

Minister for Public Finance, Planning and Community Wealth,

CALL-IN REQUEST:

**MIXED USE DEVELOPMENT COMPRISING OF OFFICES (CLASSES 2 & 4),
RETAIL, DRIVE-THRU RESTAURANT, CAR SHOWROOM AND ASSOCIATED
CAR PARKING, INFRASTRUCTURE AND LANDSCAPING AT LAND AT
CROOKBRIDGE TO SOUTH OF WICKES AND NORTH OF KERSE ROAD,
MUIRTON ROAD, STIRLING (21/00260/PPP)**

Purpose

1. To seek your agreement to call in the above planning application.

Priority

2. Urgent.

Call in request

3. On behalf of Scoop Asset Management (the managers of Thistles Shopping Centre in Stirling Town Centre), planning consultants Colliers have written to us, asking that Scottish Ministers call in the above planning application. A copy of the letter is attached as Appendix 1.

4. Colliers' letter states that the proposal for a foodstore is contrary to the development plan's spatial strategy. It notes that Stirling Council officials recommended refusal of the application on several grounds, but councillors decided to approve it. It states that the Council has a clear financial interest in the application site and that there are serious questions as to its objectivity and motivation for approving the application. It says that these are important issues which go to the heart of the integrity of the planning system and accordingly raise issues of national significance.

Application

5. The application seeks planning permission in principle for a mixed use development comprising of offices, retail (Class 1 supermarket), a 'drive-thru' restaurant, car showroom, associated car parking, infrastructure and landscaping at land at Crookbridge in Stirling (location plan is in the attached Appendix 2). The site is currently owned by the Stirling Development Agency, a joint venture company which includes Stirling Council.

6. The application site is within the Springkerse and Millhall Commercial Centre, and is allocated in the adopted Local Development Plan (LDP) for household (bulky goods) retail and employment (Class 4 business) development.

7. The application is accompanied by various supporting documents including a retail impact assessment and transport assessment. The applicant contends that the proposals would create approximately 500-600 new jobs (full time equivalent). The submitted information concludes that there are no premises in the City Centre or on its edge which are suitable for the proposed development, and that the proposal will not harm the vitality and viability of existing centres and would be beneficial in improving local facilities.

8. There are no objections from statutory consultees except for Broomridge Community Council. Eighteen representations objecting to, and one representation in support of, the proposals were received. The objections raise several concerns including in relation to the impact on the town centre; non-compliance with local and national planning policy; accessibility and sustainability; road safety; and the quality of the retail impact assessment. The letter of support is from a motor group, which sets out an intention to relocate a motor dealership to the site.

Background

9. The application was reported to Stirling Council's Planning and Regulation Panel on 19 January 2022. Council officers recommended refusal of the application for four reasons. In summary, these were:

- that the submitted retail impact assessment has not demonstrated there would not be a harmful impact on the City Centre, as it is based on out of date information so was not robust or reliable;
- it is not possible to conclude that the proposals satisfy Scottish Planning Policy (SPP) and LDP requirements regarding the retail sequential test, as a robust and up to date retail capacity assessment has not been provided;
- the proposals are for a different form of retailing than that specified in the LDP for the Commercial Centre and are contrary to the related LDP policy;
- the proposals fail to provide for active travel connectivity and do not promote a shift away from the use of private motorised transport towards walking and cycling. They are therefore contrary to associated policies of the LDP and the Climate Emergency policy of draft National Planning Framework 4 (NPF4).

10. Contrary to officers' recommendation, the Planning & Regulation Panel agreed to approve the application subject to conditions (including to limit the scale and scope of retail provision). The Panel considered (in summary) that the proposals would not have an adverse impact on the role and function of the retail park but would instead add choice and bring economic benefit; there would be no detrimental impact (on the City Centre); and the retail sequential test was satisfied as there were no alternative sites that could accommodate a superstore.

11. We understand that council officers are now finalising conditions and a legal agreement under their delegated powers, after which they would issue a decision notice.

12. Scottish Planning Policy (SPP) states that the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail. It states that a sequential town centre first approach should

be adopted when planning for uses which generate significant footfall, including retail. This requires that locations are considered in the following order of preference: town centres; edge of town centre; other commercial centres identified in the development plan; and out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes. SPP also states that where development proposals in commercial centre locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.

13. The draft NPF4 includes strengthened policy regarding retail development and the priority to reduce the need to travel unsustainably and promote active travel and public transport. It sets out that development proposals for retail development which will generate significant footfall in edge-of-town centre or commercial centres should not be supported unless they are explicitly supported by the development plan.

PAD Consideration

14. PAD notes that the conclusions of the council's Planning & Regulatory Panel (particularly with regard to whether and how the application complies with planning policy on retail development) differ considerably from those of the council officers, who recommended refusal for several reasons.

