



## Report to the Scottish Ministers

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)(SCOTLAND) ACT 1997

---

Report by Michael J P Cunliffe, a reporter appointed by the Scottish Ministers

- Case reference: NOD-GLW-001
- Site Address: Kelbourne Street/Sanda Street/Clouston Street, Glasgow
- Application for planning permission by New City Vision, ref. 12/00924/DC dated 28 November 2012, called-in by notice dated 24 May 2013
- The development proposed: Erection of residential development with associated parking, landscaping and vehicular access, and demolition of existing structures
- Dates of hearing sessions and site visit: 6 and 7 September 2016

Date of this report and recommendation: 27 October 2016

---



## CONTENTS

## Page

Summary Report	2
Preamble	9
<b>Chapters</b>	
1. Background	10
2. Policy Framework	13
3. Housing Provision and Design	19
4. Impacts of the Proposed Development on Open Space	25
5. Trees and Biodiversity	33
6. Effects on the Conservation Area	39
7. Overall Conclusions and Recommendations	41
<b>Appendices</b>	
Appendix 1: Participants at the Hearing	
Appendix 2: Suggested Conditions	
Appendix 3: Documents	

## Abbreviations

CW	The Children's Wood
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
LP	Local Plan
NCV	New City Vision
PAN	Planning Advice Note
RSPB	Royal Society for the Protection of Birds
SDP	Strategic Development Plan
SEPA	Scottish Environment Protection Agency
SPP	Scottish Planning Policy
SuDS	Sustainable Drainage Systems
TPO	Tree Preservation Order
UNCRC	United Nations Convention on Rights of the Child



**The erection of residential development with associated parking, landscaping and vehicular access, and demolition of existing structures, at Kelbourne Street/Sanda Street/Clouston Street, Glasgow**

• Case reference	NOD-GLW-001
• Case type	Called-in application for planning permission
• Reporter	Michael J P Cunliffe
• Applicant	New City Vision
• Planning authority	Glasgow City Council
• Other parties	North Kelvin Community Council, North Kelvin Meadow Group, The Children’s Wood, other parties listed in Appendix 1, 960 written representations to the council and 39 to Scottish Ministers
• Date of application	28 November 2012
• Date case received by DPEA	4 April 2016
• Methods of consideration and dates	Written submissions Accompanied site inspection on 7 September 2016 Unaccompanied site inspection on 22 August 2016 Hearing sessions on 6 and 7 September 2016
• Date of report	27 October 2016
• Reporter’s recommendation	Refuse planning permission

**Background**

The application site comprises 1.427 hectares of open space and is bounded to the north-east by Kelbourne Street, to the south-east by Sanda Street, to the south-west by Clouston Street, and to the north-west by a private lane and residential flats fronting onto Garrioch Road. It lies within the Glasgow West Conservation Area. There are ‘B’ and ‘C’ listed 19<sup>th</sup> century sandstone tenements and a ‘B’ listed former school in the immediate vicinity. The southern edge of the site on Clouston Street is occupied by a row of 17 mature lime trees and a hawthorn tree, which are covered by a Tree Preservation Order (TPO)

Up to 1995 the site was in use as school sports pitches. The council has not maintained the facilities for over 20 years, and its use is now as informal public open space. The site has, without the formal agreement of the council, been taken over by local community groups for a variety of recreational and educational activities. In January 2016 the council granted planning permission to The Children’s Wood to change the use of the site to a community woodland and park.

The proposal is for a residential development of 90 units comprising a crescent of 18 four storey town houses facing Clouston Street, an L-shaped 4-5 storey tenement block of 46 flats fronting Sanda Street and Kelbourne Street, 2 detached two storey ‘gate lodge’

houses, 23 two and a half storey 'mews' terrace houses and a detached three storey mews house. Materials would include natural sandstone, textured render, slate roofs, painted timber and painted metal rainwater goods.

The proposal requires the removal of the existing trees (including the TPO protected trees) and vegetation from the site. A formal crescent garden would be created on the Clouston Street frontage incorporating a row of 8 fastigiated semi-mature lime trees. There would be a single vehicular access from Kelbourne Street, and a pedestrian path through the site. Off-street car parking and a large central area of flexible amenity space (about 1852 square metres) would be provided.

## **The Policy Framework**

The current local plan (City Plan 2) adopted in 2009 has a strong presumption in favour of the retention of all public and private green/open space. Policy ENV 1 aims to ensure that areas of open space are protected from inappropriate development. The site is a 'Housing Site affecting Protected Open Space', for which mitigation is required in the form of provision, in the local area, of equivalent or higher quality open space to directly replace the type of open space that would be lost.

Other relevant policies include ENV 2, which requires new residential development to provide access to good quality recreational open space; DES 1-4, which concern design matters; RES 2, which aims to provide high quality residential environments and minimise impacts; ENV 6, which aims to protect biodiversity; and ENV 8, which requires that development should not cause the loss of trees covered by a TPO or in a conservation area.

The Proposed Glasgow Development Plan (LDP) included a proposal to allocate the site for residential development, but the examination report recommends deletion of this proposal and retention of the site as protected open space. Policy CDP 10 seeks to maintain a 5 year supply of effective housing land at all times. Policy CDP 6 supports the retention of open space, unless appropriate mitigation is provided. Policy CDP 7 protects trees, sites and habitats of nature conservation value. Policy CDP 1 supports successful placemaking, and Policy CDP 2 promotes a sustainable spatial strategy. Policy CDP 9 aims to protect, conserve and enhance the historic environment.

## **Housing provision and design**

The site is counted by the council in the effective housing land supply capable of being developed in the 2015-2020 period. The proposed 90 units would represent about 1% of the identified private housing land requirement for the city. The contribution the site would make to meeting this need is, in the council's view, a strong justification for approving the application. Community groups, however, suggest that the need could be met on other sites without the loss of valued community open space. The surrounding area is heavily developed, with new housing being built but no new open space being provided.

The site is a sensitive one, and special regard must be had to the desirability of preserving the setting of nearby listed buildings and the character of the conservation area. The latter includes terraces of 19<sup>th</sup> century tenements and a blend of spacious private gardens, tree-lined streets, communal gardens and other open areas that are an integral part of the townscape.

The applicant, NCV, has engaged over a period since 2010 with the council and the local community to produce a design that is sensitive to its surroundings and respects the character of the area and the amenity of local residents. The council commends the traditional architectural approach, which responds to the existing historic urban fabric and the varied building heights and forms in the immediate area. On balance, the council considers that the proposal respects the local architectural character, while creating a positive and distinctive identity for the development. In the council's view, the development complies with the design policies of the development plan and would preserve the setting of the surrounding listed buildings, and the special character of the Glasgow West Conservation Area.

Representations against the proposal are concerned mainly with the loss of open space and trees rather than with the details of the design. There is acknowledgement that the applicant has made significant efforts to produce a good design. Individual representations do, however, take issue with aspects of the design. They suggest that the proposal fails to maintain the layout characteristic of the area, that the proposed design and materials have no precedent in the conservation area, and that there are issues with privacy and overlooking. Concern is also expressed about drainage, traffic and infrastructure issues and the potential effects of the proposal on the surrounding area.

### **Impacts of the Proposed Development on Open Space**

The development would result in the loss of the existing 1.427 hectares of open space and the substitution of about 1852 square metres of publicly accessible amenity space, a net reduction of about 87% of the present area. The council proposes to use part of the proceeds of the sale of the site to upgrade the North Kelvinside pitches.

NCV emphasises that the proposed new amenity area would be a welcoming space accessible to all members of the local community. Public access across the site would be maintained. The layout would create a significant area of safe, secure and usable open space. NCV would enter into a legal agreement for the provision of funds for community benefits including allotments/ community gardens, improvements to local children's play provision and outdoor sports provision.

The council notes that the last established use of the site was as sports pitches. In 2007 the council approved a report which identified the upgrading of the existing North Kelvinside pitches as suitable compensation for the release of Clouston Street for development. The report confirmed that the first £1 million of the sale receipt would be committed to this purpose. Policy ENV 1 provides that the loss of former sports pitches to development must be mitigated within the context of an approved playing pitch strategy.

The community activities on the site do not, in the council's view, currently pass the test for establishment of lawful use. The council considers that the planning permission granted in January 2016 for use of the site as a community woodland and park has not been implemented and should not prejudice assessment of this application. The council's open space audits have not identified a deficit in amenity greenspace provision in the area. The level of amenity space provision in the area is considered surplus (Botanic Gardens and Kelvin Walkway). However, the overall provision for children's play and for sport is deficient.

North Kelvin Meadow Group and North Kelvin Community Council consider that Policy ENV 1 requires that like for like compensation is provided where open space is developed. This land is not designated as sports pitches under ENV 1. Improving pitches at Queen Margaret Drive would not meet the policy requirement. The council should instead compensate the local community with the type of open space that would be lost: an amenity greenspace, a natural habitat, a wild play area for children, allotments and a communal garden.

The Children's Wood (CW) also considers that the proposed mitigation would not equate to a replacement of the type of greenspace that would be lost. Both City Plan 2 and the proposed LDP indicate a presumption in favour of retaining space with North Kelvin Meadow's patterns of use. The North Kelvin sports pitches are open space already available to the community, and CW does not understand how existing open space can be considered as compensation for the loss proposed. The site is a multifunctional, intergenerational space which, with the activities organised there, offers experiences that are not available at the nearby playpark or in the Botanic Gardens.

CW notes that the site is used by over 20 schools and nurseries. The current use is enthusiastically supported by local teachers, who cite the increasing emphasis on outdoor education and regard the wood/meadow as a safe space where they can manage risk-taking by children. The continued use of the site is also supported by Play Scotland and the Children and Young People's Commissioner for Scotland.

### **Trees and Biodiversity**

NCV commissioned a detailed Ecology Study in 2012, which was updated in 2014, in support of the planning application. None of the protected trees on Clouston Street are of Category A condition, while a number have severe decay and others are of poor condition and require removal. They would be replaced with a greater number of limes throughout the development.

The council's Biodiversity Officers consider the study to be reasonable in its methodology and conclusions. The habitats at the site are mainly dense scrub dominated by birch with individually spaced mature trees, and open neutral grassland. Both habitats are developing over time due to the site being left unmanaged and allowed to be freely colonised with species. There are no rare or notable habitats or plant species. Common and soprano pipistrelle bats commute past and through the site, with occasional foraging. There is some limited scope for bird nesting in the mature trees.

The protected trees, in the council's view, contribute positively to the character and biodiversity of the area. However, these trees are of a similar age, all with around 20-40 years of estimated remaining life. The council recognises that it is a difficult decision to remove apparently healthy trees, and to replace them. However, it considers that, on balance, the existing lime trees are of a maturity and location which would be incompatible with their incorporation into a formal garden adjacent to residential properties. Landscaping in the central amenity area would aim to encourage biodiversity, using native plant and tree species, and wildflower planting. The council is therefore satisfied that the proposed development could in time make a net positive contribution to the biodiversity value of the site itself and surrounding area, and would support the existing green network function.

North Kelvin Meadow Group and North Kelvin Community Council point out that the poor soil fertility of the site allows wild flowers to grow without being out-competed by grass. The land is classed as being “unimproved neutral grassland”. This should be protected in terms of the Glasgow Biodiversity Action Plan (LBAP). Actions stated in the plan include to oppose, or propose alternatives to, development applications for land use which will damage or destroy areas of neutral grassland. A recent survey of a small area of the meadow identified 18 species of plants comprising wild flowers of kinds to be expected on an unimproved neutral meadow of conservation value. The density of wild flowers is a significant resource for pollinating insects.

CW believes that the meadow and wood play an essential role in the biodiversity of the area, and that CW activities help to educate many people about the benefits of nature and conservation. There are over 500 trees on the land which help to absorb rainfall and reduce flooding, as well as absorbing carbon dioxide. A plant life audit found 39 species of wildflowers, 5 species of orchids, 3 species of ferns and horsetails, 3 species of moss, 4 of fungi, 4 of trees and shrubs, around 15-20 types of grass and 7 non-UK native species. CW commissioned a tree survey which reported in January 2016. Of the 17 mature lime trees, all but two were found to be in ‘good’ condition.

The Royal Society for the Protection of Birds (RSPB) cites the value of urban greenspace in getting children involved with nature and notes that urban priority species are present on the site, for example invertebrates that support sparrows; bee species; hedgehogs; swifts; and pipistrelle bats.

### **Effects on the Conservation Area**

The Glasgow West Conservation Area Appraisal notes that development in North Kelvinside is denser than in the areas further south. While the proposal would provide some areas of open space and some new trees, it would represent a thickening of the urban texture and a substantial reduction in green-ness.

The council recognises that developing the site would reduce its open character. The proposal involves the replacement of the existing lime trees within a formal crescent-shaped garden on the Clouston Street frontage, which the council argues is very much in the form of the 60 or more communal gardens in the conservation area. A further 11 limes and 46 multi-stemmed birch trees are proposed elsewhere on the site. The new trees would be a rare example of a comprehensive replacement planting scheme in the conservation area. The council considers that, on balance, the proposal would preserve the special character of the area.

Representations point out that the site was historically a school playing field which added an open character to this part of the conservation area. The proposal would erode the historic character of the area. Representations also criticise the proposed layout and design and their effects on the character of the conservation area.

### **Overall Conclusions and Recommendations**

The application requires to be determined in accordance with the development plan, unless material considerations indicate otherwise. Given that the existing local plan is 7 years old and is about to be replaced by the Proposed Glasgow Development Plan (LDP), the latter

together with the examination report is a material consideration that carries substantial weight.

