



SCOTTISH EXECUTIVE

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Your ref: PP/31/3/PM/MJ

Our ref: IQD 2/390/6

November 2005

Dear Mr Morgan

**STIRLING COUNCIL LOCAL PLAN ALTERATION 1A: STIRLING AND RURAL VILLAGES
OBJECTIONS TO POST INQUIRY MODIFICATIONS: H8(14) DUNMORE STREET,
BALFRON**

I refer to the minute of appointment dated 5 May 2005 and confirm that on 8 September 2005 I held a public hearing into objections lodged but not withdrawn in respect of the above.

I enclose my report containing my recommendations. In preparing it, I took into account:

- the written submissions, including Catherine Walker's, dated 29 September and 4 October 2005, and yours that I received on 4 October 2005, each of which addressed Scottish Planning Policy 7: *Planning and Flooding* and Scottish Planning Policy 17: *Planning for Transport*;
- the statements of case;
- all of the documents lodged;
- my unaccompanied site inspections on 7 and 8 September 2005; and
- the discussion at the hearing.

Thank you for your help in preparing for and in organising the hearing.

Yours faithfully

Mrs Jill Moody
Reporter

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Subject: Modification 63 - H8(14) Housing site – Dunmore Street, Balfron

Objectors: Balfron Community Council (69/1/1); J C Wilson (317/1/1); W F Astley Jones (348/1/1); J S & A M King (368/1/1); Mr & Mrs H Gurney (369/1/1); Mr & Mrs M Gray (372/1/1); Mrs G Rodger (374/1/1); Mrs M Baird (375/1/1); Mrs D Allan (376/1/1); C & G Walker (378/1/1); J P Browning (379/1/1); Mr & Mrs R H Baker (385/1/1); J D Hansom (386/1/1); R Mar (387/1/1); Dr Allan & Mrs J Rae (388/1/1); M & C Smith (392/1/1); J Robson (393/1/1); R N Stewart (394/1/1); WW Clarkson (395/1/1); Dr P Jordan (396/1/1); Mrs E Glass (397/1/1); I Rubython (398/1/1); A J P Shearlaw (399/1/1); E & S Elms (400/1/1); Mr & Mrs McDonough (401/1/1); P Doherty (402/1/1); A Wallace & G Rose (403/1/1); and R J Young (404/1/1).

Brief summary of objection

1. Land south of Dunmore Street should not be allocated for housing.

Background

The development plan

2. In summary, the Stirling Council Local Plan, which was adopted in December 1999, embodies the housing land requirements from the superseded Central 2000 Structure Plan. For Balfron, which is recognised as being a key rural settlement, the town and village plan statement focuses the requirement onto a site at Endrick Gardens North, where BALF.H1 identifies the potential capacity as 63 houses, although the plan text notes a possible limitation until the sewage treatment works is reconstructed in 1998/1999 (page 85). Otherwise:

- the Dunmore Street site is shown outwith the settlement boundary, so that it is inside the designated countryside;
- the existing neighbouring housing on the south side of Dunmore Street is a proposed conservation area extension (BALF.E1); and
- the Endrick Water corridor is a Site of Special Scientific Interest (SSSI) and a candidate Special Area of Conservation (SAC).

3. The Clackmannanshire and Stirling Structure Plan replaced the Central 2000 Structure Plan in March 2002. Policy H1 from the approved replacement plan requires that councils must ensure a minimum 5 year effective housing land supply in accordance with the development strategy and the phasing indicated. Table 4.1 translates this into a requirement for 3857 housing units in the Stirling Council area, including an extra 15%, to allow flexibility and choice, as well as to help offset any unforeseen delays (paragraph 4.3.6). In allocating sites to meet this requirement, policy H2 expects that local plans will prioritise the use of brownfield land and H3 expects housing capable of meeting the full range of needs.