15. We note that the application raises planning policy issues of national significance, particularly with regard to retail development and the town centre first approach. Planning Advice Note 82: Local Authority Interest Developments highlights the importance of maintaining the planning system's reputation for fairness and impartial decision-making.

16. PAD therefore considers that this case raises issues that would benefit from further scrutiny by an appointed reporter and Ministers, particularly in view of the council's interest in the proposed development and current and emerging planning policy on retail development and the town centre first approach. With regard to planning applications that have not been formally notified to Ministers, it is unusual to call in such an application at this late stage in the planning process. However, we consider that call-in is warranted in this instance.

Recommendation

17. We recommend that you agree to call in the application.

[REDACTED]

[REDACTED]

[REDACTED]

Planning and Architecture Division
17 March 2022

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Finance and the Economy			X		

DG Communities Director of Local Government and Communities [REDACTED], Chief Planner [REDACTED] Assistant Chief Planner [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], Planning Decisions [REDACTED], PAD [REDACTED], PAD [REDACTED], Regeneration Unit [REDACTED], Retail and Cities Policy [REDACTED] (SGLD) [REDACTED] (SGLD) [REDACTED] (SGLD) Communications (Finance and Economy) [REDACTED] (SpAd) [REDACTED] (Media Manager)
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Copy recipients should note that the recommendation is for the Minister for Public Finance, Planning and Community Wealth alone. Our advice to Ministers regarding this application should not be passed on to or discussed with anyone outside the Scottish Government, and any queries regarding this application should be referred to us in Planning and Architecture Division

Appendix 1

Our Ref AHA/Scoop
Your Ref

1 Exchange Crescent
1 Conference Square
Edinburgh EH3 8AN

www.colliers.com/uk



28 February 2022

Dr Fiona Simpson – Chief Planner
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

Dear Dr. Simpson

**Scoop Asset Management (“our clients”)
Stirling Council (“the Council”)**

Planning Application reference 21/00260/PPP for Mixed use development comprising of offices (Classes 2 & 4), retail, drive-thru restaurant, car showroom and associated car parking, infrastructure and landscaping at Land At Crookbridge To South Of Wickes And North Of Kerse Road, Muirton Road, Stirling by Ramoyle Developments Ltd (“the Application”)

Our clients manage the Thistles Shopping Centre in Stirling Town Centre. The Application, detailed above, relates to a site which is owned by the Stirling Development Agency, which is a joint venture company that includes Stirling Council. We made representations to the Council in relation to the Application due to concerns over the impact it could have on the Town Centre contrary to both Local and National policy.

The Application Site is identified in the Council’s Local Development Plan as being suitable only for “bulky goods” retailing in accordance with Stirling’s retail hierarchy. Despite this, the Application sought permission for a foodstore contrary to the spatial strategy of the Development Plan. It was supported by a Retail Impact Assessment based on a household survey from 2008.

The Council’s officials recommended refusal of the Application on the basis that (1) the Applicant had not provided a Retail Impact Assessment that demonstrates that there will not be a harmful impact on the City Centre; (2) the Applicant had not demonstrated the scale and nature of any retail capacity and as such it cannot be demonstrated that the Application satisfied the sequential test set out in National and Local Policy (3) the proposals were contrary to the Development Plan’s policy on retailing at the Application Site which is designated for specific purposes only; and (4) the proposals were contrary to the Development Plan and Draft National Policy Framework 4, Policy 2: Climate emergency, as they failed to reduce the demand for (fossil fuel-based) energy by not promoting a modal shift away from the use of private motorised transport

and towards walking and cycling in accordance with Scottish Planning Policy (Promoting Sustainable Transport and Active Travel).

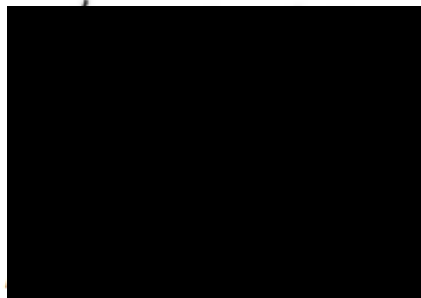
Astonishingly, despite this clear advice of serious and obvious breaches of Local and National planning policy, the Councillors who considered the Application decided to approve it.

The Council's decision has been subject to significant criticism and we are aware that Professor Leigh Sparks, who recently lead Scottish Government's Review of Town Centres in advance of the publication of draft NPF4, has resigned from his position on the Council's City Centre Working Group in protest at the decision. A link to Professor Spark's blog on the issue can be found here [Stirling – all at C | Stirlingretail](#)

The Council is minded to grant planning permission for a development that is obviously contrary to the spatial strategy of its own development plan. It intends to do so against the very strong recommendation of its officers. The Council has a clear financial interest in the Application Site and in the circumstances there are serious questions as to its objectivity and motivation for approving the Application. These are important issues which go to the heart of the integrity of the planning system and accordingly raise issues of national significance.

