

Representations to allocated sites

H098 Menzies Terrace and **H099 Main Street** A series of sites were considered within Fintry from the outset at the Main Issues Report through the Site Assessment process (**CD42**). It was agreed in the Main Issues Report that development for mixed tenure housing should be explored in the village to assist in meeting the housing need in the Rural Villages Area. Therefore, the allocation of housing in Fintry is consistent with the Vision and Spatial Strategy (this is further responded to in Issue 3).

Fintry has a number of natural constraints such as topography, landscape and flood plain and there a limited number of suitable locations for further development. The site assessments for the Proposed Plan (**CD45**) show a consistent approach to the assessment of this site (FINT02 aFINT03) and the Key Site Requirements for the site set out in the Plan seek to address some of the key requirements for any development of the site.

A large number of representations raise concerns over the increased level of emissions that additional development in a rural location would create. The Council accepts that there is a balance to be met between creating vibrant and sustainable rural communities, and the elements of addressing climate change, including emissions. The Council considers that in order to ensure the long-term viability of rural communities, the realities of increased car travel is an unfortunate side effect. The overall Spatial Strategy within the Plan however seeks to direct most new development to the Core Area (Stirling City and environs) and the Rural Villages Area is playing a more modest role. The Plan does seek to ensure that in general terms any development follows sustainable practice. It would be impractical to ensure that all development is on bus route and accessible by all modes. However Policy 3.1 requires development to be realistically accessible by a choice of transport, and access to public transport is part of this equation.

Permanent public transport services are mostly reliant on commercial operators. Where commercial services are not provided and there is a need to provide socially necessary service, the Council can support public transport provision. However, finances available to do such are extremely limited, and the Council has adopted a Demand Responsive Transport (DRT) service which enables a better level of service to more residents than the support of fixed route services. The DRT service effectively funds taxis between the resident's and the destination or the closest fixed route public transport service, whichever is the closer and developer contributions may be sought towards this service in accordance with Policy 3.3.

Concerns are also raised over drainage and sewage capacity. Scottish Water has provided a recent response addressing a variety of water-related concerns raised in the representations, Scottish Water – Response to Fintry Objections, April 2013 (**CD236**). Scottish Water is aware of infiltration issues with the Waste Water Network and has identified potential improvements works and a request for funding has been made to address these in the period 2015 to 2021. Specific details have yet to be finalised. However, they confirm that the Waste Water Treatment Works has sufficient capacity to accommodate the proposed development. Further, CDx provides details when the Combined Sewer Overflow is utilised and highlights that this is only operated intermittently under the strict Scottish Environment Protection Agency licence conditions.

Scottish Water's response also indicates that there is sufficient capacity in the drinking water supply from Carron Valley Treatment Works and that increased demand on supply would not affect water quality. Scottish Water indicate that in accommodating development, a presumption is made that infill and new developments within a village will be connected to the network, as is any new development which is within reasonable distance from the Public Sewerage Network. Septic tanks are only suitable in isolated development away from settlements and therefore the suggestion that small sites relying on septic tanks may be more suitable is not accepted.

In order to provide additional assurance that the above relevant matters will be considered in the planning process the Council agrees to add to the Key Site Requirements for H098 and H099, that 'A Drainage Impact Assessment is required'. The Council considers this to be a non-notifiable modification.

The Council does not agree that delaying the process to consider other sites, is an appropriate course of action. Suitable development sites in Fintry have already been assessed for their development potential as part of the Site Assessment process (**CD45**). The Council is confident that the most appropriate sites have been determined for Fintry.

H098 - Menzies Terrace

There are a variety of modifications requested in relation to this site as well as requests to delist. The Council has carefully considered the reasons put forward but concludes that there is insufficient justification to modify or delete this site. The Key Site Requirements for H098 ensure that the landscape setting of the Castle is to be considered in siting and design of the development. However, there is no reference to retain the mature trees on site. The Council has no objection to an additional sentence being added to the Key Site Requirements to ensure all trees on the site are surveyed and trees of value retained in accordance with Policy 10.1. The Council considers this to be a non-notifiable modification.

The developer will be required to demonstrate that the development will not increase flooding downstream or, where there are existing issues, will need to introduce a Sustainable Urban Drainage system to provide attenuation on site and reduce run-off. A full Flood Risk Assessment will be required for the site as set out in the Key Site Requirements and this would be undertaken as part of the planning application process and overseen by Scottish Environment Protection Agency and the Council's flooding team. Development will be avoided on the functional flood plain and areas where it is known to flood will also be avoided. The cost and implementation of a flood defence scheme is outwith the scope of new development unless it is a direct result of the proposed development.

Representations highlight that access to the proposed site, and to the Menzies estate in general, is sometimes impassable in times of extreme flood. In light of this, to address the issue of emergency access for both the proposed development and the existing estate, the Council would be amenable to an additional phrase within the Key Site Requirements for HO98 as follows: "Alternative emergency secondary access should be secured to ensure safe passage to the site during times of flood. It is considered that this may be achievable via the most northerly driveway at Culcreuch Castle but further discussion and agreement will be required on this matter."

Representations ask that a smaller overall development is identified for H098. However, the justification for allocating housing in Fintry is to secure some element of affordable homes – the need for affordable housing in the area is highlighted by Rural Stirling Housing Association (SLDP_156/002). In order to achieve some affordable housing as well as the associated infrastructure, etc., a critical mass of market housing is required. It is considered that 40 houses on a site over 10 year period, is not unacceptable particularly when this will deliver 20 affordable houses in area of housing need. Concentrating development is more economical than piecemeal development around the village, which can also have a greater detrimental effect on the cohesion and setting of the area, including the Conservation Area.

