vacancy rate in Class 1 retail units within the Prime Retail Area of Stirling Town Centre. The impact of Covid restrictions on town centres has also had significant impacts on town centres nationwide and the Stirling City Centre has similarly been affected with significant closures.
- 2.42 The applicant's Supporting Statement (para. 2.16) states that in "allocating retail space outside the City Centre, the Council will have concluded that there is a quantitative need and that no significant adverse impact on any centre would arise". The applicant has failed to identify that the retail space identified to form this conclusion (R12 and R13) are both defined as suitable for household bulky goods retail. As such, there would not be an adverse impact on the City Centre.
- 2.43 It is not considered that it has been demonstrated that this development, which will result in the reduction of the overall bulky goods sales area and an increase in non-bulky goods sales area, will help to meet a qualitative and quantitative deficiencies in existing provision.
- 2.44 **Scale, Character and Design Commensurate both with the size of the catchment to be served, and if applicable, with the Centre closest to where it is located:** Whilst the scale, character and design mainly relate to new development proposals, it should still be noted that the scale of utilising 550sqm, as well as the 5% sales area allowance, especially if replicated across other retail outlets within the retail park, could result in a scale of non-bulky goods sales which may have an adverse impact on Stirling town centre.

- 2.45 **Economic Benefit:** The economic benefit can be viewed as a material planning consideration which must be given due weight when determining an application. Furthermore, Scottish Planning Policy 2020, paragraph 72, notes that Planning Authorities should consider the potential economic impact of development and take into account any possible displacement effect. The applicant's Supporting Statement provides some information on the economic benefit of the development including the provision of 15 full time jobs (30+ hours) and 55 part time jobs (<30 hours) resulting in 48 (FTE) jobs. The Supporting Statement dated January 2021 (para 2.13) notes that 'general associates are paid £7.83 per hour' (the National Living Wage is £8.91 per hour). The Statement does not outline the number of jobs lost as a result of B&M's existing retail unit in the City Centre closing if this planning permission is granted. It is likely that, if there is any increase in jobs as a result of the relocation from the existing store to the retail park, the net increase will be minimal. It is also noted that a number of these employees are remunerated at or around the National Living Wage level.
- 2.46 The applicant's Supporting Statement outlines that the employment at the site would lead to an increase in earnings in the local economy of approximately £1.42m per annum (48 FTE jobs at £569 per week, 52 weeks a year resulting in £1.42m per annum). This figure does not include the number of jobs that will simply be relocated from the existing retail unit to the proposed unit. Instead, it provides a gross, rather than a net, figure. The figures provided would suggest that the average rate per hour is £19 (Full time being 30 hrs per week) which would seem at odds with their earlier information which suggested wages were around that of the National Living Wage level. Since the highest salary outlined in the Supporting Statement was £35,000 per annum which would equate to £22 per hour, it is therefore difficult to agree that the average rate would be £19 per hour which would suggest that the benefit to the local economy in terms of earnings has been overinflated.
- 2.47 The applicant also highlighted that one of the benefits to Stirling would be the occupation of a vacant unit. B&M have been negotiating with the owners of the retail park for the lease of this unit, subject to planning, since before the closure of the Homebase store. The applicant has submitted a letter from FG Burnett, who provide letting and property advice to the landlord of Springkerse 2 Retail Park. It is notable that FG Burnett's website, whilst highlighting other units available on the retail park, does not indicate that the former Homebase store is available. It is therefore difficult to ascertain what level of interest there may be in the occupancy of this unit from bulky goods retailers. Furthermore, the applicant does not mention that the occupancy of Unit 1 will result in the vacancy of another city centre unit.
- 2.48 The applicant's Supporting Statement (para. 2.24) purports that the proposal will increase choice and social inclusion in a sustainable manner noting that it has a customer base which comprises some less affluent households. The current B&M site is within the city centre where shoppers have a choice of transport modes beyond the private car. Alternative modes of transport, beyond the private car, are reduced at the retail park.
- 2.49 **Precedent Established by Previous Permissions:** The planning history of a site can be a material planning consideration which should be taken into account when reaching a decision on a planning application.
- 2.50 It is not considered that approval of any of the previous applications, to vary the initial trading restrictions placed on the retail park, has established a precedent whereby refusal of this application would appear inconsistent.