4. The approved structure plan divides the area into 3 types. Stirling Rural Villages includes Balfron and proposal H2 expects that land will be allocated for 150 houses for phase 1, which is 2003 to 2008. Phase 2 anticipates a need for 200 more in the period 2008 to 2017. The text confirms that the phasing is to allow for the provision of necessary infrastructure (paragraph 4.3.19). Balfron is again identified as a key Rural Centre that supports a range of services including a

secondary school. The principle of the sensitive expansion of Balfron is therefore consistent with the approved structure plan, and local plans must identify an appropriate split between the settlements and suitable sites within them (paragraph 4.3.25).

5. The approved structure plan key diagram indicates an expectation of 50 to 200 houses for Balfron. The locational strategy restricts new development in the Rural Villages area to that needed to support local communities, the local economy, and to provide for particular housing needs. The strategy also emphasises the enhanced role that Rural Centres including Balfron can play in serving the general needs of the wider rural area (paragraph 2.5.4). Figure 2.3 summarises the main elements, and for Balfron these include the following:

- to recognise settlement constraints new development is generally to be restricted, but it should focus on settlements with a range of services and facilities;
- pressure for housing from commuters should be managed to restrict housing other than in rural centres, and even there, the emphasis will be placed on affordable housing by social housing providers;
- general needs housing is to be focussed on a few locations; and
- 350 houses are to be split between Callendar, Balfron, and Doune, subject to directing development to locations with a range of facilities/services, and to protection of the character, identity and setting of these villages.

The emerging local plan alteration

6. The finalised Stirling Council Local Plan Alteration 1A: Stirling & The Rural Villages, dated June 2002, updates the housing section of the adopted local plan, to take account of the replacement approved structure plan. Policy H1 echoes the 5 year housing land requirement from the approved structure plan and looks for 150 houses in the rural centres for phase 1, i.e. 2003 to 2008, followed by a further 200 in phase 2, or 2008 to 2017, subject to review. For Balfron, policy H8 then distils this into 35 houses at Endrick Gardens, and 27 at the Roman Road school site in phase 1, with 65 houses allocated for Dunmore Street in the longer term, with a requirement to create a village edge. All of these numbers are regarded as indicative. Other small developments of 1 to 3 houses are counted as windfall (paragraph 4.10.3).

7. The finalised local plan is supported by Supplementary Guidance and Site Development Guidelines, also published in June 2002. For the Dunmore Street site, these include the following:

- because of the proximity of the site to the conservation area and its prominence in views across the Endrick Valley, design quality is important, as is the need for a new edge to the town and a Dunmore Street frontage;
- although the site area is 2.2 hectares, the developable area is likely only to be 1.8 hectares, which, at a density of 36 houses per hectare, could contain some 65 houses;
- the site could contain the full range of house types and styles, with a mixture of 1 and 2 storeys and some flats, but 15% of the houses should satisfy affordable housing needs;
- varied materials should be used, to reflect the mixed character of Dunmore Street;
- the south and east boundaries should comprise a hedge or low stone dyke;
- existing trees close to the west site boundary and the hedge along Dunmore Street should each be kept and protected during construction;
- the right of way along the west boundary should also be kept and enhanced;
- additional landscaping and a children's play area is expected;

- houses could be accessed via culs de sac, none of which should be closer than 40 metres to Bankers Brae;
- a 2 metre wide footway should be provided along the Dunmore Street frontage and footpath improvements west towards Buchanan Street are also expected;
- a financial contribution is expected to the expansion of Balfroon Primary School and the safer routes to schools scheme; and
- sustainable urban drainage should be used to Scottish Environment Protection Agency (SEPA) and Scottish Water's satisfaction, and development should not harm the candidate SAC.

