



<b>Case reference</b>	NOD-GLW-001
<b>Application details</b>	Development of housing, landscaping, vehicular access and demolition of existing structures
<b>Site address</b>	Site at Kelbourne Street/Sanda Street/Clouston Street, Glasgow
<b>Applicant</b>	New City Vision
<b>Planning authority</b>	Glasgow City Council
<b>Reason(s) for notification</b>	Potential impact on loss of valued open/green space and possible conflict with dev plan
<b>Objectors</b>	959 objections received by the Council – including North Kelvin Community Council, Bob Doris MSP, John Finnie MSP, Patrick Harvie MSP, Fields in Trust, RSPB, Architectural Heritage Society of Scotland, Friends of Glasgow West, Friends of River Kelvin, Scottish Wildlife Trust. Around 50 letters/postcards objecting to Scottish Government/Ministers and petitions, including one with over 6,000 signatures. .
<b>Date notified to Ministers</b>	February 2016
<b>Date of recommendation</b>	2 March 2016
<b>Decision / recommendation</b>	Call-in

## Description of Proposal and Site:

- Glasgow City Council own this 1.44 ha site at North Kelvin Meadow, which is a former playing field, now used by the community for various informal activities and children's adventurous play (the site is also known as the Children's Wood). The site is bound by Kelbourne Street to the north, Sanda Street to the east, Clouston Street to the south and by the rear gardens of properties on Garrioch Road.
- The site has a long running history, the former Strathclyde Regional Council decided to dispose of the site in the 1990s. Glasgow City Council ran a competition to appoint a development partner for the site and in 2008 New City Vision were chosen as development partners. In May 2012 New City Vision lodged this planning application for 90 private residential properties with a mix of residential dwelling types from one bedroom flats up to large 5 bedroom family houses with private rear gardens.
- Application 15/01223/DC for use of the same site as a 'community woodland and park' was approved by Glasgow City Council on 26 January 2016.
- A site specific Notification Direction was issued for the housing application in May 2013 in light of the proposal's potential impact on the loss of valued open/green space and possible conflict with development plan policies.

## **EIA Development:**

- The Council have screened the proposal as Schedule 2 development - 10(b) Infrastructure Project, Urban Development Project exceeding 0.5 hectares and have concluded that the development would not have significant effects on the environment. There is no reason to question the planning authority's view that the development does not require an EIA.

## **Consultations and Representations:**

- The application is highly contentious locally attracting 960 representations with all but one objecting. This includes objections from North Kelvin Community Council, local Councillors, from Bob Doris MSP, John Finnie MSP and Patrick Harvie MSP, Fields in Trust, RSPB, Architectural Heritage Society of Scotland, Friends of Glasgow West, Friends of River Kelvin, and the Scottish Wildlife Trust.
- Scottish Ministers have received a further 15 letters of representation seeking the application to be called-in, and a petition organised by 'Save North Kelvin Meadow' with 4,104 signatories (as at 24/02/16).
- The principal concerns raised are: loss of protected open space; loss of one of the very few natural greenspaces in the area; the site is actively used by local schools, nurseries, a forestry school, Scottish Pre-School Play Association playgroups as well as individuals. These uses are considered by objectors to contribute to the Council's Strategy for Outdoor Learning and therefore the site shouldn't be built on. Further concerns are that the proposal would result in an unacceptable loss of natural habitat and biodiversity; would have a detrimental impact on the Glasgow West Conservation Area and the setting of listed buildings; and, detrimental impact and on the residential amenity of surrounding properties.