The proposal would contribute 90 residential units, which could be substantially completed by 2020 to meet the need for housing construction in the period 2015-2020. The proposal would represent about 1% of the need for private housing land during this period, and its modest scale needs to be kept in mind and balanced against other considerations, notably the loss of open space.

While in strict legal terms there is currently no established planning use of the site, the site is in fact used as a community woodland and park. The council considers this to be an appropriate use of the land, since it has granted planning permission for this purpose. Policy ENV 1 of City Plan 2 requires that where development takes place on open space within categories which include the current uses of the site, the development should provide locally an equivalent, or higher quality, open space to directly replace the type of open space that would be lost. The small area of communal open space within the development and the proposed upgrading of existing sports pitches at Queen Margaret Drive would not, in my view, meet this requirement.

The loss of the site to residential development would result in a net reduction in the amount of open space available to the community. Other public open spaces near the site are very different in character from the informal meadow/woodland setting of the land at Clouston Street, and are not capable of supporting the same range of activities. Policy ENV 1 would not be satisfied, since the applicant and the council have not identified land of similar size and character where the uses that take place on the present site could be replicated.

The new LDP, as read with the examination report, will not allocate the site for residential development and will retain it as protected open space. Policy CDP 6 requires appropriate mitigation for development that is likely to adversely impact on the existing green network. While there is not a gross deficit in the provision of green infrastructure in the area, the land at Clouston Street is of a different type from the other existing provision. Its development would result in a deficit in the specific types of green infrastructure which the site accommodates. The proposal, and the proposed mitigation, would therefore not be consistent with the policy.

The proposed removal of 18 trees which are protected by a TPO and their replacement with 8 semi-mature fastigiated lime trees would not be consistent with Policy ENV 8 of City Plan 2 or with Policy CDP 7 of the new LDP. Policy ENV 6 of City Plan 2 protects habitats which are identified as a priority in the Glasgow LBAP or are important because of their conservation status. The site contains neutral grassland, which supports wild flowers and is identified as a priority habitat in the UK Biodiversity Action Plan and Glasgow LBAP. Policy DES 4 requires development to maintain local diversity and distinctiveness, including natural heritage features of landscape and biodiversity value such as woodland. I do not consider that the proposal would accord with Policies ENV 6 or DES 4.

In terms of the new LDP, Policy CDP 7 seeks to protect sites, habitats, species or ecosystems designated as important for their nature conservation value. Again, neutral grassland would come within the scope of the policy and would be lost, along with linkages between habitats (where the site provides a 'stepping stone'), and the proposal would not accord with the policy.



Policy DES 3 of City Plan 2 sets out requirements for new development in, or affecting the setting of, a conservation area. While I consider the proposal to be of a high standard of design, respecting the local architectural and historic context and using materials appropriate to the historic environment, it would not retain open space and trees which contribute positively to the historic character of the area. Even taking account of the proposed open space and tree planting elements of the proposal, I do not consider that it would, on balance, preserve and enhance the special character and appearance of the area, or that it would comply overall with Policy DES 3, or with Policy CDP 9 of the new LDP.

In terms of design, if the principle of residential development on the site were accepted, I would commend the design for approval. It is a thoughtful design which responds well to the varied nature of the surrounding townscape. The proposal would preserve the setting of the neighbouring listed buildings and would not detract from their features of architectural and historic interest. The effects on residential amenity would, in my view, be acceptable. I consider that the proposal would comply with Policies DES 1, DES 2, DES 12, RES 1, RES 2, RES 4, ENV 4, ENV 5, TRANS 4 and TRANS 6 of City Plan 2. As regards the new LDP, it would gain some support from Policies CDP 1, CDP 2, part of CDP 9 and CDP 10.

While the proposal would be consistent with a number of policies in both the existing development plan and the new LDP (as read with the examination report), it would not comply with the policies that seek to protect open space and ensure adequate mitigation for its loss. It would also be inconsistent with policies that seek to protect trees and biodiversity, and the character of the Glasgow West Conservation Area. On balance, therefore, I consider that it would fail to accord with the development plan, or with the new LDP, as a whole.

In order to justify granting planning permission, it would be necessary for other material considerations to carry sufficient weight to overcome that deficiency. Shortage of housing sites is such a material consideration, but in my view the small scale of the site's contribution and the uncertain picture regarding the availability (or lack) of alternative housing sites do not create a compelling case.

For the above reasons, I recommend that planning permission be refused.

Scottish Government  
Planning and Environmental Appeals Division  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

DPEA case reference: NOD-GLW-001

The Scottish Ministers  
Edinburgh

Ministers

In accordance with my minute of appointment dated 13 June 2016, I conducted a hearing session and an accompanied site inspection in connection with an application for planning permission for development at Kelbourne Street/Sanda Street/Clouston Street, Glasgow. The application was subject to the Town and Country Planning (Notification of Applications) (Glasgow City Council) (Erection of residential development with associated parking, landscaping and vehicular access and demolition of existing structures, site at Kelbourne Street/Sanda Street/Clouston Street, Glasgow) Direction 2013.

I decided that a hearing session was necessary to examine the following matters, which were the subject of a Procedure Notice issued on 8 July 2016:

Matter 1: In the light of the reporter's recommendation in the report of the examination of the Proposed Glasgow City Development Plan that Housing Proposal H023 should be deleted, the justification for approving housing development on the site;

Matter 2: The net effects of the loss of the existing open space and its replacement by landscaped areas on the site, and by the council's proposed upgrading of the North Kelvin sports pitches, on

- (a) biodiversity, and
- (b) open space provision for community use including children's play and learning.

The hearing session took place on 6 and 7 September 2016. I conducted unaccompanied inspections of the application site, its surroundings and other locations referred to in evidence on 22 August and 7 September 2016. An accompanied inspection of the site also took place on 7 September 2016.

My report, which is arranged on a topic basis, takes account of the written statements and documents lodged by the parties, together with the discussion at the hearing session and the written representations made in connection with the proposal.

## **CHAPTER 1: BACKGROUND**

### **Site description and history**

1.1 The application site comprises 1.427 hectares of open space and is bounded to the north-east by Kelbourne Street, to the south-east by Sanda Street, to the south-west by Clouston Street, and to the north-west by a private lane and residential flats fronting onto Garrioch Road. The River Kelvin runs to the west of Garrioch Road in a steep-sided valley, with the Botanic Gardens to the south-west. The surrounding area is predominantly residential, and lies within the Glasgow West Conservation Area. The buildings in the surrounding area have a variety of ages and different architectural styles, though the 19th century tenemental form predominates. The scale and massing of nearby buildings varies from single storey to six storeys.

1.2 Adjacent to the site, on the corner of Clouston Street / Sanda Street, is a four storey and basement 'B' listed sandstone tenement building. Beyond Clouston Street to the south-west are four storey tenements. To the north-west, turning the corner on Clouston Street / Garrioch Road, are three storey 'C' listed flats. Fronting Garrioch Road there is a four storey and attic 'B' listed tenement block, and a modern six storey flatted block. Beyond Kelbourne Street to the north-east is a 'B' listed red sandstone former school building (now used by Glasgow Kelvin College), and a single storey Scout hall. To the south-east, beyond Sanda Street, are residential flats including a converted three storey former fire station, a six storey modern flatted infill and a four storey tenement block on the corner with Clouston Street.

1.3 Up to 1995 the site was in use as the former Garrioch Secondary School sports pitches. There were two red blaes football pitches and two red blaes tennis courts, with associated floodlighting and storage/changing facilities. However, the council has not maintained the facilities for over 20 years. The former playing surfaces have become very overgrown, and the site now contains grasses, shrubs and a large number of self-seeded trees (mainly silver birch). The southern edge of the site on Clouston Street is occupied by a row of 17 mature lime trees and a hawthorn tree, which are covered by a Tree Preservation Order (TPO). There are also a small brick pavilion building in the north-west of the site and lighting masts associated with the site's former use as playing pitches. The site slopes gently up from north to south, with a difference in ground levels within the site of about 2 metres.

1.4 There is an informal path through the site linking Clouston Street (south-west corner) with Kelbourne Street, which is considered to be a right of way. There has been no attempt by the council as landowner to stop public use of the site during the last 20 or more years (for example by securing the boundary fence). In 2009 the council obtained a court order to remove the North Kelvin Meadow Group from the site, but this order has never been enforced. The use of the site could now best be described as informal public open space.

### **The present use of the site**

1.5 The site has, without the formal agreement of the council, been taken over by local community groups (North Kelvin Meadow Group and The Children's Wood) for a variety of recreational and educational activities. There is a small 'orchard' area where fruit trees have been planted. A children's play space has been constructed in the birch woodland. Raised vegetable beds and half-barrel planters have also been placed within the site and

there are composting facilities. The site provides an open space resource for the surrounding residents and is well used by all age groups from toddlers to retired people. It is a gathering space for the local community, where community events are held, and also performs a wider educational role through activities organised by The Children's Wood including the involvement of local schools in outdoor and nature conservation education. The brick building, though not in good condition, is used by the local groups for storage.

1.6 In January 2016 the council granted conditional planning permission to The Children's Wood to change the use of the site to a community woodland and park. The proposals included selective thinning of existing trees on site to manage the woodland, a planting programme to reinforce the edges with similar tree species, the underplanting of the existing tree copses with bulbs and shrubbery, the development of the large central area as a natural meadow for self-regeneration, creation of a small orchard for seasonal colour and educational interest, formation of some new pathways in natural biodegradable materials such as woodchip, and consolidation of existing arrangements for disposal of residual waste materials. There is also the intention to refurbish the existing brick shed for storage and toilet accommodation, and to create a performance area for community events. Implementation would depend on the group entering into a lease or other formal arrangement with the council.

### **The proposed residential development**

1.7 It is proposed to erect a development of 90 residential units on the site, with associated on-site parking, landscaping and vehicular access taken from Kelbourne Street. The units would comprise:

- A crescent of 18 four storey townhouses (5 bedrooms) facing Clouston Street.
- An L-shaped 4-5 storey tenement block of 46 flats (8 three bedroom flats and 38 two bedroom flats) fronting Sanda Street and Kelbourne Street, with backcourt garden area and car parking, bike and bin stores to the rear.
- 2 detached two storey 'gate lodge' houses (4 bedrooms) on the boundary with Kelbourne Street.
- 23 two and a half storey 'mews' terrace houses (19 three bedroom, 4 four bedroom) fronting onto the central access road, as well as one detached three storey mews house.

1.8 The Clouston Street townhouses would have a colonnaded crescent frontage set back from the main road behind a formal landscaped garden. All townhouses would have a rear garden with bin storage and a car parking space. Proposed finishing materials are natural ashlar sandstone, with wet-cast natural stone porticos, cornices, bands, architraves, copings and dressings. The rear elevations would be finished in a textured render with wet-cast natural stone details.

1.9 The L-shaped tenement block to Sanda Street and Kelbourne Street would be divided both vertically and horizontally, reflecting the established tenement pattern. The five tenement close entrances would be defined with decorative porticos and/or stone surrounds, and there would be a five sided bay window feature at the corner. The apartments would be accessed from the closes, which would also provide direct access to a

rear backcourt garden, with off-street car parking and bike and bin storage beyond. Proposed finishing materials are rusticated natural stonework walls to the ground floor, with ashlar stonework above to principal elevations, and reconstituted natural stone porticos, cornices, bands, architraves, copings and dressings. The rear elevations would be finished in a textured render with natural stone rustication and quoining.

1.10 The 'gate lodge' houses and the mews houses would be orientated towards the internal access road and the central amenity space. They would be of a lower scale and massing, and incorporate 'Cape Dutch' architectural detailing. The houses would have modest front and rear garden areas, some incorporating parking spaces. Proposed finishing materials are natural stone copings, architraves and banding; natural stone ashlar stonework with textured render above to principal elevations; and textured render with natural stone rustication and quoining to rear elevations. The roofs would have conservation style rooflights and lead clad dormers.

1.11 Throughout the development, roofs are proposed to be finished in natural slate. All joinery would be painted timber, and rainwater goods would be painted metal.

1.12 The proposal requires the removal of the existing trees (including the TPO protected trees) and vegetation from the site. A formal crescent garden would be created on the Clouston Street frontage incorporating a row of 8 fastigiated semi-mature lime trees. There would be a single vehicular access, taken from Kelbourne Street, and a 3 metre wide axial pedestrian path through the site from Clouston Street, via a pond, to Kelbourne Street. Off-street car parking would be provided within the site (1 space per dwelling, and 20 visitor parking spaces).

1.13 A large central area of flexible amenity space (about 1852 square metres) would be provided, containing trees and wildflower planting, paths, benches and grass mounding. This area would also incorporate the original pitch lighting columns as a sculptural feature, and underground surface water attenuation tanks. The applicant's aim has been to keep the central space as large and flexible as possible to provide an open green space suited largely to passive activities and informal children's play. It is intended to meet the needs of the new community, but access would not be restricted and the space would also provide a resource for the existing community.

## CHAPTER 2: POLICY FRAMEWORK

### The existing development plan

2.1 The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan (SDP) approved in 2012 and the Glasgow City Plan 2 (LP) adopted in 2009. The proposal is not of strategic significance, and there are no directly relevant policies in the SDP.

2.2 The site is within an area covered by the DEV 2 – ‘Residential and Supporting Uses’ Policy Principle of the LP. The areas so designated include the city's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space. Within these areas, the council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision.