8. By March 2003, the housing land supply issue in general and the Dunmore Street proposal in particular was the subject of objection. Dunmore Street had incurred several specific objections, including one from Balfroon Community Council (number 69/1/1), which expressed a preference for a site off Kiltrochan Drive as a means of removing any need for housing at Dunmore Street. In June 2003, the council agreed to that suggestion and a change to the finalised local plan was advertised, which provoked further objections. Therefore, 3 options fell to be considered during the local plan public inquiry, which lasted from September to November 2003. These options were: (1) the original proposal for Dunmore Street subject to a slight increase in size; (2) the suggested Kiltrochan Drive alternative site; and (3) an entirely different site option at Station Road/Kepulloch Road. The bigger Dunmore Street site resulted from the need to move 20 houses from Endrick Gardens, so that the total site capacity increased to 85 and the site area to 3.3 hectares. The developable area referred to in the design guide became 3 hectares and the developer contributions were changed to include a contribution towards expansion of the sewage treatment facility.

9. The Reporter's recommendations on the objections were submitted to the council in June 2004. Having accepted that:

- the council's proposed overall housing land allocation for each Rural Centre was reasonable and appropriate in compliance with the approved structure plan requirements; and
- there was a need to release greenfield land to satisfy most of that requirement,

the Reporter took the view that some of the 20 houses could still be accommodated at Endrick Drive, and the outstanding Balfroon allocation of 72 houses would integrate more easily into the village if it were split between 2 sites. Because the Station Road contender was rejected entirely, Kiltrochan Drive and Dunmore Street were left. Subject to the size and capacity of each being reduced to approximately 36 houses per site, the Reporter supported each of these proposed allocations. For Dunmore Street, he specifically commented as follows:

The site would appear to be relatively easy to develop technically and no problems have been identified over the provision of access for vehicles or pedestrians. The site would also provide an opportunity to have housing on both sides of Dunmore Street. I note that the objectors have however raised concerns that the removal of the existing hedge would have an adverse effect on amenity. Care would also be required in the design and layout of any housing as the site adjoins a Conservation Area. It is well locate relative to the rest of the village and would provide reasonable access to shops and other facilities. As the land is located at a lower level than the adjacent properties, housing would have less of an impact on the outlook from these dwellings and affect fewer residents than the development of the Kiltrochan Drive site. The site is however clearly visible in views of the village across the Endrick valley, particularly from the Fintry Road. I note that proposals for substantial structure planting to try to integrate any housing into the landscape and create an attractive southern and eastern edge to the village were to form part of the council's development

requirements for this site. In summary, I consider that it would be possible to accommodate a limited housing development on the site at Dunmore Street, provided care was taken over its layout and design. Any such development would also have to be accompanied by substantial structural planting to integrate the housing into the landscape and create an attractive new edge to the village (page 6.4.18, paragraph 67).

10. The council accepted the Reporters recommendations in August 2004 and advertised proposed post-inquiry modifications, proposing 35 houses at each of Kiltrochan Drive and Dunmore Street for the plan period 2008 to 2017, with an affordable housing requirement in line with policies H2 and H3. In addition, Amendment 39 would change the Dunmore Street supplementary design guidance to include the following:

- the site area is about 1.5 hectares and an average density of 24 houses per hectare is anticipated;
- substantial landscape planting is required to create a new southern edge;
- care is to be taken that drainage and surface water runoff from the development do not harm the nature conservation interest of the candidate SAC; and
- a financial contribution may be required toward expansion of the sewage treatment works.

Main grounds for the objections

11. The main grounds for the objections received in response to these proposed post-inquiry modifications may be summarised as follows.

12. The previous local plan identified the countryside around Balfroon as part of an Area of Great Landscape Value (AGLV). The council has not justified why this designation is now being ignored, and why such an attractive greenfield site is being released for development, apparently in contravention of national planning policy. The national planning framework advocates safeguarding the landscape from development and Government policy in PPG 3 clearly aims to stop the development of greenfield sites. The Dunmore Street site is a good example of where that principle should be applied rigorously.

13. There are at least 12 other possible development sites that could absorb development more easily than the proposed allocation site. These other sites would:

- make good use of brownfield sites;
- be more visually and environmentally acceptable; and
- they would spread and integrate development in accordance with the previous Reporter's recommendation and planning policy generally.

These sites would also remove the need to allocate greenfield land and until they are fully considered and ruled out, it is not tenable to allocate Dunmore Street as the only option.

