



**Planning Appeal Against Refusal of
Planning Permission for Residential
Development at Northfield Road,
Dunipace**

**Scottish Government Ref:
P/PPA/240/228**

STATEMENT OF CASE

On behalf of Falkirk Council

September 2008

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1 BASIS OF CASE

The evidence to be lead by the Council will demonstrate that the refusal of this application for residential development can be justified.

2 PLANNING

The case for the council will consider the proposed development, the site's location and characteristics, the legal requirements to be met in terms of planning legislation, the terms of the development plan (Approved Falkirk Council Structure Plan 2007, Adopted Denny and District Local Plan (1996) and other material considerations (including Falkirk Council Local Plan (Finalised Draft-Deposit version)) and planning site history.

The case will demonstrate that whilst the proposals accord with the Adopted Local Plan, its designation as a brownfield residential development opportunity is flawed. Also the Structure Plan context has now moved on from the time the local plan was adopted.

3 OPEN SPACE

The site is at present open space. No agreed Open Space or Playing Field Strategies are in place although the Council has commissioned an Open Space Strategy. It is also suggested that there may be a deficiency in the supply of both play provision and sports area in this general location. The appropriate processes to establish whether there is a deficiency in provision are through the emerging Open Space Strategy and also a Playing Field Strategy. Until these documents are finalised and accepted by the Council, it is premature to allow the loss of this open space.

4 FLOODING

It will be demonstrated that the site does not fully meet the requirements of SPP7 Planning and Flooding, specifically in relation to development on a functional flood plain and land raising.

5 TRAFFIC IMPACT

The Council are presently considering the grounds of refusal relating to Traffic Impact Issues. To confirm the Council's views officers are required to follow certain administrative procedures specifically relating to

the need for Committee approval on this matter. The Council are not yet in a position to confirm their views relating to traffic impact matters. In the meantime, the Council wish to defend their reason for refusal on traffic impact matters.

6 PROCEDURES

Given the nature of the reasons for refusal regarding Flooding and Open Space, it is suggested that these specific topics be considered at a hearing as opposed to a inquiry. This matter has been discussed with the appellant's agent, Barton Wilmore, and they are in agreement.

7 APPEARANCES

Inquiry

Topic : Witness
 Planning : Ged Hainey, Ryden

Hearing

Topic : Witness
 Flooding : Ged Hainey, Ryden
 Open Space : Ged Hainey, Ryden

8 PLANNING CONDITIONS

If this appeal is sustained and planning permission granted, the Council considers that the conditions detailed in the Committee Paper, dated 23 November 2007, should be imposed.

9 DOCUMENTS

At this time it is anticipated the following documents may be referred to in evidence :-

A list of core documents which have been agreed with the appellants are detailed below :

- Scottish Planning Policy SPP 1 - The Planning System (2002)
- Scottish Planning Policy SPP 3 – Planning for Homes (Revised 2008)
- Scottish Planning Policy SPP 7 - Planning and Flooding (2004)

- [Scottish Planning Policy SPP 11 - Open Space and Physical Activity \(2007\)](#)
- [Scottish Planning Policy SPP 17 - Planning for Transport \(2005\)](#)
- [Scottish Planning Policy SPP 23 - Planning and the Historic Environment \(2008\)](#)
- [National Planning Policy Guideline NPPG 11 - Sport, Physical Recreation and Open Space \(1996\)](#)
- [National Planning Policy Guideline NPPG 14 - Natural Heritage \(1999\)](#)
- [Planning Advice Note PAN 37 – Structure Planning \(1996\)](#)
- [Planning Advice Note PAN 49 - Local Planning \(1996\)](#)
- [Planning Advice Note PAN 60 - Planning for Natural Heritage \(2000\)](#)
- [Planning Advice Note PAN 65 - Planning and Open Space \(2008\)](#)
- [Planning Advice Note PAN 67 - Housing Quality \(2003\)](#)
- [Planning Advice Note PAN 75 - Planning for Transport \(2005\)](#)
- [Planning Advice Note PAN 76 – New Residential Streets \(2005\)](#)
- [Circular No. 12/1996 - Town and Country Planning \(Scotland\) Act 1972: Planning Agreements](#)
- [Designing Places - A Policy Statement for Scotland: Part 1, Part 2](#)
- [Falkirk Council Structure Plan 2007](#)
- [Falkirk Council Structure Plan 2007 - Report of Survey](#)
- [Falkirk Council Structure Plan 2007 - Report of Survey, Technical Appendices](#)
- [Denny and District Local Plan - 1996](#)
- [Falkirk Council Local Plan - Finalised Draft Deposit Version](#)
- [Falkirk Council Local Plan - Finalised Draft Deposit Version - Pre-Inquiry Modifications](#)
- [Falkirk Council Local Plan - SEA](#)

- [Falkirk Council Local Plan - SEA - Addendum 1](#)
- [Falkirk Council Local Plan - SEA - Addendum 2](#)
- [Falkirk Council Local Plan - Denny Issues Paper](#)
- [Falkirk Council Housing Land Audit 2007/2008](#)
- [Falkirk Council Housing Land Audit 2006/2007](#)
- [Falkirk Council Housing Land Audit 2006/2007 – Denny Map](#)
- [Falkirk Council Housing Land Audit 2005/2006](#)
- [Falkirk Council Housing Land Audit 2004/2005](#)
- [Falkirk Council SPG - Housing Layout and Design](#)
- [Falkirk Council SPG - Biodiversity and Development](#)

[Plans relating to Open Space](#)