2.3 Proposals which impact on green/open space, as defined on the council's Glasgow Open Space Map (which includes the site), should be assessed in the context of policies DEV 11: Green Space and ENV 1: Open Space Protection. These policies advise that all green/open space areas (regardless of their size or purpose) are functionally important elements of Glasgow's green infrastructure. There is a strong presumption in favour of the retention of all public and private green/open space. Policy ENV 1 aims to ensure that areas of formal and informal open space are protected from inappropriate development, in order to maintain or enhance the quality of life, health, well being and amenity of the communities they serve and also promote sustainability and biodiversity.

2.4 Protection is accorded by Policy ENV 1 to categories of open space as identified on the Glasgow Open Space Map. The current map shows the site as a ‘Housing Site affecting protected Open Space’, for which mitigation is required. Where exception is made for development on open space within categories which include public parks and gardens, communal private gardens, amenity space, playspace for children and teenagers, sports areas and allotments, the development should:

- either be directly related to the current use(s) of the open space or better serve local community needs by the provision, in the local area, of an area of equivalent, or higher quality open space, to directly replace the type of open space that would be lost (this will require the developer to consult with the local community using consultation methods agreed with the council);
- comply with the requirements of policy ENV 2: Open Space and Public Realm Provision;
- provide for appropriate habitat creation, landscape treatment and subsequent maintenance of the retained or newly created open space; and
- not have a negative impact on the connectivity of the green network and/or distribution of open space within the surrounding area or prejudice any site covered by an environmental designation.

2.5 Policy ENV 2 requires new residential development to provide access to good quality recreational open space. This includes provision for children's play areas, amenity open space/parkland, outdoor sport facilities, allotments and community gardens, in accordance with prescribed standards. These apply to all developments comprising 10 dwellings or more (including flatted developments). An appropriate proportion of the open space requirement must be located within the boundary of the site, as an integral element of the development scheme. If full provision within the site is not feasible, then part of the requirement may be met by an equivalent financial contribution. This will be directed towards addressing the quantitative or qualitative deficiencies in open space provision in the local area and/or more widely within the city.

2.6 Other relevant LP policies include DES 1 (Development Design Principles), DES 2 (Sustainable Design and Construction), DES 3 (Protecting and Enhancing the City's Historic Environment) and DES 4 (Protecting and Enhancing the City's Natural Environment). The key assessment criteria of these policies can be summarised as:

- preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area;
- be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;
- reflect high quality contemporary design, where appropriate, which is imaginative, innovative and sympathetic to local traditions, and which creates a strong sense of place;
- protect significant views into, and out of, the area and important public views of vistas and landscape features;
- retain all existing open space, whether public or private, and trees which contribute positively to the historic character of the area;
- have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form and architectural styles, provides shelter, creates local identity and promotes biodiversity;
- enhance landscape characteristics where they have been weakened and need improvement, and create new landscapes where there are few existing facilities;
- protect existing biodiversity features, compensate for any unavoidable loss and enhance/ add to biodiversity; and
- make best use of sustainable design and construction techniques, e.g. in the use of materials, siting, orientation, water recycling and renewable energy.

2.7 Policy DES 12 (Provision of Waste and Recycling Space) aims to ensure that appropriate and well-designed provision is made within all new development for waste storage, recycling and collection. Policy RES 1 (Residential Density) aims to ensure that all new development provides an appropriate urban scale and townscape form in order to consolidate and/or enhance the traditional urban structure and create high quality, sustainable new environments.

2.8 Policy RES 2 (Residential Layouts) aims to provide high quality residential environments that minimise environmental impacts and create neighbourhoods and buildings that are attractive to live in. All residential layouts should:

- take account of the space and design requirements of the required SuDS scheme;
- make provision for refuse and recycling storage areas;
- wherever possible, retain all significant trees on sites, unless removal is necessary, e.g. for good arboricultural reasons;
- have roads designed to the standards of Planning Advice Note (PAN) 76: New Residential Streets;
- have large areas of clear glazing and, wherever possible, orientate with main rooms facing south/west, in order to minimise energy use;
- have no adverse impact on existing or proposed neighbours, in terms of overlooking, loss of privacy, daylight, or sunlight, and not have upper rooms, balconies etc. which directly overlook adjacent private gardens/backcourts;
- provide usable communal private garden spaces as “backcourts”. This is in addition to the requirements of policy ENV 2;
- make outside provision for clothes drying, in areas screened from public view and not subject to excessive overshadowing.
- Ideally all flats should have dual aspect (where single aspect is proposed developers will require to show that the amenity enjoyed is similar, if not better than that of dual aspect flats in a similar location).

2.9 Policy RES 4 (Barrier Free Homes) aims to provide a range of housing suitable, or readily adaptable, for mobility impaired residents. In larger sites a minimum of 10% of new homes should be wheelchair standard, or readily adaptable to wheelchair standard. Policy ENV 4 (Sustainable Drainage Systems – SuDS) aims to ensure satisfactory measures are provided for the management and safe disposal of surface water run-off. Policy ENV 5 (Flood Prevention and Drainage) aims to safeguard development from the risk of flooding and to ensure new development does not have an adverse impact on the water environment, does not materially increase the probability of flooding elsewhere and does not interfere detrimentally with the storage capacity of any functional flood plain or associated water flows.

2.10 Policy ENV 6 (Biodiversity) aims to protect and enhance Glasgow's habitats and species. Development should not have any adverse effect on existing habitats or species protected in law, international conventions or agreements or which are identified as a priority in government objectives, the Glasgow Local Biodiversity Action Plan or are important because of their conservation status. Proposals will require to demonstrate that:

- there will be no fragmentation or isolation of habitats or species as a result of the development;



- the development will be sited and designed to minimise adverse impacts on the biodiversity of the site (including its environmental quality, ecological status and viability); and
- public benefits at a national, or city region wide level, will clearly outweigh the value of the habitat for biodiversity conservation.

2.11 Policy ENV 8 (Trees, Woodlands and Hedgerows) aims to protect trees, woodlands and hedgerows from inappropriate development. Development should not cause the loss of, or serious damage to, trees, woodlands or hedgerows, which are covered by an existing TPO, are on council owned land, are of significant ecological, recreational, historical, shelter or landscape value or are in a conservation area.

2.12 Policy TRANS 4 (Vehicle Parking Standards) aims to ensure vehicle parking provision supports sustainable transport objectives. The basic minimum standard for parking provision is 1 allocated space per dwelling for residents, and an additional 0.25 unallocated spaces per dwelling for visitors. Policy TRANS 6 (Cycle Parking Standards) aims to ensure minimum levels of cycle parking are provided in new development in order to support sustainable transport objectives. The recommended provision for new residential development is 1 space per unit.

### **The proposed local development plan and the examination report**

2.13 The Proposed Glasgow Development Plan (LDP) was published in April 2014 and included a proposal to allocate the site (H023) for residential development with a capacity of 100 units for owner occupation. This attracted a number of representations. The proposed plan was subject to examination by reporters appointed by Scottish Ministers, who reported in June 2016. Their recommendation in respect of the site was to modify the proposed plan by deleting Housing Proposal H023. The reporter who examined this issue concluded that while the development of the site for housing would make a contribution towards meeting the shortfall in the provision of land for new housing in the city, the land at Clouston Street is a highly valued open space which is well used and maintained by the local community, and which should continue to be safeguarded for that purpose. Its development for housing would be in conflict with planning policies which seek to protect such areas.

2.14 Since the proposed plan does not designate open spaces, the reporter was unable to formally designate the site as an open space. It would be a matter for the council to reflect the outcome of the examination in its review of its Open Space Map, and in its Open Space Strategy. The council had not, at the time of the hearing session, reached a view on how the matter should be taken forward. If, however, the reporter's recommendation were to be followed as is normally the case, the site would not be allocated for housing development and would be retained as protected open space.

2.15 Policy CDP 10 (Meeting Housing Needs) of the proposed plan seeks to maintain a 5 year supply of effective housing land at all times and to deliver sufficient new housing to address housing needs in Glasgow. Such a supply is required by the SDP and by Scottish Planning Policy (SPP). The examination identified a shortfall of over 20,000 houses in the proposed plan's provision for the period 2015-2020, when considered against the housing requirement in the 2012 SDP. The reporters recommended that the council carry out an early review of the plan in order to identify sufficient housing land to meet the shortfall.

2.16 Policy CDP 6 (Green Belt and Green Network) includes the statement that the council will support the retention, as open space, of the categories of open space specified and shown on Figure 14 (and identified on the council's Open Space Map), together with the Green Belt and those spaces protected through Policy CDP 7: Natural Environment, as the core elements and links in the Green Network. These, and other smaller-scale green infrastructure elements of the Green Network, need to be taken into account in the design of new development. Development that is likely to adversely impact on the existing Green Network will be resisted unless it includes appropriate mitigation, as detailed in associated Supplementary Guidance (which is in preparation).

2.17 Policy CDP 7 (Natural Environment) states that new development should not have an unacceptable effect, either directly, indirectly, or cumulatively, on:

- the integrity or character of areas designated for their landscape importance;
- sites, habitats, species or ecosystems protected by law or which are designated as important for their nature conservation value;
- sites designated as important for their geodiversity value; or
- trees, woodlands or hedgerows that are of importance.

Where development which may have an impact on such assets is permitted, it should be designed to minimise adverse impacts and, where these cannot be avoided, suitable mitigation should be provided.

2.18 Policy CDP 1 (the Placemaking Principle) states that, in order to be successful, new development should aspire to achieve the six qualities of place as defined in SPP, and reinforced by Creating Places and Designing Streets. These are:

- It is distinctive;
- It is safe and pleasant;
- It is easy to move around and beyond;
- It is welcoming;
- It is adaptable; and
- It is resource efficient.

2.19. Policy CDP 2 (Sustainable Spatial Strategy) states that the council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable city. In doing so, the Council will support new development proposals that, among other things:

- Utilise brownfield sites in preference to greenfield sites;
- Prioritise the remediation and reuse of vacant and derelict land;
- Contribute to the development of vibrant and accessible residential neighbourhoods;
- Support higher residential densities in sustainable locations;

- Protect and enhance the function and integrity of the Green Belt and contribute towards the development of an integrated green infrastructure;
- Provide for the development and expansion of the multi-functional green/blue network; and
- Protect and enhance the integrity and character of the city's historic and natural environment.

2.20 Policy CDP 9 (Historic Environment) aims to protect, conserve and enhance the historic environment in line with SPP/Scottish Historic Environment Policy for the benefit of present and future generations. The council will assess the impact of proposed developments and support high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interest of its listed buildings, conservation areas, scheduled monuments, archaeology, historic gardens and designed landscapes and their settings. The council is unlikely to support development that would have a negative impact on the historic environment.

### **Scottish Planning Policy**

2.21 In addition to references to SPP that arise in the LDP, for example in relation to housing land and placemaking, the policies relating to green infrastructure are relevant. SPP paragraph 230 states that development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes. (Paragraph 231) Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality. Green infrastructure includes parks, woodlands, trees, play spaces, allotments, community growing spaces and outdoor sports facilities.

## **CHAPTER 3: HOUSING PROVISION AND DESIGN**

### **Meeting housing needs**

3.1 The provision of land for housing development in Glasgow was considered extensively in the examination report on the LDP (Issue 17). The reporters concluded that for the period 2015-2020, and adding a 10% generosity allowance in accordance with SPP, land for 25,586 houses was required to meet the need identified by the 2012 SDP. This comprised 9,086 private houses and 16,500 affordable houses. To these figures needed to be added a shortfall brought forward from the 2009-2014 plan period of 13,499 (3,322 private and 10,117 affordable). The proposed plan provided land for 14,509 houses (9,312 private and 5,197 affordable) to which should be added additional sites and windfall allowances that brought total provision to 17,639 (11,660 private and 5,979 affordable), leaving a net shortfall of 21,446 (748 private and 20,638 affordable).

3.2 The application site is counted by the council in the effective housing land supply capable of being developed in the 2015-2020 period, and the proposal is for private housing. The proposed 90 units would represent about 1% of the private housing land requirement (0.77% if the 2009-2014 shortfall is added in), and if they were not developed the shortfall would rise from 748 to 838, an increase of 12%. Seen against the background of the total housing land shortfall (private and affordable), however, the site would represent a more modest 0.42%.

3.3 The council points out that approval of residential development on the Clouston Street site would contribute towards meeting the SDP housing requirement. In contrast, refusal of this planning application would likely result in the removal of the site from the effective housing land supply, and would increase the existing shortfall. The site can readily be serviced, and there are no over-riding issues of effectiveness that would prevent early development. The contribution that the site would make towards providing an effective housing land supply is, in the council's view, a strong justification for approval of the application.

3.4 Community groups suggest that there are other locations in the West End of Glasgow where this number of houses could be developed. They point to development being carried out on the former BBC site at Queen Margaret Drive, proposed development of around 1,000 houses near the canal at Maryhill, and smaller sites such as that of the former North Kelvin Church. The need for additional housing is recognised, but it should be possible to provide this on sites that do not involve the loss of valued community open space. The surrounding area is heavily developed with flats that lack gardens and play areas. A lot of new housing is being built, but no new open space is being provided for the additional residents.

### **The design in its context**

3.5 The site is open space which is neither brownfield (it has never been built on) nor greenfield (given its previous developed use as playing pitches and tennis courts). The council marketed the site in January 2008 as a prime residential site for around 100 homes for sale. The marketing process included community consultation on the design of the residential proposals. New City Vision (NCV) was identified as the preferred developer. NCV submitted a Pre Application Notice in 2010, followed by an application for full planning

permission in 2012. The processing of the application was delayed due to outstanding information on flooding, drainage and ecology. The application came before the council's Planning Applications Committee on 20 October 2015 with a recommendation for approval subject to conditions, which was accepted by the committee.