14. Dunmore Street feels like a natural village edge. It is defined by a 600 year old hedge and, based on old Ordnance Survey maps, it has stood unchanged since at least 1859. The existing houses are low-density so they create a transitional feature, and Dunmore Street is one of the few parts of the village that has kept its open outlook. As a result, Balfroon has tended to expand northwards historically and the strongest case is needed to justify breaching the boundary now. In comparison, the proposed new site boundary would be a contrived feature, and any screen planting would take some 20 to 30 years to establish to an extent that would have an appreciably beneficial impact.

15. Dunmore Street residents would suffer an immediate and a significant loss of amenity if development were to proceed, so they would be the worst affected. But the street is also part of a circular walk where villagers benefit from and enjoy the exceptional local scenery. For example, the hedge contains at least 6 different plant species, so that it is a wildlife corridor, as well as hunting and feeding grounds for a wide variety of bird and animal species. Many of these species are at least protected if not also endangered. Protecting such biodiversity is another important facet of national planning policy.

16. The character and quality of the houses along Dunmore Street also enhance the setting of the village. The houses include the Old South Manse, which was an early design of the renowned architect Alexander 'Greek' Thomson, who was born in Balfron. Therefore, the special character and value of the village generally, and of the former manse in particular, are of considerable historic and architectural interest including for many tourists and students. The former manse was designed to overlook countryside, and that aspect would be removed by the proposal. But it is equally important to keep an open setting around the manse, to allow full and continued appreciation of 'Greek' Thomson's architecture. The best views are currently available from inside the field subject of the proposed allocation. In this context, the proposed housing development would look out of place, the local environmental character and quality would be harmed, accustomed views into and from the village would be blocked, and the proposal would create the opportunity and a precedent for even more development along Dunmore Street.

17. Dunmore Street is part of a main vehicular route between the A875 and the nearby village of Fintry. It is heavily used on a daily basis, including by HGVs and other commercial traffic. It also carries a steady flow of traffic to other housing areas on the western edge of the village. Around the Buchanan Street junction, the road widths vary considerably and there are several particular hazards. For example, the road alignment and the geography, coupled with on-street parking, which is an especially severe problem, causes danger and anxiety. These problems are worsened by manoeuvring buses and Royal Mail vans, which are often forced to reverse around the junction. As a result, the junction is frequently gridlocked, and pedestrians are already at extreme risk, especially children and elderly residents, including those accessing the McLintock Hall.

18. Pavement provision in the area generally, but along Dunmore Street in particular is intermittent and substandard. The possibility of any improvement is inhibited by the need to keep access to the bus garage and by the need for agreement with all of the frontagers, which seems unlikely. The council's suggested alternative pedestrian routes towards the primary and the secondary schools, i.e. Spinners Street and Bankers Brae, are narrow, steep, poorly lit and have no footpaths. Bankers Brae also accesses a public house and several houses, and despite having restricted visibility at either end, it is often used by car drivers as a 'rat run'. Therefore, neither option is a safe or acceptable route to school.

19. The proposal is likely to add some 50 extra cars, which must make conditions even worse, even to an extent that might prevent emergency access. In addition, because there is no safe walking route and because the majority of the village's facilities, like the shops, post office, schools and recreation facilities, are all towards the north of the village, the proposal must increase car dependency. As a result, it is directly contrary to Scottish Planning Policy 17: *Planning for Transport* (SPP 17).

20. The council's traffic prediction figures seem extremely low. The village population has grown by some 10% over the last 4 years, so the 2001 traffic census figures must be considerably out of date. In reality, the village is far more heavily trafficked than the council has assumed and

reliance on these old figures is no longer appropriate. It is also not clear whether the council's figures take enough account of particular local traffic characteristics, like the rural surroundings, which generates a heavier than average car use, the number of cars and buses involved in the local school run, and the fact that Glasgow commuters tend to leave Balfron early. In addition, the various halls and the church are used intensively in the evenings and at weekends, i.e. outwith the assessed peak hours. The church especially adds to the already significant traffic and parking congestion along Dunmore Street.