- 2.51 Application 15/00558/FUL allowed 15% of the total net sales area to trade in a restricted range of goods. The range of goods permitted in the 15% did not include any of the range of goods sought by this application (food, drink, confectionary, toiletries, clothing, toys & recreational goods, household goods) but included Decorative products (statues; sculptures; ornaments, vases; glassware; jewellery boxes and other tableware and decorative ware for the home); Gifts and giftware (books; candles; photo frames; stationery; art and craft goods; gift wrap, boxes and cards); Seasonal goods; Kitchenware; and Pet products.
- 2.52 Approval of this application would allow a larger percentage of the total net sales area (21%) to trade in non-confirming goods than had been previously accepted and the range of goods that could be sold by this permission would also not accord with the range of goods previously accepted. Indeed, it would be in conflict with goods specifically excluded such as toiletries and clothing.
- 2.53 What is evident by the refusal of previous applications is that the planning authority has consistently resisted the erosion of the bulky goods retail designation at Springkerse & Millhall Commercial Centre. It is therefore considered that the planning history of the Springkerse & Millhall Commercial Centre does not provide any overriding material consideration which would allow the Planning Authority to support this proposal, contrary to the Development Plan.
- 2.54 **Scottish Planning Policy:** Scottish Planning Policy can be viewed as is a material planning consideration which must be given due weight when determining an application. Scottish Planning Policy highlights that Development Plans should identify as commercial centres those centres which have a more specific focus on retailing. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example, where retail activity may be restricted to the sale of bulky goods. Paragraph 70 of Scottish Planning Policy states “The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.”
- 2.55 Paragraph 70 of Scottish Planning Policy states “Out-of-centre locations should only be considered for uses which generate significant footfall where:
- 2.55.1 all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
  - 2.55.2 the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
  - 2.55.3 the proposal will help to meet qualitative or quantitative deficiencies; and
  - 2.55.4 there will be no significant adverse effect on the vitality and viability of existing town centres.”

- 2.56 As highlighted above, it is not considered that this proposal will help to meet qualitative or quantitative deficiencies and it is considered that it will result in an adverse effect on the vitality and viability of existing town centres.
- 2.57 Moreover, as stated in an independent report published in February 2021 titled 'A New Future for Scotland's Town Centres', despite "Town Centre First and the Place Principle, out-of-town development proposals can continue to obtain permission by Local Authorities, thus maintaining support for activities that damage town centres, the climate and exacerbate inequalities. In many cases the out-of-town option is chosen for ease and cheapness...it seems perverse, given the potential opportunities available and adverse impacts felt, that we continue to allow out-of-town development (including offices, leisure, hospitality, housing, as well as retail and other commercial) by both private and public bodies." (paragraph 74). It is considered that this proposal, especially if replicated within the retail park, will damage Stirling City Centre, the climate and exacerbate inequalities.
- 2.58 It is considered that whilst this Commercial Centre site is suitable for bulky goods, the extent and range of non-bulky goods will compete with the City Centre contrary to Policy 2.6. Furthermore, it is considered that the proposal is of a scale that could adversely impact upon the vitality and viability of Stirling City Centre and it has not been demonstrated that the development will help to meet proven qualitative and quantitative deficiencies in existing provision nor that the development is of a scale commensurate with the Centre closest to where it is located contrary to Policy 2.7.
- 2.59 It is considered that neither Scottish Planning Policy, the previous planning history nor any economic benefit provides any overriding material consideration which would allow the Planning Authority to support this proposal, contrary to the Development Plan. As such, the application is recommended for refusal.

### 3. Implications

#### **Equalities Impact**

- 3.6 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

#### **Fairer Scotland Duty**

- 3.7 This section is not applicable.

#### **Climate Change, Sustainability and Environmental Impact**

- 3.8 An Environmental Impact Assessment is not required

#### **Other Policy Implications**

- 3.9 All relevant policies have been set out within Considerations of this report.

#### **Consultations**

- 3.10 As set out within Considerations of this report.



#### 4. Background Papers

4.3 Planning Application file 21/00053/FUL. File can be viewed online at: [View Application](#)

4.4 List of determining plans:

<b>Stirling Council Plan No.</b>	<b>Name</b>	<b>Ref on Plan</b>
01	Location Plan	

#### 5. Appendices

5.2 Appendix 1 – Types of Goods Sold

Author(s)

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Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	9 June 2021

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager, Infrastructure	9 June 2021