3.6 The essential features of the design are described in paragraphs 1.7 – 1.13 above. The site is a sensitive one, being located within the Glasgow West Conservation Area and forming part of the setting of listed buildings. These are the tenement on the corner of Clouston Street and Sanda Street ('B' listed), the 'C' listed flats on the corner of Clouston Street / Garrioch Road, the 'B' listed tenement block fronting Garrioch Road, and the 'B' listed red sandstone building occupied by Glasgow Kelvin College. In terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special regard must be had to the desirability of preserving listed buildings or their setting and any special features of historic or architectural interest which they possess (section 59). Special regard must also be had to the preservation or enhancement of the conservation area (section 64).

3.7 The list description for the 'B' listed block on the corner of Clouston Street and Sanda Street reads:

Circa 1865. L-plan tenement block with Thomsonsque details, 4 storeys and basement, 7 bays to Clouston Street, 10 bays to Sanda Street. Rockfaced sandstone at basement, ashlar above banded at ground floor, modern tile roof.

Clouston Street: alternate canted and single windows in each storey with a door additionally inserted at ground. Doors approached by steps with good Thomsonsque V cast-iron railings. Cornice over ground storey, honeysuckle frieze over 1st, Greek key frieze over 2nd, 3rd storey windows with 3/4 submerged pilasters supporting frieze and anthemions. Main cornice over. Sash and case windows with plate glass glazing, some modern glazing.

Sanda Street: similar details but different window arrangement viz: 4 flat windows, 4 canted windows, each pair of latter flanking a flat window. Thomsonsque cast-iron railings to basement areas.

3.8 The Glasgow West Conservation Area Appraisal (2011) places the site in the Kelvinside and North Kelvinside character area. The building types here are mainly terraces of houses from the 1850s and 1860s and later 19<sup>th</sup> century tenements. The plot sizes and road widths are less generous than south of the river, and development is denser. The street layout is informal and responds to topography, particularly in the sinuous terraces along the top of the north bank of the River Kelvin. A number of planned developments are designed around central gardens. Service lanes, some with mews buildings, are a feature of the character of the area. A blend of spacious private gardens, tree-lined streets and communal gardens forms an integral part of the townscape, and along with more modest recreational, play and amenity areas contributes to the character of the locale.

3.9 The applicant, NCV, makes the point that it has engaged over a period since 2010 with the council and the local community to produce a design that is sensitive to its surroundings and respects the character of the area and the amenity of local residents. Significant design changes have been made, including reducing the height of the apartment block and cutting the total number of units from 115 to 90. NCV takes seriously its

responsibility to bring forward good spaces, good design and accessible open space, and to contribute to successful place-making.

3.10 The council notes that the development now proposed has been through a rigorous process of assessment. The applicant has responded positively and constructively to critical design comments made during the application process, and has made key changes to the final design. The traditional architectural approach taken by the architect, Robert Adam, responds to the existing historic urban fabric and provides a hierarchical street pattern which acknowledges the varied building heights and forms in the immediate area. The original proposal was presented in 2012 at the Glasgow Urban Design Panel, which offered critical comments on a number of features. The applicant has responded to these criticisms, and has revised the proposal. Throughout this design review process the contextual relationship has been stressed continually both in terms of appearance and residential amenity.

3.11 The scheme has three distinct built forms, each responding positively to its particular context. The existing building lines along Sanda and Kelbourne Streets are maintained and strengthened. Reference has been taken from the existing perimeter block form and scale/massing of buildings in the surrounding area, including adjacent listed buildings, creating three perimeter streets with integrated open space. The existing and long established public pedestrian links have been retained across the site via the proposed central public green space. On balance, the council considers that the proposal respects the local architectural character, while creating a positive and distinctive identity for the development. In the council's view, the development complies with the design policies of the development plan (DES 12, RES 1, RES 2 and RES 4), and would preserve the setting of the surrounding listed buildings, and the special character of the Glasgow West Conservation Area.

3.12 The general thrust of representations against the proposal is concerned mainly with the loss of open space and trees rather than with the details of the design. There is acknowledgement that the applicant has made significant efforts to produce a good design, and that if the principle of residential development on this site were acceptable, the submitted final proposal represents as good an outcome as is likely to be achievable. Individual representations do, however, take issue with aspects of the design. Comments include:

- The planned development fails to maintain the layout characteristic of the area, introducing a completely new layout and block structure to the area;
- The proposed design and materials of the buildings are unacceptable in their quality, and have no precedent in the conservation area. The architectural style is random and incoherent. There are no examples of rustication to upper stories, crescent form, central archways, pediments or baroque detailing in the surrounding area.
- Listed buildings border the site and the impact on them has not been addressed. The proposed development would significantly affect these buildings, and the view of them.
- A large proportion of the site is allocated to car parking.

- The ground floor flats have a very insecure relationship with the adjacent pavement having very little separation with the public street.
- The first floor balconies at the front of the townhouses would introduce privacy issues with the existing Clouston Street tenements.
- There are issues with privacy and overlooking, with public space right at the most private part of the layout.

3.13 Concern is also expressed about drainage, traffic and infrastructure issues and the potential effects of the proposal on the surrounding area:

- The development will use the existing combined sewers which already overflow and deposit raw sewage on the Kelvin Walkway regularly because of the strain on the sewer infrastructure in the local area. The additional strain placed on the existing system by the surface water and foul sewage from 90 housing units will exacerbate this problem.
- The plans show that the surface water run-off will be directed to the corner of Sanda and Kelbourne Streets, an area that already suffers from flooding problems. The land currently acts as a sink for rainwater, if developed this advantage would be lost.
- No account has been taken of the cost of upgrading the sewage system that would be required by Scottish Water in order to meet the increased demand.
- A development of 90 housing units will place additional strain on local amenities such as schools and health services and will add to the impact of other nearby housing developments that are currently in progress or just finished.
- The plan takes no account of the effect on traffic of the barriers (bollards) on Clouston Street which will impact on the flow of traffic, causing severe strain on the roads that filter into Queen Margaret Drive. The main flow of traffic to and from the site will go past a children's play park.

### **Conclusions on housing provision and design**

3.14 The proposal would contribute 90 residential units, which could be substantially completed by 2020 to meet the foreseen need for private housing construction in the period 2015-2020. Setting aside the shortfall brought forward from the 2009-2014 period, the LDP (with the modifications proposed in the examination report) foresees a need for land for 9,086 private houses during the 2015-2020 period. The proposal would represent about 1% of this figure. It would not address the need for affordable housing in the city, which requires (on the same basis of calculation) a further 16,500 units.

3.15 While the contribution would be a useful one, its modest scale needs to be kept in mind and balanced against other considerations, notably the loss of open space. The existing local plan (City Plan 2) as read with the Glasgow Open Space Map identifies the site as a 'Housing Site affecting protected Open Space'. There is thus an unresolved tension in the plan, the resolution of which depends on the adequacy of mitigation. I shall go on to consider that aspect in the next chapter.

3.16 The council sought to resolve the matter by allocating the site for residential development in the new LDP, but the examination reporter has recommended deletion of the proposal and retention of the site as open space. Assuming this recommendation is followed, therefore, the principle of residential development on the site will not gain support from the new plan. It would be necessary for other material considerations to carry sufficient weight to overcome that deficiency. Shortage of housing sites could be such a material consideration, but in my view the scale of the site's contribution and the uncertain picture regarding the availability (or lack) of alternative housing sites do not create a compelling case.

3.17 As regards the design of the proposal, I have examined the plans and elevations and the detailed proposals for landscaping, circulation and servicing, and I have twice visited the site and the surrounding area. If the principle of residential development on the site were accepted, I would commend the design for approval (subject to conditions). It is a thoughtful design which responds well to the varied nature of the surrounding townscape, using a traditional architectural language that respects its neighbours while being distinctive and not seeking to copy any of them in detail. In terms of scale and massing, the proposed buildings would be subservient to the existing ones bordering the site. The materials would blend well with the varied mix seen in the surrounding area.

3.18 The apartment block would retain the existing street lines on Sanda Street and Kelbourne Street, while the central part of the development would be partially open to the Kelbourne Street frontage, giving an air of spaciousness. Key features such as the Sanda Street/Kelbourne Street corner and the Clouston Street crescent would add interest. I acknowledge that the layout and architectural style do not follow precedents in the surrounding area. However, the area is far from homogeneous in character and the proposal would in my view be a more respectful and successful intervention than other relatively recent buildings such as the flats at 10 Sanda Street.

3.19 I consider that the proposal would preserve the setting of the neighbouring listed buildings and would not detract from their features of architectural and historic interest. The most significant effect would be on the 'B' listed tenement block on the corner of Clouston Street and Sanda Street, which would no longer stand alone as the only building on the land bounded by those streets, and would lose its backdrop of mature lime trees when viewed westwards along Clouston Street. This would, however, be partly substituted by the proposed planting of 8 semi-mature lime trees along the Clouston Street frontage. The new buildings would be of lesser height and scale than the existing block, and would not compete with it or change its context in an incongruous manner.

3.20 The loss of open space and trees would affect the character of the conservation area, and I will go on to consider that aspect in the Chapter 6.

3.21 In relation to the other matters raised in representations, I have considered these and have also had regard to the council's responses set out in the committee report. The proposal has 122% car parking provision, but also incorporates large areas of soft landscaping, and the parking layout does not dominate the development. The ground floor flats are set back from the adjacent pavement behind a front garden area, reflecting the established pattern in the surrounding area. The townhouses are set back from Clouston Street behind a formal garden, giving a minimum window/balcony distance with the tenement building opposite of 18.5 metres. This is no less than the existing separation elsewhere in Clouston Street, and the proposal would not introduce any overriding privacy



issues for surrounding properties. The proposed communal amenity space is designed to be flexible and welcoming, and benefits from a degree of passive overlooking from the surrounding mews terraces, though it is separated from these properties by the access road. The development also has private garden areas for all properties, and there is clear definition between the private and communal areas within the development.

3.22 As regards infrastructure issues, Scottish Water and SEPA have been consulted, and have offered no objection to the proposal. The drainage design incorporates attenuation storage for surface water under the communal garden, limiting the rate of discharge to the combined sewers. The applicant has submitted a Flood Risk Statement which confirms that the development would not generate any flooding issues for the site itself. The applicant has submitted a Transport Statement which demonstrates how the development is designed to connect with and promote use of the area's excellent walking and cycling links, and the existing public transport connections. The council's Transport Planning officials have no objection to the proposed vehicle access arrangement from Kelbourne Street. There is no evidence to support the view that a development of 90 units would place an unacceptable load on education and health facilities.

3.23 In terms of the development plan, I consider that the proposal would comply with Policies DES 1 (Development Design Principles) and DES 2 (Sustainable Design and Construction). It would partially comply with DES 3 (Protecting and Enhancing the City's Historic Environment), insofar as the design is sympathetic to neighbouring listed buildings and respects the local architectural and historic context, though I have concerns about the effect on the conservation area of the loss of open space and trees, which I will discuss in the Chapter 6. The proposal would accord with Policies DES 12 (Provision of Waste and Recycling Space), RES 1 (Residential Density), RES 2 (Residential Layouts), RES 4 (Barrier Free Homes), ENV 4 (SuDS), ENV 5 (Flood Prevention and Drainage), TRANS 4 (Vehicle Parking Standards) and TRANS 6 (Cycle Parking Standards).

3.24 As regards the new LDP (as read with the examination report), the site will not be allocated for residential development. The proposal would however gain some support from Policies CDP 10 (Meeting Housing Needs), CDP 1 (the Placemaking Principle), CDP 2 (Sustainable Spatial Strategy) and CDP 9 (Historic Environment).

## **CHAPTER 4: IMPACTS OF THE PROPOSED DEVELOPMENT ON OPEN SPACE**

### **Introduction**

4.1 The development would result in the loss of the existing 1.427 hectares of open space on the site and the substitution of about 1852 square metres of publicly accessible amenity space in the central area of the new layout facing Kelbourne Street. This would give a net reduction of 1.242 hectares or about 87% of the present area. There would also be private open space in the form of individual or communal gardens available to the residents of the development. In addition, the council proposes to use part of the proceeds of the sale of the site to upgrade the North Kelvinside pitches. These are three blaes playing pitches located at the junction of Queen Margaret Drive and Maryhill Road about 300 metres north-east of the site. It emerged at the hearing, however, that the council as education authority is also considering, among a range of options, using part of these pitches as the site for a new school.

### **NCV**

4.2 The applicant, NCV, emphasises that the proposed new amenity area that forms part of the layout would be a well-designed and welcoming space accessible to all members of the local community. It would have a partially open aspect to Kelbourne Street, and the public access across the site would be maintained through a broad pend in the centre of the crescent block facing Clouston Street. The layout would create a significant area of safe, secure and usable open space. The design encourages access to the site from both Clouston Street and Kelbourne Street, while preserving an overlooked tranquillity. This passive community space would complement the more active children's play area at Kelbourne and Hostpur Streets and the generally larger and more diverse open space at the Botanic Gardens. NCV has agreed to enter into a legal agreement for the provision of funds for wide-ranging community benefits including allotments/ community gardens, improvements to local children's play provision and outdoor sports provision. This commitment would guarantee considerable funds for wider community benefit.