21. None of the council's suggested improvements are firm commitments and they may never become a spending priority. The bus garage relocation especially is no more than an idea. It is not in the local plan and it is not committed, so any traffic flow improvement from it cannot be assumed. In addition, the knock-on employment implications appear not to have been considered. But even if all of these measures could be put in place to give residents comfort that the proposed development could be accommodated, the cost would be further loss of the village character.

22. Dunmore Street is one of the lowest points in the village so a large volume of sewage and surface water drains into that area, before progressing to the sewage treatment works. The works have failed at least twice in the last year, so residents are understandably extremely concerned about the adequacy of that infrastructure. The works are also under pressure because of the ageing pipes and culverts. The existing infrastructure is crumbling and cannot cope with existing storm surface water. The other new developments in Balfron, the proposed development, plus the extra, heavier rain that is occurring because of climate change, can only make things worse by increasing the likelihood of flooding. So far, the cost of the improvement works needed to solve these extensive problems has proved too expensive. No work has been programmed at least until 2013 at the earliest, with even that date remaining uncertain and, with no evidence to show when or even if this issue can be resolved, Dunmore Street must be regarded as a medium to high risk area. Some insurers already regard it as such and given that alternative sites exist, the drainage problems confirm the unsuitability of the site for development.

23. The prospect of more flooding, including with foul sewage, raises the additional concern about harm to the quality and value of the Endrick Water candidate SAC. Because the specific value of the candidate SAC is lampreys and salmon, water quality is highly significant. Despite these concerns, no flood risk assessment has been done to support the proposed allocation.

24. Local health services are also currently operating at capacity. The development would overstretch them, but not by enough to exceed the next threshold of patient numbers whereby significant expansion would be justified. As result, the quality of service would be prejudiced. Adjacent towns like Killearn already have spare capacity and they would welcome development that makes use of it.

Council's response to the objections

25. PPG 3 is not relevant in Scotland, so the council is not obliged to comply, but issues around the housing land supply figures and the release of greenfield land, were all considered and accepted by the Reporter at the previous local plan public local inquiry. The outcome of that process is that sites for around 125 houses need to be found in Balfron. Of these, 28 houses have planning permission and have been built at the Old High School site. A further 27 have been allocated to the balance of the Endrick Gardens site and 14 of those have already been built. Having tried as far as possible to:

- maximise the density of Endrick Gardens;

- make the best use of infill land; and
- avoid allocating greenfield land,

all in accordance with SPP 3: *Planning for Housing*, the council originally intended to allocate all of the remaining 70 houses to one site, but the previous local plan inquiry Reporter recommended that the allocation should be distributed more widely, i.e. that Kiltrochan Drive and Dunmore Street should each receive a smaller allocation. The council accepts this and proposes to modify the local plan to allocate 35 houses to each site.

26. None of the sites that are now being suggested by residents as alternatives to Dunmore Street was ever suggested at any stage in the process so far, so they were not considered by the previous Reporter. The council also has no information about whether they are effective in the 5 year plan period, and several are too small to count towards the structure plan land supply, i.e. they are below 3 units. At this late stage, the council's priority is to abide by the Reporter's recommendation.

27. Dunmore Street is undoubtedly a sensitive location, but it is not in a designated AGLV and it never has been. Further, with careful design and layout, as the design guide expects, it should be possible to achieve a development that can integrate into the village surroundings. The site is visible in views towards the village from across the Endrick Valley, but only in the context of the existing housing part way along the south road side. The allocation would simply continue and merge with the existing built up area in these views. The existing outward views enjoyed by the majority of the village will stay unchanged, and because the allocation site is lower than the adjacent properties, the new housing is less likely to block accustomed outward views from the existing houses.