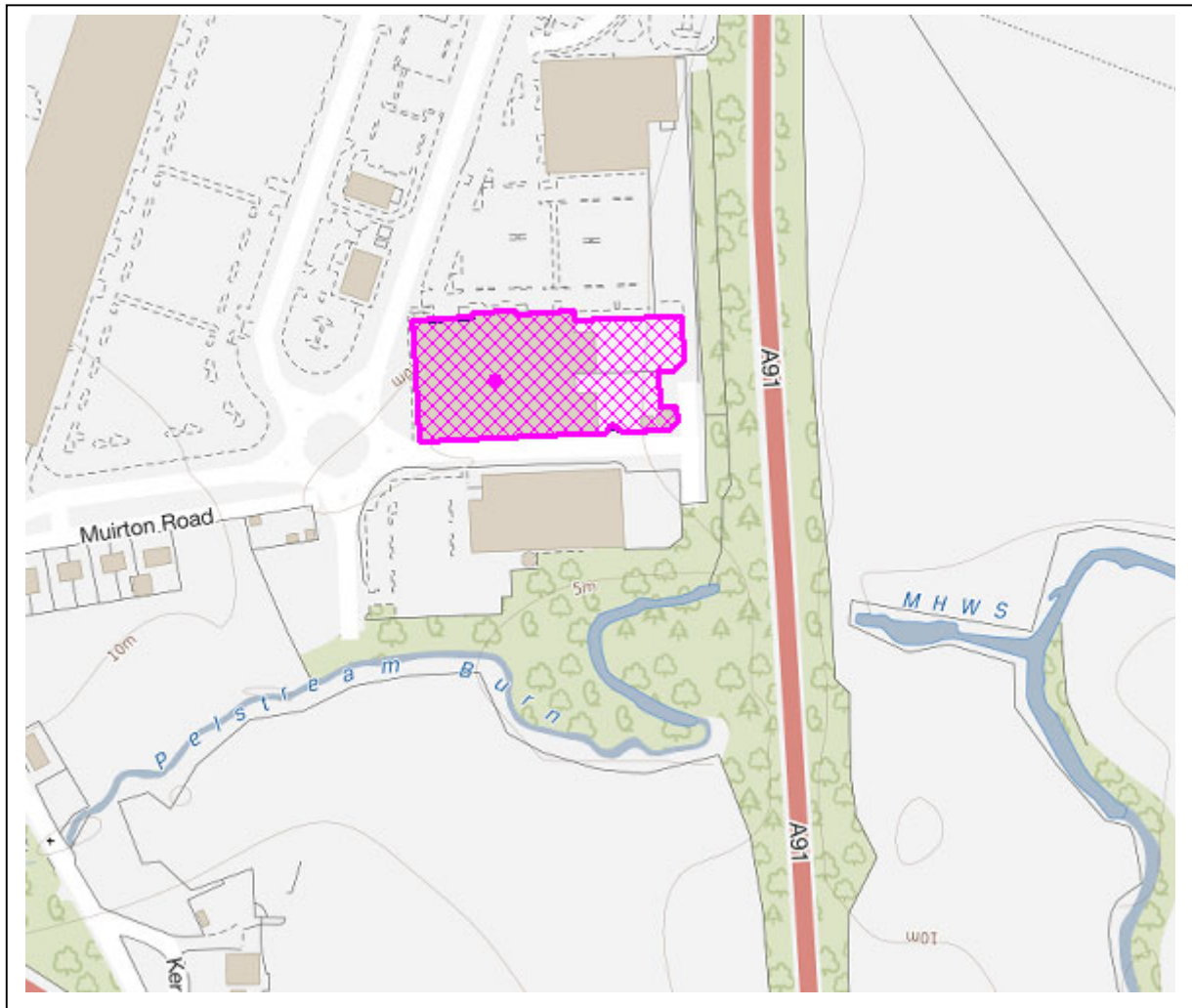
Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Cllr Alasdair MacPherson Cllr Danny Gibson
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Wards affected:	Ward 6 Stirling East
Key Priorities:	N/A
Key Priority Considerations:	N/A
Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan)	N/A

## Types of goods sold within main product categories:

Main product category	Sub-categories
Food, drink and confectionery	The majority are non-perishable, ambient products including tinned goods, cereals, snacks, biscuits, non-alcoholic drinks, sauces, rice, pasta and condiments, cakes and confectionery. A limited range of ambient products are sold including bread, wraps and potatoes.
Toiletries	Personal and domestic items excluding health pharmaceuticals or prescription items.
Non-fashion clothing	Slippers, holiday footwear, party outfits, dressing gowns, baby products, pyjamas and nightgowns, underwear including socks.
Toys and recreational goods	Action figures, play sets, construction toys, radio-controlled toys, board games and puzzles scooters, craft and design products, outdoor products including water pistols, bouncy castles and trampolines.
Homewares and household goods	Kitchen and tableware, household furnishings and decorative items.

## Location of Development



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