### **The Council**

4.3 The council points out that one of the key objectives of the LDP is to ensure that people in existing communities have access to the open spaces they need. Formal classification of open space must include consideration of the established planning use as well as the physical characteristics of the land. The last established use of the site was as sports pitches and tennis courts for a local school. The council's Sports Pitch Strategy Policy and Implementation Plan (approved 2007) recognised - as advised by the Sports Council and governing bodies - that blaes pitches were not of a suitable standard for competitive sport at any level. However, capital receipts from the sale of the land they occupied could be used to create new, or upgrade existing, pitches as part of a planned strategy addressing the identified shortfall of suitable facilities in the city.

4.4 In November 2007 the council approved a report which identified the upgrading of the existing North Kelvinside pitches as suitable compensation for the release of Clouston Street for development. The report confirmed that the first £1 million of the sale receipt will be committed to this purpose, with the remainder of the sale receipt allocated to the implementation of the Sports Pitch Strategy. This decision was made after consultation and agreement with Sportscotland, in compliance with the requirements of SPP. While sports

use of the site has long been abandoned, Sportscotland advised in December 2015 that it was still a statutory consultee on the planning application because the site was 'last used' as an outdoor sports facility. Sportscotland is satisfied that there is certainty that replacement capacity for sports will be provided and that the requirements of SPP will be met in relation to the protection of outdoor sports facilities.

4.5 In 2010 the status of the site was changed from sports pitches to '97 - Potential housing site containing protected open space – mitigation required'. All sites that are included in the housing land supply are identified in this way to reflect their potential for housing. Notwithstanding, the requirement to protect open space remains. Policy ENV 1 'Open Space Protection' makes it clear that the loss of former sports pitches to development must be mitigated within the context of an approved playing pitch strategy. The community activities on the site do not, in the council's view, currently pass the test for establishment of lawful use. The council considers that the planning permission granted in January 2016 for use of the site as a community woodland and park has not been implemented and should not prejudice assessment of this application.

4.6 The council remains confident that appropriate mitigation has been identified in relation to the loss of the protected open space on site. The council's open space audits have not identified a deficit in amenity greenspace provision in the area, and the council considers that should this planning application be approved, the existing community would continue to benefit from access to a range of good quality open spaces in the surrounding area. A technical assessment of existing and proposed open space provision within a 300 metre catchment area identified:

- The level of amenity space provision in the area is considered surplus (Botanic Gardens Park and the Kelvin Walkway).
- The overall level of children's play provision is deficient (one play area at Hotspur Street within the 300 metre threshold). However there are local opportunities to improve the quality of facilities in the Botanic Gardens Park, the Kelvin Walkway and the Oran Street amenity space, as well as potential for informal children's play provision in the proposed development itself.
- The area is deficient in provision of both formal and informal outdoor sport.

4.7 There are four open spaces within a 5 minute/400 metre walk of the site. These are

- Hotspur Street Play Area (1,973 square metres, 'A' quality, fit for purpose)
- River Kelvin Walkway (52,185 square metres, 'C' quality, some features and characteristics)
- Botanic Gardens (161,048 square metres, 'A' quality)
- Oran Street amenity open space (4,505 square metres, 'C' quality).

As part of the council's forthcoming open space strategy action plan, actions will be identified to improve the standard of existing open spaces where quality improvements are necessary. These could include looking at the River Kelvin Walkway and the amenity open space at Oran Street. At the hearing, the council's representative suggested that some of the activities for which the site is currently used could be relocated to existing open spaces at Ruchill Park or at Claypits (Firhill).

4.8 In summary, having regard to the technical assessment of open space provision in the area, and to the council's longstanding Sports Pitch Strategy to upgrade local sports facilities in the city, the council considers that a strong justification has been provided for the development of this protected open space. It is considered reasonable to compensate for its loss (and thereby improve outdoor sports provision in the area) through a financial commitment to upgrading of the nearby North Kelvinside pitches. This conclusion is further supported by the audit and assessment of amenity space carried out for the upcoming supplementary guidance, which finds that there is no identifiable deficiency of publicly usable open space in the vicinity. The development proposal itself provides a generous central amenity space which has potential for informal children's play and would provide an additional resource for the existing community.

### **North Kelvin Meadow Group and North Kelvin Community Council**

4.9 North Kelvin Meadow Group and North Kelvin Community Council state that the land now is essentially doing what it always has done, which is to aid the health, education and happiness of people in the surrounding area especially children. They draw attention to the council's Sports Pitch Strategy where Section 8.5 (Release of Blaes Pitches) states:

“It should be recognized however that sports pitches also act as informal recreational green spaces with value for amenity and informal outdoor use. Any proposals to dispose of sports pitches should be subject to consultation with local communities, and require a determination by the council that these pitch spaces are not required as part of any other open space function.”

4.10 Policy ENV1 requires that like for like compensation is provided where open space is to be developed: “equivalent or higher quality open space to directly replace the type of open space that would be lost”. This land is not designated as sports pitches under ENV1 and yet the council is proposing to compensate the community by the provision of improved sports facilities on Queen Margaret Drive. This does not, in the Group's and Community Council's view, meet the policy requirement. The council should instead compensate the local community with the type of open space that would be lost: an amenity greenspace, a natural habitat, a wild play area for children, allotments and a communal garden. There has never been any consultation on what the land should be used for, only about the type and design of housing.

4.11 In the Group's and Community Council's opinion, the North Kelvinside pitches could be upgraded at a lower cost than the council has suggested (about £250,000 to lay a 3G playing surface with associated accessories such as improved fencing and new goal posts, though excluding buildings), and there are other council owned sites whose sale could finance this. It is not in the best interest of local children's health and wellbeing that they should sacrifice one well-used open space in order to simply upgrade another open space that is also used. This would result in an overall reduction of open space and an overall decrease in the range of activities young people can get involved in.

4.12 Children find the land naturally interesting and a fun place to play and learn. The Children's Wood Group puts on a steady stream of activities. Many children and their parents also come down on their own. The Scottish Government's 'Woods for Learning' strategy document says:

“...Traditional ideas about classroom teaching are giving way to new and exciting approaches, like the use of woods for learning. Woodlands provide a rich resource for a range of learning opportunities that can help deliver Curriculum for Excellence. They provide a unique environment for young people to learn about sustainable development and climate change....By walking to a woodland and being active once there, pupils gain health and wellbeing benefits. Woodland settings also provide a calming learning environment for those children with attention deficit issues or support for learning needs.”

Access to such places is essential for kids growing up in today’s city environment to address ‘Nature Deficit’. Teenagers also use and value the land. Unlike a council-run city park with designated areas of grass and flower beds, this land is fairly resilient to teenagers’ activities. While teenagers have in the past caused some annoyance to other users, things have been getting better, with reductions in violence, vandalism and litter.

### **The Children’s Wood**

4.13 The Children’s Wood (CW) points out that City Plan 2 contains a strong presumption in Policies DEV 2, DEV 11 and ENV 1 that all green/open space should be retained. The examination report on the proposed LDP (Issue 26 paragraph 13) clarifies that the site is a multi-functional open space encompassing public parks and gardens, amenity space, playspace for children and teenagers, allotments and other functional greenspace. Policy ENV 1 requires that where an exception is made for development on such open spaces, it should either be directly related to the current use(s) of the open space or better serve local community needs by the provision, in the local area, of an area of equivalent, or higher quality open space, to directly replace the type of open space that would be lost. Provision of a landscaped area within the site and the proposed upgrading of the North Kelvin pitches would not, in CW’s view, equate to a replacement of the type of green space that would be lost.

4.14 CW’s understanding of the use of the land is at a broader level than that of the council. It considers that the space has always been used, continuously and without interruption, for the local community’s benefit: as sports pitches, for informal outdoor activities during the period 1997-2007 while the Compendium Trust worked to develop the land for formal community use, and more recently for increasingly formalised use to support outdoor education. Both City Plan 2 and the proposed LDP indicate a presumption in favour of retaining space with North Kelvin Meadow’s patterns of use. The North Kelvin sports pitches are open space already available to the community, and CW does not understand how existing open space can be considered as compensation for the loss of open space at North Kelvin Meadow, or how sports pitches can be compensation for the unique inner city wild space that would be lost. The suggested alternative sites at Ruchill Park and Claypits could not be used in the same way as the present site, would involve travel for families and schoolchildren, and would have to be developed from scratch. This would best be done in collaboration with the local communities there, as an additional resource.

4.15 The land is a multifunctional, intergenerational space which, with the activities organised there, offers experiences that are not available at the nearby playpark or in the Botanic Gardens. Children create their own play and pursue activities like making mud pies, swinging on rope swings, climbing trees and toasting marshmallows on a fire. The activities happening on the land are in line with many local and national policies for

planning, community empowerment, play and inclusion. CW was granted full planning permission for a community park and garden, with the backing of all councillors on the planning committee. The group is bringing work to the area and already has two employees as well as numerous volunteers, who together facilitate school and community use of the land as well as biodiversity and maintaining the wildness of the space.

4.16 The site is used by over 20 schools and nurseries and by universities, colleges, community groups and the wider community. Local people use the space as an 'outdoor community centre', growing fresh produce, exercising and taking part in monthly community events. The land is servicing multiple groups and meeting different needs. This has been recognised by awards and funding for CW activities. There is a high level of inequality in the surrounding area. Loss of the land would impact on many different groups including vulnerable local people. For example, children with autism benefit from the calming effect of the space and the inclusive attitude of the charity. The land provides contact with nature for people who cannot afford to go to the countryside. Its use promotes inclusion and a sense of wellbeing. The community garden helps people feed themselves. Having a wild space at the heart of a complex community can impact on inequalities and help to 'level the playing field'.

4.17 CW has support from Play Scotland, which states that this is a unique community space which addresses the barriers to children playing outside in Glasgow. High quality play opportunities for all children can contribute to mitigating the negative effects of poverty on children's lives and help to build their resilience. There is also support from the Children's and Young People's Commissioner for Scotland, who draws attention to the UN Convention on Rights of the Child (UNCRC) and to the duty on Scottish Ministers in relation to the rights of children. In particular, UNCRC Article 31 (Leisure, play and culture) states that children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities. The Scottish Government's Play Strategy for Scotland: Our Action Plan (2013) has an outcome that all children and young people enjoy high quality play opportunities, particularly outdoor free play in stimulating spaces with access to nature, on a daily basis in early learning and childcare, nursery and school. In the Commissioner's view, continuance of the current use of the site would be in children's best interests and would be consistent with Ministers' exercise of their duties and pursuance of Scottish Government policies.

4.18 The current use of the site is enthusiastically supported by local teachers from a broad area of North-west Glasgow. CW lists 10 nurseries, 10 primary schools and two secondaries, as well as two universities and two colleges. Schools say they have noticed the impact of the meadow and wood on learning and development. Teachers' comments include:

- CW activities have changed the focus within the school towards more outdoor learning, which has had a positive impact on the curriculum.
- Children gained a strong attachment to nature and the environment.
- Wonderful organisation, linked to Curriculum for Excellence; children enjoyed all aspects of their visit.
- Developed the school improvement plan of promoting outdoor learning.
- Since it is just a 10 minute walk away, we can use it regularly as a resource and would use it more were it to be further developed.

4.19 Teachers who spoke at the hearing confirmed the increasing emphasis on outdoor education. They regard the wood/meadow as a safe space for this, where there is a risk assessment in place. The land has the great benefit that it is a contained space where teachers can manage the risk-taking. Children cannot be given similar freedom on the Kelvin Walkway or in the Botanic Gardens. The wildness of the wood and meadow is also a benefit: children can engage in problem solving and self-directed activity, and can make a mess without causing problems. CW has public liability insurance for activities which it organises.

4.20 CW collaborates with Glasgow University on research and with Strathclyde on teacher training. Research studies have shown that:

- Children who came to the site for lunch showed a significant increase in attention span compared with those taking lunch in the classroom or school playground.
- Children made more creative pictures after playing outside on the meadow and wood compared to spending time in the classroom or playground.
- Children who learned outside at the site displayed higher self-esteem than with learning in the playground or classroom.

### **Other parties**

4.21 Councillor Martha Wardrop (Hillhead Ward) opposes the loss of community amenity space. The land has always been used for recreation and allows hands-on activity by local people that is not offered by city parks. The proposal does not support Glasgow's Open Space Strategy, which seeks to integrate open space into all aspects of the city's activities in ways that promote sustainability. The loss of the land would be counter to policy on promotion of allotments, which aims to protect and develop allotment provision in Glasgow. The site provides 34 open access raised beds, both private and communal, as well as a community orchard. There is an 8-year waiting list for an allotment in the area. Development of the site would undermine community initiatives, and would destroy the land known as the Children's Wood. The loss of this space and the activities there would be contrary to Glasgow's Strategy for Outdoor Learning.

4.22 Baillie Nina Baker casts doubt on the extent to which the open space proposed as part of the residential development would be welcoming to, and used by, the local community. At the hearing she cited examples of other locations in Glasgow where residents of new developments had adopted a proprietorial stance and discouraged others from using similar spaces.

4.23 Numerous written representations have been made to the council and to Scottish Ministers objecting to the loss of open space, the perceived inadequacy of the proposed mitigation, and the negative effects for the local community and for children. Points made include:

- Local nurseries and primary schools regularly visit the space for outdoor learning and experiences that inner-city schools find hard to provide for their pupils.
- The land yields extensive and sustained social benefit, which would be lost.
- Sited on the edge of Wyndford and Maryhill, areas of significant deprivation, but also bordering more affluent sections of the West End, it is a focus for community cohesion, bringing people together.