## **Assessment:**

1. Glasgow City Council is minded to grant planning permission for the development after a planning committee vote of 6 members against 8 in favour, taken on 26 January 2016. The application has now been notified to Ministers due to its potential impact on the loss of valued open/green space and possible interest in the land, and the strength of community opposition, which are important considerations.
2. SPP aims to protect open space, playing field provision and sports pitches. Paragraph 224 in particular states that local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs. SPP also reflects the need for new housing in appropriate locations and has a presumption in favour of sustainable developments.
3. Glasgow City Council has assessed the proposal against relevant policies in the adopted Local Plan 'City Plan 2' (2009). The Committee Report sets out that the site is identified as 'Protected Open Space' in the Council's PAN 65 Open Space mapping. The site was originally included in the Open Space mapping by virtue

of its previous use as playing fields. The site has been included in the housing land supply since 1995. The Council's Sports Pitch Strategy Policy and Implementation Plan (2007) identifies the upgrading of the former North Kelvinside playing fields as providing compensation for the loss of facilities at Clouston Street. The report goes on to note that the Council changed the site's description in 2010 to, 'Potential housing site containing protected open space – mitigation required'. The Committee Report sets out that the site is not designated as 'green space' in City Plan 2 and has no environmental designations, though the submitted Ecological Assessment Report advises that it does have local biodiversity value.

4. It is clear that the Council considers that the site has been a housing opportunity for a significant period of time, prior to its temporary occupation since 2009 by community open space. The Council has no current intention to re-commence the use of the site as sports pitches and have concluded that the former use of the site as sports pitches has been abandoned in planning terms. The Council considers that a strong justification has been provided for the development of this protected open space, and that it is reasonable to compensate for its loss through a financial commitment to upgrading of the nearby North Kelvinside Pitches. The Council is of the view that the proposed housing development generally complies with Scottish Planning Policy (SPP) and the relevant policies of the Development Plan.
5. It is noted however that the most recent Open Space Audit (circa 2011) re-designated the site without consultation from 'Playing Fields' to a "Housing Site Affecting Protected Open Space". The change in the status of the land from a Playing Field to a Potential Housing Site Affecting Protected Open Space, could be considered to have had a bearing on the degree to which the proposal might conflict with SPP and development plan policy. There remains a question about the loss of Protected Open Space and the lack of like for like compensation for loss of recreational community greenspace.
6. The community considers that the land has always been open space for educational and community use, and it should remain so. The community considers that the upgrade of North Kelvin Blaes Pitches would not directly address the loss of the space which has and is being used by the community for various informal activities. The objectors to housing on this site note that it is the only land in the area available for informal, wild, adventurous open space uses. The objectors have highlighted a previous (1996) appeal decision (ref P/PPA/260/5) in support of their case. That application was for 132 flats on the site of the current application. The reporter in that case found that "In an area of high residential density, this open space area is an amenity feature providing recreation of a quite different type from that which can be enjoyed in the nearby Botanic Gardens". The Reporter continued "I am unable to find from the evidence that there will be no loss of amenity or that alternative provision of equal community benefit will result". That appeal was dismissed and planning permission refused.
7. While the Council's long standing strategy for housing on this site is noted, so are the community's aspirations to retain the site as informal space. The

strength of opposition to this planning application is significant, as is the opposition to the site's inclusion as a housing site in the Proposed Local Development Plan – City Plan 3, which is currently before Ministers. Significant concerns about the loss of valued open/green space and possible conflict with SPP and development plan policies remain.

8. Whilst it is reasonable for the planning authority to determine to grant permission for two different development proposals for the same site, in this case, with two development proposals for the same site, Glasgow City Council as the landowner would have ultimate choice over which development proceeds. The Committee Report notes that it remains the intention of the Council to provide the developers access to build housing at the appropriate time. While we do not suggest there has been any impropriety on the part of the Council, the circumstances associated with this site are unique.
9. On the basis of the information before us, weighing all of the objectives of SPP, overall, given the loss of valued open space and possible conflict with policy, as well as the Council's financial interest in the proposal it is considered that, on balance, it raise issues of national significance as to merit further scrutiny and determination by Scottish Ministers rather than by Glasgow City Council.

#### **Decision/Recommendation**

- Call-in.