28. The size and shape of the proposed allocation site results from the desire to keep development as compact as possible, to keep the site depth in line with the adjacent church curtilage, and to avoid development spreading too far along Dunmore Street. As it stands, the site is opposite no more than 10 houses. That said, there is currently no southerly demarcation in the field, the site simply merges with the remainder of the field. But an essential aim of development is to use landscaping inside the site to create a more sympathetic, organic shape. The Dunmore Street frontage hedge was discussed at the last inquiry, but for footpath, visibility, and access reasons it is unlikely that it could be kept. Another design guide aim is to recreate the same sense of enclosure by another means, perhaps walls backed by hedging.

29. The village generally, and Dunmore Street in particular, is already characterised by a variety of different building styles and, although it would not be practical to design to the same extremely low density as the existing housing, a mix of tenures would be achieved by virtue of the affordable housing requirement. Nevertheless, the proposed development should at least have a properly designed road frontage and enough advance structure planting to create a new urban edge. These issues were all considered and accepted by the previous Reporter when he allocated the site and they are specified in the design guide for the site. They will be considered again in more detail at planning application stage and, provided the design guide requirements are enforced, the impact of the proposed development should be minimised.

30. The 'Greek' Thomson house is a listed building, but it is set far back on its plot, on much higher ground than the proposal site, and it only overlooks one corner of the proposal site. Therefore, as a matter of principle, the proposal is not likely to harm the setting of the listed building. More detailed relationship issues would be considered at planning application stage.

31. The objections refer to a lack of capacity at the local schools and health services, but there is no evidence to support this view. The primary school will have space by the time the houses are complete and the secondary school will manage placing requests to create space. The health board was consulted on the structure plan and the finalised local plan, with no objection arising.

32. The sewage treatment works undoubtedly suffer a lack capacity, but discussion has been taking place with Scottish Water and it is hoped to have the improvement issue resolved by August 2006, so that development after that will not be constrained. Inevitably, the situation is still uncertain and to some extent, early improvement depends on the inclusion of affordable housing in the proposal. However, it is entirely certain that without expansion of the local sewage treatment facility, there is no spare capacity and the current development embargo will remain in force.

33. Flooding issues and the possibility of harm to the nearby candidate SAC have also been investigated. Given the relative ground level heights, the risk of the Endrick Water flooding the site is extremely low. As regards flooding from other sources like inadequate infrastructure, all that SPP 7: *Planning and Flooding* requires is consultation with SEPA and Scottish Water on planning applications, and the use of sustainable urban drainage. Other policies from the local plan will ensure this at planning application stage, as will the general design guide requirements. Neither SEPA, Scottish Water, nor Scottish Natural Heritage has objected to the allocation, so that nothing in SPP 7 prevents the allocation. The proposal has also been assessed against the structure plan nature conservation policies and the council is satisfied that it complies.

34. As regards traffic generation and road safety, based on nationally accepted trip rates for the kind of housing envisaged, the highest or worst case prediction is that a development of 35 houses is likely to produce around 8 to 11 trips per house daily, with about 10% of those occurring during the peak hours. In other words, the whole estate is likely to produce something like 350 trips daily, with 35 of those occurring in the peak hours. Some 80% of the vehicles exiting the development are expected to turn towards Buchanan Street, which amounts to about 28 vehicles, still during the peak hours. If this figure is adjusted to take account of the Kiltrochan Drive allocation, the number of extra vehicles using Dunmore Street in the peak hours rises to around 53. Against a survey sample of 73 vehicles on Dunmore Street between 8 and 9 in the morning, the additional traffic flow raises the total to 126, which is within the road's design capacity. Buchanan Street also operates well within its design capacity. Based on its width, its theoretical capacity as an 'A' class road is around 23,000 vehicles per day, whereas it currently carries some 4 to 5 thousand.