- As well as bringing children close to nature, the site allows them to try ‘risky play’, which is important in allowing children to make decisions as they grow up.
- Other spaces in the vicinity are either too constrained, such as the generally narrow spaces alongside the River Kelvin, or have dedicated uses, such as the Botanic and local sports grounds, that are incompatible with the kinds of outdoor education activities, such as den building and gardening, that take place here.

## Conclusions on open space

4.24 I accept the council’s view that in strict legal terms there is currently no established planning use of the site, and that the last established use (long since abandoned) was as school playing pitches. However, as a simple matter of fact, the site is used as a community woodland and park. The council considers this to be an appropriate use of the land, since it has granted planning permission for this purpose. I acknowledge that the council has a preference for residential development, and that strictly speaking the planning permission granted to CW has not so far been implemented since the condition requiring the council’s prior written approval of a scheme of landscaping has not yet been complied with. However, in any consideration of loss and mitigation, my view is that the starting position has to be to take the site in its current form and use.

4.25 Policy ENV 1 of City Plan 2 requires that where exception is made for development on open space within categories which include public parks and gardens, communal private gardens, amenity space, playspace for children and teenagers, sports areas and allotments, the development should either be directly related to the current use(s) of the open space or better serve local community needs by the provision, in the local area, of an area of equivalent, or higher quality open space, **to directly replace the type of open space that would be lost** (my emphasis). It is clear to me that the combination of measures proposed by NCV and the council – a small area of communal open space within the development, the upgrading of existing sports pitches at Queen Margaret Drive (which may be in doubt if that site is needed for a school) and a developer’s contribution to a fund for upgrading other existing facilities – would not satisfy this requirement.

4.26 The loss of the site to residential development would result in a net reduction in the amount of open space available to the community. While there are other public open spaces within a short walking distance of the site (the Kelvin Walkway, Botanic Gardens, Oran Street and the Hotspur Street play area), these are very different in character from the informal meadow/woodland setting of the land at Clouston Street, and are not capable of supporting the same range of activities. For Policy ENV 1 to be satisfied, it would be necessary to identify another area of land of similar size and character where the range of uses that take place on the present site could be replicated. The council has not done this, although it has suggested that existing open spaces at Ruchill Park and Claypits could make a contribution.

4.27 In the new LDP, Policy CDP6 (Green Belt and Green Network) states that development that is likely to adversely impact on the existing green network will be resisted unless it includes appropriate mitigation. SPP requires that development of land allocated as green infrastructure should be supported by evidence that the proposal will not result in a deficit of that type of provision within the local area. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.



4.28 While the council is correct in stating that there is not a gross deficit in the provision of green infrastructure in the area, the land at Clouston Street is of a different type from the other existing provision. Its development would result in a deficit in the specific types of green infrastructure which the site accommodates, including play spaces, allotments and community growing spaces. The proposal, and the council's proposed mitigation, would therefore not be consistent with SPP, or with the proposed LDP (as read with the examination report).

## **CHAPTER 5: TREES AND BIODIVERSITY**

### **Introduction**

5.1 The proposal would result in the removal of all the existing trees and other plants on the site. These include the 17 mature lime trees and a hawthorn tree fronting Clouston Street, which are covered by a TPO. Partial replacement is proposed in the form of 8 semi-mature fastigiata lime trees along the Clouston Street frontage, and other landscaping of the open spaces in the development layout.

### **NCV**

5.2 The applicant, NCV, commissioned a detailed Ecology Study in 2012, which was updated in 2014, in support of the planning application. Within the report a number of suggestions for consideration were made and NCV proposes, in the main, to adopt and implement these. None of the protected trees on Clouston Street are of Category A condition, while a number have severe decay and others are of poor condition and require removal. They would be replaced with a greater number of limes throughout the entire development.

### **The Council**

5.3 The Ecology Study has been reviewed by the council's Biodiversity Officers, who consider it to be reasonable in its methodology and conclusions. These include:

- The habitats at the site are primarily of two main types – dense scrub dominated by birch with individually spaced mature trees, and open neutral grassland. Both habitats are developing over time due to the site being left unmanaged and allowed to be freely colonised with species, although the birch scrub is lacking structure as a developing woodland with low diversity in the ground flora, and the grassland is yet to develop any significant diversity.
- There are no rare or notable habitats or plant species.
- Common and soprano pipistrelle bats are in the wider area, and commute past and through the site, with occasional foraging, mainly heading west to the River Kelvin. There were no roosts on the site, but any tree felling and the removal of the building should use a Bat Method Statement which would recommend pre-start checks.
- There is no evidence of other statutory protected species.
- There is some limited scope for bird nesting in the mature trees, and in boundary walls. Ground nesting is unlikely given the amount of disturbance from local use. The site is not large in terms of being able to support high numbers of breeding pairs, and the number of breeding pairs and diversity of the bird assemblage is not significant.
- Left to developer further, the site would in time provide a more significant resource for breeding and wintering birds, but at its current state of development it is of far less value than the richer corridor of the River Kelvin and the Botanic Gardens.

5.4 The protected trees, in the council's view, generally contribute positively to the character and biodiversity of the area. However, these trees are of a similar age, all with around 20-40 years of estimated remaining life. Four of the lime trees are in poor condition, while the rest are 'fair', though requiring management. The Tree Survey recommends removal of two of the lime trees as well as the hawthorn tree as a result of severe decay. In the rest of the site there are a large number of self-seeded birch trees, and some goat willow. The younger birch trees tend to be spindly due to their close planting. The proposal would provide a formal line of 8 fastigiated lime trees facing Clouston Street, very much in the form of the 60 or more communal gardens in the Glasgow West Conservation Area. A further 11 limes and 46 multi-stemmed birch trees are proposed elsewhere in the site.

5.5 The council recognises that it is a difficult decision to remove apparently healthy trees, and to replace them. However, it considers that, on balance, the existing lime trees are of a maturity and location which would be incompatible with their incorporation into a formal garden adjacent to residential properties. Even if a suitable set-back to the building line was incorporated into the proposal, the visual dominance and overshadowing of the trees would be problematic. The new trees would be a rare example of a comprehensive replacement planting scheme in the conservation area, and could live 100-150 years depending on events. The TPO would be transferred to the new trees at the location.

5.6 Landscaping in the central amenity area would aim to encourage biodiversity, using native plant and tree species, and wildflower planting. This could be secured by a planning condition. The Ecology Study suggests that landscape design should consider wildlife corridors around the site where possible, particularly leading towards the access lane which heads to the River Kelvin. The council notes that Garrioch Road forms an existing hard surface barrier between the site and the Kelvin river corridor. The proposed landscaping scheme includes a generous central amenity area and two lime trees are proposed in the north-west corner of the site between the central space and the access lane.

5.7 The council notes that the surrounding area has particularly generous green spaces which contribute significantly to Glasgow's biodiversity. The Ecology Report concludes that the habitats in the site itself currently have a low diversity value though, left to develop further, the site could in time provide a more significant resource. The landscaping proposals would create a future resource for wildlife and include replacement planting of lime trees and a generous central amenity area that would be maximised to encourage biodiversity. There is potential to incorporate bat and bird boxes within the development proposals, and the private garden and backcourt areas could also make a contribution to the biodiversity value of the site. The council is therefore satisfied that the proposed development could in time make a net positive contribution to the biodiversity value of the site itself and surrounding area, and would support the existing green network function.

### **North Kelvin Meadow Group and North Kelvin Community Council**

5.8 North Kelvin Meadow Group and North Kelvin Community Council point out that grass normally out-competes flowers. The former sports pitch surface gives the soil a poor fertility, which is exactly what wild flowers need to grow without being out-competed by grass. A meadow does not need weeding since it is in balance, though it does need some maintenance. North Kelvin Meadow Group and many others have been actively doing this during the last 8 years, and have sowed meadow-friendly grass seed which is slow growing and does not out-compete the wild flowers. A variety of flora attracts bumble bees, other insects and bird life much more than a manicured garden. The land has

produced much-needed engagement from local people and furthers an interest in the natural world beyond its physical boundaries. This is the case for all ages but in particular students, teenagers and young children.

5.9 The land is classed as being “unimproved neutral grassland”. This should be protected in terms of the Glasgow Biodiversity Action Plan (LBAP). Actions stated in the plan include:

- Ensure the importance of neutral grasslands, and their management, is recognised in Local Plans and Policy Guidelines;
- Provide guidance on grassland management;
- Survey known neutral grassland sites to assess vegetation types and quality; investigate areas for feasibility of habitat creation;
- Oppose, or propose alternatives to, development applications for land use which will damage or destroy areas of neutral grassland.

The habitat is also considered one of national importance in the UK Biodiversity Action Plan.

5.10 While the NCV commissioned report says that the flora on the site are not of particular quality in terms of species diversity, a recent survey by an amateur botanist of a small area of a few square metres of the meadow which had been under a management regime of mowing suitable for unimproved grassland identified 18 species of plants comprising wildflowers of kinds to be expected on an unimproved neutral meadow of conservation value. Across the meadow as a whole there are highly likely to be many more species present. The density of wild flowers is a significant resource for pollinating insects. The Group and the Community Council therefore dispute the ecological survey’s conclusion that the grassland was yet to develop any significant diversity. They point out that there has not been a botanical survey done since 2012 and that the diversity of the site has increased since then, also that the survey on behalf of NCV was done in April a time at which most open meadow flowers would not be out. There has been no repeat survey.

5.11 The Group and Community Council consider that the area under management has been a success. The management could be extended to more of the site. It is deemed that 30% of the grassland could be managed as high diversity wildflower meadow of the type ‘unimproved neutral grassland’. The species found in the managed area are noticeable throughout the meadow, and the main aim of management would be to increase their density. This requires only one cut a year. There are many other species in the meadow that would be increased in density when the management regime is extended.

## **The Children’s Wood**

5.12 CW believes that the meadow and wood play an essential role in the biodiversity of the area, and that CW activities help to educate many people about the benefits of nature and conservation. The land provides part of a green corridor for animals and insects to move between the Botanic Gardens , River Kelvin and the canal. There are over 500 trees on the land which help to absorb rainfall and reduce flooding, as well as absorbing carbon dioxide. The meadow flowers provide a healthy habitat for bees and other insects. A plant

life audit found 39 species of wildflowers, 5 species of orchids, 3 species of ferns and horsetails, 3 species of moss, 4 of fungi, 4 of trees and shrubs (hawthorn, silver birch, birch and oak), around 15-20 types of grass and 7 non-UK native species.

5.13 CW commissioned a tree survey to help with the management of the site. This reported in January 2016 and related to 57 trees within the site boundary. Of the 17 mature lime trees fronting Clouston Street, all but two were found to be in 'good' condition, with the remainder (and the hawthorn) 'fair'. The majority of the remaining trees surveyed (with species including birch, maple, whitebeam, elder, ash, sycamore, elm, willow and poplar) were also found to be in 'good' condition. The report made a number of recommendations for management of the wood. CW staff have been working to protect the site through planting different species and managing the woodland as well as maintaining and building biodiversity for future generations to enjoy. Fruit trees and bushes have been planted in the orchard with local children, who have also created homes for bees and helped with monitoring and recording species.

5.14 CW has worked with the local community and larger organisations like the Royal Society for the Protection of Birds (RSPB), Conservation Volunteers, Clyde College, Glasgow University, Santander and British Telecom on nature and conservation projects. Collaborative projects have included planting wild meadow seed, a house sparrow meadow plot and compost bins. RSPB cites the value of urban greenspace in getting children involved with nature. At the hearing, RSPB's representative noted that urban priority species are present on the site, for example invertebrates that support sparrows; bee species; hedgehogs; swifts; and pipistrelle bats. The LBAP is being rewritten, and it was stated that the council is seeking to keep and create grassland and to increase woodland in the city, with a target of an additional 10 hectares of trees.

5.15 CW reports sightings of bats on the meadow and in the wood, and suggests that the survey carried out for NCV was not adequate and should be repeated. The survey done in 2014 was carried out relatively late in the season. Ideally, surveys should be spread between late April and September. There are potential roosting sites for bats that were not mentioned in the report. Only three surveyors were used in 2012 and two in 2014, and it would have been very easy for the small number of surveyors to miss emerging bats. The report does not describe methodology or equipment.

### **Other parties**

5.16 Councillor Wardrop draws attention to City Plan 2, where Policy DES 2 states that any development should protect existing biodiversity, compensate for unavoidable loss and enhance or add to the biodiversity (DES 4). In her view, the proposal fails this test. Currently the land supports wildlife and biodiversity; it is also a logical extension of the green network that allows movement of wildlife between the River Kelvin and Dawsholm Park and further to the north at the canal and then Ruchill Park. This would be destroyed by building on the site. The ecology survey supporting the planning application does not mention the over 500 trees, the wild flowers and grasses, abundance of orchids, and wildlife that inhabit this land. It is rare for a piece of inner city Glasgow to be left to flourish by nature, but that is what this happened at this site for at least the last 22 years.

5.17 Written representations on trees and biodiversity make the following points:

- The proposed development does not reinforce connectivity to the green network or safeguard the natural environment. No compensation for the loss of biodiversity is proposed. The site supports a range of habitat and wildlife, and has a high biodiversity value.
- The ecological assessment submitted with the planning application refers to additional work that needs to be carried out in order to fully document the species that are present on the land. This work has not been carried out. Also the preliminary ecological assessment was conducted at a time of year when species are inactive.
- RSPB Scotland is concerned at the potential loss of greenspace in this area and does not support the proposal. However, should planning permission be granted, RSPB would wish to see swift nesting sites incorporated into the new buildings.
- The line of mature lime trees along the southern border of the site are subject of a TPO and are in a conservation area, and should be retained.
- The submitted tree survey and ecological survey do not properly consider the landscape or biodiversity value of the site.