Private housing currently for sale in the area does not impact on the need for housing in the next 10-20 years. Further, the Council cannot enforce owners to maintain designed landscapes or create jobs in the local area. The Council supports new employment opportunities in the village and Policy 2.9 provides a clear framework for employment opportunities to come forward around communities such as Fintry, but leaving market forces to determine the opportunities. The Council would also be unable to underwrite a legally binding insurance against the risk to existing foundations against changes in the water table. A comprehensive Flood Risk Assessment would seek to quantify, avoid and design out any flood risk implications and ensure that risks to existing properties were assessed and mitigated.

Regarding an independent assessment of the water table, this is something that may be required as part of the Flood Risk Assessment but would only be required should it be highlighted that this would assist in understanding the water balance on site i.e. once initial flood risk assessment work had been undertaken. It is considered unnecessary to seek such work, in advance of any planning application coming forward. Additional work on the risk to existing foundations would only be undertaken if it was considered necessary as the flood risk work progressed. Following a full Flood Risk Assessment, there will be a clearer picture of the land that may be available for development and the number of houses that the area can reasonably accommodate. This is clearly reflected in the Key Site Requirements for H098.

The road access to the site has been considered by the Council and no concerns raised. Therefore, it is not anticipated that Menzies Terrace will need to be widened and home owners compensated. The Council acting as the Planning Authority, has no remit to undertake road repairs and can only seek to influence road improvements where there is perceived to be a direct correlation between new development and an impact on a road network.

The level of affordable housing required in Fintry is set out in the Settlement Statement and is discussed in detail in Issue 9.

The capacity of transformer and power lines and transformer capacity has not been raised as an issue through consultations with the infrastructure providers. If an issue exists, it will be a matter for the developer to address in seeking to connect to these services.

Concerns are raised over the extended construction period of the site from 2010 – 2024. It will be for the site developer to determine as and when the houses are built to meet demand and the Planning Authority cannot control this.

H098 lies within the Local Landscape Area designation of the Southern Hill (LLA5). Proposed Supplementary Guidance SG27 Protecting Special Landscapes (**CD187**) highlights the open nature of the landscape around Fintry with little subdivision by roads or fences and the importance of distant views to the Fintry Hills beyond. In terms of sensitivities in relation to the LLA5, development at H098 will not compromise the remoteness of the open hills and will not adversely affect the role of the LLA as a backdrop to Fintry. Sensitive siting and design will be required to ensure that the landscape setting of the historic and designed landscape is preserved and the Key Site Requirements for H098 look to provide this.

H099 - Main Street

This site is subject to a planning approval in 2009 (**CD146**) for the erection of guesthouse with on site manager accommodation and ancillary office accommodation. A subsequent application was approved in which extended the time frame by changing the condition 1 on the previous application (**CD147**).

The majority of representations consider that H099 allocated area is too large and suggest that 5 dwellings is sufficient for the site. The Council has carefully considered the various reasons put forward in support of the proposed modification but concludes that there is insufficient justification to reduce or delete the site.

This site was considered at the Main Issues Stage in the Site Assessment process (Site Ref: FINT01) and was deemed to conform to the Spatial Strategy. 8 units are given as an indicative figure for the allocation. With the requirement to create a new settlement edge and respect the adjacent Conservation Area, the density of the site may vary but it is not possible to confirm this until a detailed planning application is submitted. It is considered that a maximum of eight units in this location, carefully designed and sited would not be over development. At the Main Issues Report, the Site Assessment questioned whether the site would be available for development. The owner of the site has since made representations requesting that the site is excluded from the Countryside Policy Boundary and the whole of the house and garden grounds of Dundarroch are excluded (see response in relation to SS07 – Dundarroch below). There have been no comments from the landowners to suggest that the site is unavailable. It would be the Council's intention to remove the site from the Countryside Policy Boundary should the site be confirmed in the adopted Plan.

Representations to non-allocated sites

SS07 - Dundarroch

The property of Dundarroch is a substantial house set back from the Main Street, in large private grounds. The area to the north east of the house and facing the Main Street has planning permission for the erection of guest house with on site manager accommodation and ancillary office accommodation (**CD146**). A subsequent application was approved in 2012 to extend the time frame by changing the condition 1 on the previous application (**CD147**).

As outlined above under H099 Main Street, the part of the site subject to planning permission has been allocated for a small development of up to eight houses. In seeking to secure the release from the Countryside Policy Boundary of the allocated site at Main Street, the owners are also seeking to remove the Countryside Policy Boundary from the rest of the garden ground surrounding Dundarroch. They argue that part of the planning permission requires that they continue the street lighting and pavements along the length of the site and as such it is no longer within 'open countryside'.

Bringing the wider property boundary of Dundarroch into the settlement envelope and excluding it from the countryside would result in it being subject to the policy framework in the Plan and providing the possibility for further development. The owners have not suggested that this is their aim however, residential development is not considered appropriate given that two sites are already allocated in the Plan (H098 and H099) for the next 20 years. Including the wider Dundarroch boundary within the settlement boundary would not bring any benefit to the village outwith the possibility of additional development. Therefore, the Council does not agree to modify the Plan in response to this representation.