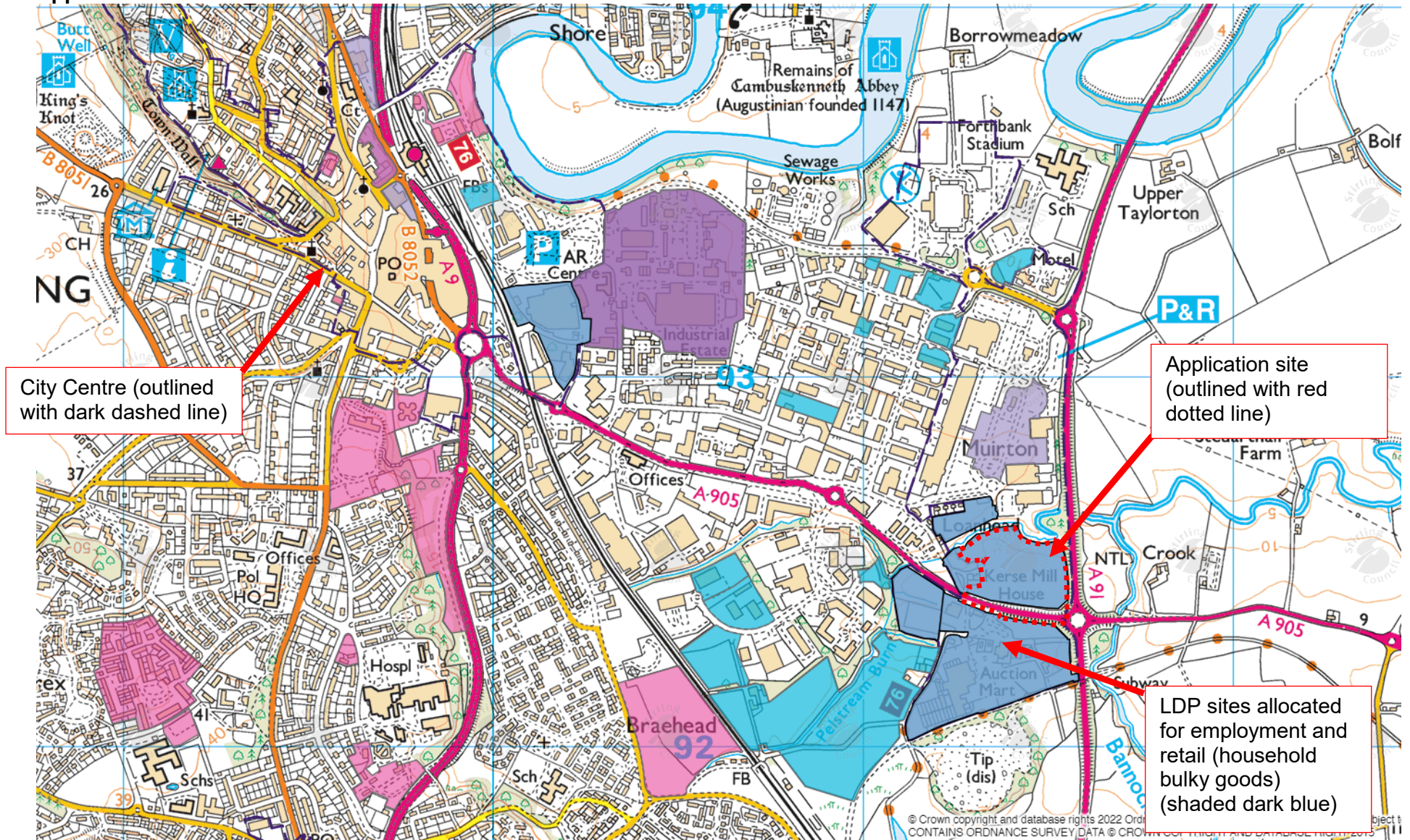
Our clients believe that all of the available information points towards this being a case in which Scottish Ministers should intervene. They therefore request that Scottish Ministers issue a Direction to the Council under Section 46(2)(ab) of the Town and Country Planning (Scotland) Act 1997 requiring the Application be referred to Ministers. This will allow for a full and proper consideration of the impacts of the development proposed by an independent third party.

Yours sincerely

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HEAD OF PLANNING

Appendix 2



Location plan (annotated extract from Stirling Online Adopted Local Development Plan Map)