### **Conclusions on trees and biodiversity**

5.18 Dealing first with the mature lime trees facing Clouston Street, it appears to me that the majority of these (15 out of 17) are in good or fairly good condition, while the remaining two together with the hawthorn have significant problems that would justify their removal. In the longer term (beyond 20 years) the age structure of the group could lead to progressive natural loss as they begin to approach their lifespan. However, that is an argument for selective removal and new planting, rather than wholesale felling. The proposed replacement with 8 fastigiated lime trees would halve the present number of limes, and the new trees would be considerably smaller.

5.19 In City Plan 2, Policy ENV 8 states that development should not cause the loss of, or serious damage to, trees, woodlands or hedgerows, which are covered by an existing TPO, are on council owned land, are of significant ecological, recreational, historical, shelter or landscape value or are in a conservation area. It appears to me that the proposal, which would remove not only the TPO protected trees but also the many other smaller trees which lie within the conservation area, would not comply with this policy. In the new LDP, Policy CDP 7 states that new development should not have an unacceptable effect on trees, woodlands or hedgerows that are of importance, and that where development which may have an impact on such assets is permitted, it should be designed to minimise adverse impacts and, where these cannot be avoided, suitable mitigation should be provided. I do not consider that the impact of the proposal on the protected trees (their total destruction) would be minimised, or that the proposed mitigation would be adequate.

5.20 As regards the biodiversity of the site as a whole, a combination of natural processes and human intervention over a 20 year period has led to a complex semi-wild assemblage of woodland and meadow which is home to several different tree species, neutral grassland and 20-40 different wildflower species. There is also insect and bird life, and evidence of bats which, even if they do not roost there, visit the site in transit or to forage. While the site may not have the rich biodiversity of the Botanic Gardens and Kelvin Valley, which are

much longer established and more intensively managed, it still makes a valuable contribution to bringing nature into the heart of the city. The proposed planting as part of the residential development would be accompanied by a reduction in the amount of land supporting trees, grass and flowers, and (at least in the short to medium term) the diversity of species present.

5.21 The suggestion has been made that the site forms part of a green corridor linking the Botanic Gardens and the River Kelvin to the canal. However, given the continuous barriers provided by roads and buildings (such as Garrioch Road and Maryhill Road) it might be more helpful to think of the site as a stepping stone. In this role it may have some value for insect, bird and bat species.

5.22 Policy ENV 6 of City Plan 2 states that development should not have any adverse effect on existing habitats or species protected in law, international conventions or agreements or which are identified as a priority in government objectives, the Glasgow LBAP or are important because of their conservation status. Development should be sited and designed to minimise adverse impacts on the biodiversity of the site (including its environmental quality, ecological status and viability). Bats are protected species, though the available evidence does not confirm that there are roosts on the site. Planning conditions could be applied to ensure that any risk to bats was minimised.

5.23 Neutral grassland is identified as a priority habitat in the UK Biodiversity Action Plan and Glasgow LBAP. While relatively small in the context of Glasgow as a whole, the North Kelvin Meadow appears to me to come within this category, and therefore within the scope of Policy ENV 6. By removing the meadow, the proposal would fail to minimise the adverse impact on the biodiversity of the site. Policy ENV 6 allows for development where it can be demonstrated that public benefits at a national, or city region wide level, will clearly outweigh the value of the habitat for biodiversity conservation. The development would help to meet housing need, but it is open to question whether the public benefits at city region level would outweigh the loss of habitat. Policy DES 4 requires development to maintain local diversity and distinctiveness, including natural heritage features of landscape and biodiversity value such as woodland. I do not consider that the proposal would do this.

5.24 In terms of the new LDP, Policy CDP 7 seeks to protect sites, habitats, species or ecosystems protected by law or which are designated as important for their nature conservation value. Again, it would appear that neutral grassland would come within the scope of the policy. The policy also states that new development should not further fragment habitats, networks or isolate habitats or species, but should wherever possible, help to develop linkages between habitats. The removal of the 'stepping stone' provided by the site would not appear consistent with this aim.

## **CHAPTER 6: EFFECTS ON THE CONSERVATION AREA**

### **Introduction**

6.1 The Glasgow West Conservation Area Appraisal notes that development in North Kelvinside is denser than in the areas further south. A number of planned developments are designed around central gardens, and a blend of spacious private gardens, tree-lined streets and communal gardens forms an integral part of the townscape, and along with more modest recreational, play and amenity areas contributes to the character of the locale. The existing development surrounding the site cannot be said to have been designed around it, but the open space and trees which it provides help to soften the high-density urban character of the neighbourhood. While the proposal would provide some areas of open space and some new trees, it would represent a thickening of the urban texture and a substantial reduction in green-ness.

### **The Council**

6.2 The council recognises that developing the site would reduce its open character. However, the council considers that the proposal incorporates generous areas of landscaping within the development, including a flexible central open space planted with native trees and shrubs, as well as a formal crescent garden to Clouston Street, and private garden areas. The council points out that the Conservation Area Appraisal notes that “the progressive loss of mature broadleaves of large stature, e.g. lime, elm, ash, sycamore is leading to a change in the historic landscape character. Many trees have reached a maturity not envisaged by the original landscape designers and have outgrown their location. Often there is no replacement tree planting or replacement with smaller garden varieties or non-native species”.

6.3 The proposed development involves the removal of the existing trees, and their replacement with a formal line of 8 fastigiated lime trees within a formal crescent-shaped garden on the Clouston Street frontage, which the council argues is very much in the form of the 60 or more communal gardens in the conservation area. A further 11 limes and 46 multi-stemmed birch trees are proposed elsewhere on the site. The new trees would be a rare example of a comprehensive replacement planting scheme in the conservation area, and the limes could live 100-150 years depending on events. The TPO would be transferred to the new trees at the location. The council considers that, on balance, the proposal would preserve the special character of the Glasgow West Conservation Area.

### **Representations**

6.4 Representations point out that the site was historically a school playing field which added an open character to this part of the conservation area. The proposal would erode the historic character of the area. Representations also criticise the proposed layout and design and their effects on the character of the conservation area. I have dealt with these matters in the previous chapter.

### **Conclusions on the conservation area**

6.5 Policy DES 3 of City Plan 2 requires proposals for new development in, or affecting the setting of, a conservation area, to:



- preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area;
- be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;
- protect significant views into, and out of, the area;
- retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and
- retain trees which contribute positively to the historic character of the area.

As discussed in the previous chapter, I consider the proposal to accord with the second of these bullet points. However, it would not retain open space and trees which contribute positively to the historic character of the area. Even taking account of the proposed open space and tree planting elements of the proposal, I do not consider that it would, on balance, preserve and enhance the special character and appearance of the area, or that it would comply overall with Policy DES 3.

6.6 In terms of the new LDP, Policy CDP 9 supports high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interest of its listed buildings, conservation areas, scheduled monuments, archaeology, historic gardens and designed landscapes and their settings. The council is unlikely to support development that would have a negative impact on the historic environment. I consider that the negative impact on the character of the conservation area resulting from the loss of open space and trees would not accord with this policy.

## CHAPTER 7: OVERALL CONCLUSIONS AND RECOMMENDATIONS

7.1 The application requires to be determined in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this case are the need for housing land, the loss of open space, the adequacy of proposed mitigation, and the effects of the proposal on trees and biodiversity, the Glasgow West Conservation Area, listed buildings and residential amenity. Given that the existing local plan (City Plan 2) is 7 years old and is about to be replaced by the Proposed Glasgow Development Plan (LDP), the latter together with the examination report is a material consideration that carries substantial weight.

7.2 The proposal would contribute 90 residential units, which could be substantially completed by 2020 to meet the foreseen need for private housing construction in the period 2015-2020. The proposal would represent about 1% of the need for private housing land during this period, and its modest scale needs to be kept in mind and balanced against other considerations, notably the loss of open space. The existing local plan (City Plan 2) as read with the Glasgow Open Space Map identifies the site as a 'Housing Site affecting protected Open Space'.

7.3 While in strict legal terms there is currently no established planning use of the site, the site is in fact used as a community woodland and park. The council considers this to be an appropriate use of the land, since it has granted planning permission for this purpose. Policy ENV 1 of City Plan 2 requires that where development takes place on open space within categories which include the current uses of the site, the development should provide locally an equivalent, or higher quality, open space to directly replace the type of open space that would be lost. The measures proposed by NCV and the council – a small area of communal open space within the development, the upgrading of existing sports pitches at Queen Margaret Drive (which may be in doubt if that site is needed for a school) and a developer's contribution to a fund for upgrading other existing facilities – would not satisfy this requirement.

7.4 The loss of the site to residential development would result in a net reduction in the amount of open space available to the community. Other public open spaces near the site are very different in character from the informal meadow/woodland setting of the land at Clouston Street, and are not capable of supporting the same range of activities. Policy ENV 1 would not be satisfied, since the applicant and the council have not identified land of similar size and character where the uses that take place on the present site could be replicated.

7.5 The new LDP, as read with the examination report, will not allocate the site for residential development and will retain it as protected open space. Policy CDP 6 requires appropriate mitigation for development that is likely to adversely impact on the existing green network. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality. While there is not a gross deficit in the provision of green infrastructure in the area, the land at Clouston Street is of a different type from the other existing provision. Its development would result in a deficit in the specific types of green infrastructure which the site accommodates, including play spaces, allotments and community growing spaces. The proposal, and the proposed mitigation, would therefore not be consistent with the policy, or with SPP.

7.6 The proposal would remove 18 trees which are protected by a TPO. Fifteen of these appear to be in good or fairly good condition. It is proposed to replace them with 8 semi-mature fastigiated lime trees. Policy ENV 8 of City Plan 2 states that development should not cause the loss of trees which are covered by an existing TPO, are on council owned land, are of significant ecological, recreational, historical, shelter or landscape value or are in a conservation area. The proposal would remove the TPO protected trees and also many other smaller trees which lie within the conservation area, and would not comply with this policy. In the new LDP, Policy CDP 7 protects trees that are of importance and seeks to minimise adverse impacts and, where these cannot be avoided, provide suitable mitigation. I do not consider that the impact of the proposal and the proposed mitigation would accord with this policy.

7.7 Policy ENV 6 of City Plan 2 states that development should not have any adverse effect on existing habitats or species protected in law, international conventions or agreements or which are identified as a priority in government objectives, the Glasgow LBAP or are important because of their conservation status. The site contains neutral grassland, which supports wild flowers and is identified as a priority habitat in the UK Biodiversity Action Plan and Glasgow LBAP. By removing the meadow, the proposal would fail to minimise the adverse impact on the biodiversity of the site. Policy DES 4 requires development to maintain local diversity and distinctiveness, including natural heritage features of landscape and biodiversity value such as woodland. I do not consider that the proposal would accord with these policies.

7.8 In terms of the new LDP, Policy CDP 7 seeks to protect sites, habitats, species or ecosystems protected by law or which are designated as important for their nature conservation value. Again, it would appear that neutral grassland would come within the scope of the policy and would be lost. The policy also states that new development should not further fragment habitats, networks or isolate habitats or species, but should wherever possible, help to develop linkages between habitats. The removal of the 'stepping stone' provided by the site would not appear consistent with this aim, and the proposal would not accord with the policy.

7.9 Policy DES 3 of City Plan 2 requires proposals for new development in, or affecting the setting of, a conservation area, to:

- preserve and enhance the special character and appearance of the area, respect its historic context and have regard to the historic plans of the area;
- be of a high standard of design, respecting the local architectural and historic context and use materials appropriate to the historic environment;
- protect significant views into, and out of, the area;
- retain all existing open space, whether public or private, which contributes positively to the historic character of the area; and
- retain trees which contribute positively to the historic character of the area.

In my view the proposal would accord with the second of these bullet points. However, it would not retain open space and trees which contribute positively to the historic character of the area. Even taking account of the proposed open space and tree planting elements of the proposal, I do not consider that it would, on balance, preserve and enhance the special character and appearance of the area, or that it would comply overall with Policy DES 3. I also consider that the negative impact on the character of the conservation area resulting from the loss of open space and trees would not accord with Policy CDP 9 of the new LDP.

7.10 In terms of design, if the principle of residential development on the site were accepted, I would commend the design for approval (subject to conditions). It is a thoughtful design which responds well to the varied nature of the surrounding townscape. The proposal would preserve the setting of the neighbouring listed buildings and would not detract from their features of architectural and historic interest. The effects on residential amenity would, in my view, be acceptable. I consider that the proposal would comply with Policies DES 1, DES 2, DES 12, RES 1, RES 2, RES 4, ENV 4, ENV 5, TRANS 4 and TRANS 6 of City Plan 2. As regards the new LDP, it would gain some support from Policies CDP 1, CDP 2, CDP 9 and CDP 10.

7.11 While the proposal would be consistent with a number of policies in both the existing development plan and the new LDP (as read with the examination report), it would not comply with the policies that seek to protect open space and ensure adequate mitigation for its loss. It would also be inconsistent with policies that seek to protect trees and biodiversity, and the character of the Glasgow West Conservation Area. On balance, therefore, I consider that it would fail to accord with the development plan, or with the new LDP, as a whole.

7.12 In order to justify granting planning permission, it would be necessary for other material considerations to carry sufficient weight to overcome that deficiency. Shortage of housing sites is such a material consideration, but in my view the small scale of the site's contribution and the uncertain picture regarding the availability (or lack) of alternative housing sites do not create a compelling case.