35. That said, the village undoubtedly suffers poor pedestrian and traffic conditions. The fundamental parking congestion problem is caused by vehicles parking at and around the Buchanan Street/Dunmore Street junction. These vehicles block visibility and prevent buses from entering the nearby depot as regularly as is necessary. The bus depot adds a significant volume and flow of traffic, and parking congestion generally is worsened by ongoing development and redevelopment work in the village. For example, the Royal Mail use of the McLintock Hall adds to parking demand around the Buchanan Street/Dunmore Street junction. But the Royal Mail use and the other construction work are expected to end soon, i.e. well before any possible start on development at the proposed allocation site. In addition, carriageway and drainage repairs are already programmed for February 2006 and the council is discussing other possible mitigation measures. These might include restrictions around the junction to achieve better parking management and physical traffic calming and management measures, all to resolve the existing problems caused by inconsiderate parking at the bus depot and the junction. The council is also discussing relocating the bus garage or at least improving its access geometry. Therefore, although the proposal would increase the traffic flow through the junction, the impact of that would be offset by these improvements, so that overall,

the situation would be no worse. Developer contributions could be specified in the design guide towards achieving these junction improvements.

36. SPP 17 emphasises travel by non-car modes and the site has convenient pedestrian access to public transport and facilities in the village. However, Dunmore Street lacks proper footpath provision, which compromises pedestrian safety. Better provision is constrained by land ownerships, the narrow road width, and demand for parking. But there are other pedestrian routes into the village centre and there is no evidence of any personal accident injury claims. The Police have only recorded a few minor, mainly parking related incidents. The council is also trying to use initiatives like the 'Safer Routes to Schools' scheme to encourage more walking and cycling as an alternative to car travel, especially to reduce the traffic flow significance of the school run. Little has been achieved so far, largely for lack of funds. But the development offers an opportunity to help put in place physical improvements like perhaps street lighting on Bankers Brae. Provided this issue is also highlighted in the design guide for the site, the precise details would be discussed and enforced at planning application stage. A supporting transport statement will probably also be required at that stage. In the meantime, there is no overall traffic reason that would prevent allocating the site for the envisaged housing development.

Conclusions

37. Section 17(3) of the Town and Country Planning (Scotland) Act 1997 prohibits the adoption of a local plan that does not conform to the appropriate approved structure plan. Therefore, the finalised local plan alteration must accord with the approved structure plan housing land requirement for Balfron and with the rural settlement strategy, and it is not appropriate for me to reconsider these issues. Similarly, the previous Reporter accepted the principle of a greenfield land release to satisfy the housing land requirement. I appreciate that in reaching that view he did not have before him the alternative sites that have only now been suggested. But none of these sites emerged in response to the full and formal statutory consultation process, none has been assessed as part of that same process, and I have no firm evidence to establish their effectiveness as defined. On that basis, I am unable to justify consideration of these alternative sites at this extremely late stage, and it would be fundamentally wrong for me to by pass due process in their favour.

38. The previous Reporter also accepted the principle of:

- extending Balfron to the south;
- breaching the hedge; and
- creating a new south boundary with landscaping,

as well as the impact of and relationship between the proposed allocation and the existing built form of Balfron. I have received no new evidence that leads me to disagree with his conclusions on any of these issues, especially given the compact shape and form of the proposed site, the relatively small number of houses on Dunmore Street that would be directly affected by development, and the potential to use early landscaping to soften and contain the site. I note that these considerations all satisfy SPP 3 as opposed to PPG 3, which has no relevance in Scotland.

39. Having said that, 4 particular issues seem not to have formed part of the previous Reporter's considerations. These are:

- impact on the setting of the listed building;
- traffic issues;

- sewage constraints; and
- flooding.

40. The listed building sits on high ground above the east corner of the site as is now proposed. The building is set some considerable distance back from the Dunmore Street frontage and it is hemmed in and screened by substantial mature trees. It is also flanked by houses of variable ages, styles, and design quality. As a result of these factors, views to and from the listed building are already compromised. If development were to proceed on site, provided care is taken at the planning application stage in addressing the relationship between development in the east site corner and the listed building, reasonable outward views of the countryside would remain, albeit that there may be some new development in part of the foreground. Based on this, I am satisfied that the impact on the setting of the listed building need not be so harmful that, as a matter of principle, the allocation should be deleted. That said, this additional constraint should be explicit in the design guide, in the same way as the conservation area, to ensure that developers are kept fully aware.