### **Recommendation**

7.13 For the above reasons, I recommend that planning permission be refused. In the event that Ministers decide not to accept this recommendation and to grant consent, I attach at Appendix 2 a set of suggested conditions based on those proposed by the council. I consider that these are necessary to make the development acceptable (if the principle of development of the site is conceded) and that they comply with the tests set out in Circular 4/1998.

*Michael J P Cunliffe*

Reporter

## **APPENDIX 1: PARTICIPANTS AT THE HEARING**

### **New City Vision**

Harry O'Donnell, Chairman  
Steven Black, Group Technical Manager  
William Preston, Architect

### **Glasgow City Council**

Ken Clark, Head of Development Management  
Ian Briggs, Planning Officer

### **North Kelvin Meadow Group and North Kelvin Community Council**

Douglas Peacock  
Ian Black

### **The Children's Wood**

Emily Cutts, Chair  
Prof Quintint Cutts  
Ralph Green  
Marguerite Hunter Blair (Chief Executive, Play Scotland)  
Dr Katherine Jones (RSPB Scotland)  
Andrew Dickenson (Head of Junior School, Kelvinside Academy)  
Joni MacKay  
Daniel Livingston  
Alex Macgregor  
Prof John McKendrick  
Monica Porciani  
Dr Niamh Stack  
Michelle Peddle  
Kelly Ramsey  
Susie Marshall  
Sapna Agarwal  
Sheila Penny  
Tam Dean Burn  
Riikka Gonzalez  
Andrea Fisher  
Dr John Donaldson  
Stephen Greenland  
Dr Scott Shanks  
Jim McChesney  
Gerard Ferns

### **Other participants**

Councillor Martha Wardrop  
Baillie Nina Baker

## APPENDIX 2: SUGGESTED CONDITIONS

1. The development shall be implemented in accordance with the following drawing numbers:

AL(0)01 'Location Plan'  
AL(0)02 'Topographical Survey'  
5296/02 'Street Elevation Kelbourne and Sanda'  
5296/03 REV A 'Street Elevations Clouston Street'  
5296/04 REV A 'Townhouses Plans and Front Elevation'  
5296/05 'Townhouses Elevations Third and Roof'  
5296/06 'Apartments Principle Elevations'  
5296/07 'Apartments Rear Elevations'  
5296/08 'Apartments Ground Floor'  
5296/09 'Apartments First Floor'  
5296/10 'Apartments Second Floor'  
5296/11 'Apartments Third Floor'  
5296/12 'Apartments Fourth Floor'  
5296/13 'Apartments Roof Plan'  
5296/14 'Lodge Elevations'  
5296/15 'Lodge Floor Plans'  
5296/16 'Mews Houses Front Elevations'  
5296/17 'Mews Houses Rear and Side Elevations'  
5296/18 'Mews Houses Floor Plans Plots 65 - 69 and 90'  
5296/19 'Mews Houses Floor Plans Plots 70 - 77'  
5296/20 'Mews Houses Floor Plans Plots 78 - 82 and 85 - 89'  
5296/21 'Bin and Cycle Stores'  
5296/22 REV A 'Townhouses Details'  
5296/23 'Apartment Details 1'  
5296/24 'Apartment Details 2'  
5296/25 'Apartment Details 3'  
5296/26 'Apartment Details 4'  
5296/27 'Mews House Details'  
5296/28 'Site Sections'  
111004/L01 REV C 'Landscape Layout'  
111004/D01.1 REV A 'Typical Details'  
111004/D01.2 REV A 'Typical Details'  
111004/02 REV B 'Typical Hard Details/ Street Furniture Photos'  
111004/D03 REV A 'Selected Plant Photos'  
111004/S01 REV B 'Clouston Street Frontage Section A-A'  
111004/S02 REV A 'Public Open Space Section B-B'  
111004/s03 REV A 'Public Open Space Section C-C'  
2051-15 'Adoption Plan'  
2051-20 REV B 'Drainage Plan'  
2051-29 REV A 'Overland Flow Path'  
2051-50 'Swept Path Analysis - Refuse Vehicle'  
2051-51 'Swept Path Analysis - Fire Appliance'

as qualified by the undernoted conditions, or as otherwise agreed in writing with the planning authority.

*Reason: To ensure that the development is carried out in accordance with the approved details.*

2. Unless otherwise agreed in writing by the planning authority, external materials shall be:

Townhouses:

Front and side elevations: natural sandstone ashlar, with wet-cast natural stone porticos, cornices, bands, architraves, copings and dressings.

Rear elevations: textured render with wet-cast natural stone details.

Natural slate roof.

All joinery to be painted timber.

Metal rainwater goods, painted out black.

Apartments (Tenement Block):

Rusticated natural sandstone ashlar walls with natural sandstone ashlar stonework above to principal elevations.

Wet-cast natural stone entrance porticos, entrance door surrounds, architraves, bracketed window heads and banding.

Rear elevation and south-west gable end wall: textured render with rusticated natural stonework and natural stone quoining where shown.

Natural slate roof.

All joinery to be painted timber.

Metal rainwater goods, painted out black.

Mews Houses:

Natural slate roof.

Natural sandstone ashlar to principal elevations, with textured render above.

Textured render to rear and side elevations with natural stone quoining.

Wet-cast natural stone copings, architraves and banding.

Painted timber joinery.

Painted metal balustrading.

Metal rainwater goods, painted out black.

Lead-clad dormers.

Flush fitting conservation style rooflights.

Gate Lodges:

Natural slate roof.

Natural sandstone ashlar to street and entrance elevations where coursing is shown on the drawing.

Textured render to garden elevations.

Wet-cast natural stone copings, architraves, banding and gate piers/flank walls.

Painted timber joinery.

Metal rainwater goods, painted out black.

Lead-clad dormers.

Landscaping (hard surfaces and boundary treatments):

Black painted galvanised metal hoop railing fence, with natural stone ashlar wall below where indicated.

Natural stone flags.

Block paving (details to be submitted).

Samples of all external materials, and appropriate product literature, shall be submitted to and approved in writing by the planning authority. This written approval shall be obtained before any materials are used on site. A sample panel of the elevation finishing materials, including mortar joints (where appropriate), shall be erected on site for the inspection and written approval of the planning authority. This written approval shall be obtained before any finishing materials are used on site, and the approved sample panel shall remain in place throughout construction.

*Reasons: To enable the planning authority to consider these aspects in detail, and to safeguard the character of the development, the setting of surrounding listed buildings, and the amenity of the Glasgow West Conservation Area.*

3. Before any work on the site is begun, details of any proposed surface water drainage system or any other matters relating to flooding issues associated with any watercourses and the proposed development shall be submitted for the written approval of the planning authority. Thereafter the approved drainage scheme shall be implemented in full prior to the occupation of the approved buildings. For the avoidance of doubt there shall be no surface water discharge from the proposed site in to the River Kelvin. All surface water shall be discharged into the Scottish Water combined sewer.

*Reason: To minimise the risks of flooding and of water pollution.*

4. The existing right of way (running diagonally from the south-western corner of the site at Clouston Street to the existing pedestrian entrance at Kelbourne Street) shall be diverted to the new axial pedestrian link through the site from Clouston Street to Kelbourne Street as indicated in Landscaping Plan 111004/L01 REV C.

*Reason: to safeguard the public right of passage across the site.*

5. Before any work on the site is begun, a comprehensive site investigation for mineral and geotechnical constraints, informed by rotary drilling to confirm the depth to and condition of the coal seams beneath the site, shall be submitted to and approved in writing by the planning authority. The investigation shall include a risk assessment of all identified constraints. Where the risk assessment identifies any unacceptable risk or risks, it shall include a detailed remediation strategy. The approved remediation works shall be carried out prior to the commencement of any development on site other than that required to carry out remediation.

*Reason: To ensure the ground is suitable for the proposed development, given that the Coal Authority has identified that the site is located in an area where unrecorded coal mining activity may have taken place at shallow depth, and that the Coal Mining Report submitted by the applicant recommends an intrusive site investigation as detailed in this condition.*

6. In the event that any previously unidentified contamination is found at any time when carrying out the approved development, it shall be reported in writing to the planning



authority within one week. A comprehensive contaminated land investigation, including risk assessment and remediation strategy, shall be carried out as required by the planning authority. The approved remediation works shall be carried out prior to the recommencement of development on the affected part of the site.

*Reason: To ensure the ground is suitable for the proposed development.*

7. Before any work on the site is begun, a scheme of landscaping for the external areas shall be submitted to and approved in writing by the planning authority. The scheme shall include details of hard and soft landscaping works, boundary treatment(s), details of trees (including tree pit dimensions), and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. The proposed landscaping scheme shall incorporate the following recommendations for enhancing biodiversity contained within the Ecological Assessment Report by JDC Ecology Ltd (August 2014):

Prioritise native plant species for all landscape planting.

Consider erecting bird and bat boxes on suitable trees or buildings. Habitat bat boxes and swift boxes can be incorporated directly into buildings and can be faced to match the building.

*Reason: To ensure that the landscaping of the site contributes to the landscape quality and biodiversity of the area.*

8. Unless otherwise agreed in writing by the planning authority before works have begun on site, the proposed residential road shall be designed as an asphalt carriageway with 2 metre footway on the exterior and 2 metre wide verge on the interior.

*Reason: In the interests of pedestrian and vehicular safety.*

9. Vehicular access to the private parking courts from the adoptable future road shall be taken via dropped kerb footway crossings designed and constructed in accordance with figure 5.8 of the design guide: New Residential Areas Development Guide.

*Reasons: In the interests of pedestrian and vehicular safety, and to ensure that the required car parking provision is made within property curtilages.*

10. Car parking bay dimensions shall measure 2.5 metres x 5 metres with a 6 metre aisle width.

*Reason: In the interests of pedestrian and vehicular safety.*

11. Before any work on the site is begun, a maintenance schedule for the landscaping scheme/open space, and details of maintenance arrangements, including the responsibilities of relevant parties, shall be submitted to and approved in writing by the planning authority.

*Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.*

12. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure the continued contribution of the landscaping scheme/open space to the landscape quality and biodiversity of the area.*

13. Before development begins on site full details of all external vents, flues and any other similar fixings shall be submitted to and approved in writing by the planning authority. Where reasonably practical, all requirement for vents, flues and similar fittings shall be accommodated to rear elevations, or via rising internal service ducts which terminate at roof level.

*Reason: In order to safeguard the visual appearance of the property and the amenity of the surrounding area.*

14. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

*Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.*

15. Before any work on the site is begun, a noise survey demonstrating the impact of the proposed development on dwellings/noise sensitive premises and carried out by a method agreed with the planning authority shall be submitted to and approved in writing by the planning authority. Where the survey predicts an adverse impact on residential/noise sensitive premises, details of mitigation measures shall be specified in the survey report. The approved mitigation measures shall be completed before the use of the development commences.

*Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.*

16. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development (or the relevant part of the development) is occupied.

*Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.*

17. Before any work on the site is begun, an assessment of the impact of emissions to air from or associated with the development, including associated road transport, construction and demolition, carried out by a method agreed by the planning authority, shall be submitted to and approved in writing by the planning authority. The assessment report shall make reference to the standards and objectives of the National Air Quality Strategy. Where the development is assessed as having an adverse impact on local air quality, including that of any Air Quality Management Area, mitigation measures shall be specified in the report.

The approved mitigation measures shall be completed before the use of the development commences.

*Reason: To ensure that local air quality is maintained.*

18. Safe, secure and sheltered cycle parking facilities for residents of the flats shall be provided for a minimum of 46 bicycles within the development. Full details of this provision shall be submitted to and approved in writing by the planning authority before development begins on site.

*Reason: In order to encourage cycle use by residents of the development and contribute to local and national policies for sustainable transport.*

19. Details of the proposed architectural and street lighting design, including the type, dimensions, locations and colour of fittings, a programme for the implementation/phasing of the lighting in relation to the construction of the development, and details of the future maintenance and management arrangements, shall be submitted to and approved in writing by the planning authority before works begin on site.

*Reason: To enhance safety and security during hours of darkness, and to safeguard the character of the development and of the surrounding Glasgow West Conservation Area.*

## **APPENDIX 3: DOCUMENTS**

### **NCV**

Planning Application and Supporting Documents  
Hearing Statement

### **Council**

Hearing Statement  
The Proposed Glasgow City Development Plan  
The Examination Report  
Sports Pitch Strategy & Implementation Plan (3 report documents)  
Planning Applications Committee Report for application 12/00924/DC  
Sportscotland email to GCC dated 09 Dec 2015  
City Plan 2, Part 3  
City Plan 2 Environmental Designations Map  
PAN 65 Open Space Maps (2 maps and a Key Panel)  
Tree Preservation Order  
Circular 6/2013 Development Planning  
Scottish Planning Policy  
Glasgow West Conservation Area Appraisal

### **North Kelvin Meadow and North Kelvin Community Council**

Hearing Statement

### **The Children's Wood**

Hearing Statement  
Appendix 1 – Local Development Plan Issue 26  
Appendix 2 – Statistics  
Appendix 3 – Teacher Training  
Appendix 4 – Glasgow University Research  
Appendix 5 – Education Pack  
Appendix 6 – Planning Permission  
Appendix 7 – CW Shed plans  
Appendix 8 – NKM CW plant life  
Appendix 9 – CW tree survey  
Appendix 10 – Open letter

### **Councillor Martha Wardrop**

Hearing Statement  
Committee Report on Glasgow West Conservation Area Appraisal, 19 April 2011