41. The existing road conditions along Dunmore Street are variable, and in parts substandard. Conditions around the Buchanan Street junction are especially poor, but to a significant extent, they are attributable to inconsiderate and unsafe parking behaviour by patrons of the shops and local services, as well as the nearby employment sources. I have not visited the area in the evening or on a Sunday, but I can readily accept the local residents' description of similar problems occurring at those other times. I consider that these congestion problems need to be addressed as a matter of urgency, irrespective of the proposed housing allocation. The council realises the impact of congestion, and is working on solutions, albeit that as yet, only repairs are committed. I have no evidence to show that resolution could not be achieved in sympathy with the village character, especially bearing in mind the legislative need to preserve and enhance the conservation area. Therefore, there is no case to suggest that the development of the site alone would precipitate the need for the work, or that by implication, such work would diminish the charm and value of Balfron. Further, money from the development offers a chance to address this issue more urgently than the council might otherwise be able to justify, given its wider responsibilities.

42. The council's traffic generation figures, which are based on nationally accepted rates, show that the local road network has enough spare capacity for a far greater traffic volume than either the council's or the residents', worst case assumptions. The traffic conditions described above limit this, but I am satisfied that the junction could function relatively safely without the congestion, and that improvements like parking restrictions and traffic calming are potentially effective and achievable. Therefore, measures exist that would address these problems and free up enough capacity on the road network to accommodate the envisaged scale of the proposed development.

43. Although the proposed allocation site is within a relatively short walking distance of the village services and public transport links, pedestrian access is also currently unsuitable. Pavements on Dunmore Street are intermittent and Banker's Brae is especially unsuitable as a safe route to school because it is dark and narrow, and it has no footpaths. Banker's Brae also serves a public house and it carries a reasonable traffic flow. Therefore, pedestrian access also needs to be addressed, but again, this is irrespective of the proposed allocation, and again development of the site offers a chance to improve existing conditions for the benefit of all pedestrians in Balfron. These issues are already reflected in the council's proposed design guide.

44. The lack of spare capacity at the existing sewage treatment plant is another current constraint that affects all housing development in Balfron, not just that proposed for the allocation site. Like the traffic congestion problem, this constraint needs to be resolved as a matter of urgency, but again

irrespective of the proposed allocation. I have no evidence to suggest that the problem is not technically capable of being addressed, so that the issue becomes one of timing. The proposed housing site allocation would not become operative until after 2008, and development is not anticipated before then. In the interim, the council's clear hope is that the sewage treatment plant capacity problem will be addressed. If not, then quite simply the current development embargo will remain in force and development of the site will not occur. If the sewage capacity problem can be addressed in the desired timescale, then development could take place, and again, developer contributions represent a means of bringing this about. The design guide refers to this option.

45. There is no evidence to suggest that the site is in anyway at risk of flooding from the Endrick Water. Therefore, based on the risk framework in SPP 7 there is no reason to prevent development. The only possible flood risk in and around the site might result from the failure of existing culverts or other drainage infrastructure, especially their inability to cope with storm water conditions. However, neither SEPA nor Scottish Water has identified this as a significant risk, and the local plan has other policies that address the implications of development under such circumstances. For example, a drainage assessment might be required at planning application stage, and sustainable urban drainage is specified in the design guide to control water flow through the system and to prevent storm water surges. In other words, to make sure that development does not worsen pre-existing conditions. As a result, this issue does not justify deleting the proposed allocation.

Recommendation

46. Accordingly, based on the above, I recommend that the site should be allocated as proposed, but that the supplementary design guide should be augmented with the following references:

- the need for a transport statement to support any planning application, in accordance with SPP 17;
- the need for improvements to the Dunmore Street/Buchanan Street junction;
- the need for a full drainage assessment at planning application stage; and
- the need to make sure that any development on the site respects the setting of the listed building opposite.