

# VICTORIA INFIRMARY REDEVELOPMENT



## A REPORT ON THE EXPERIENCE OF ENGAGEMENT BY THE LOCAL COMMUNITY IN THE PLANNING PROCESS AND RECOMMENDATIONS FOR IMPROVEMENTS

This report is by the **Victoria Forum**, a community group formed by four Glasgow community councils in 2015, in response to the NHSGGC decision to sell the former Victoria Infirmary and Mansionhouse Unit sites for re-development following the transfer of services to the new Queen Elizabeth University Hospital.

The purpose of the Forum was to advocate the widest possible public engagement in the master planning for the Victoria Infirmary site for which housing and mixed uses were already approved in the City Plan, since the type and mix of housing, and influx of new residents has implications for traffic, parking, schools, the character and facilities of the Battlefield area, public realm, local and national heritage.

This Report summarises our experience of attempting to meaningfully engage in the planning process, listing some successes but also quite a few failures and the reasons for them. It presents some recommendations to Glasgow City Council which we believe should be considered by them if their stated objectives of increased community engagement and empowerment are to be achieved. Our findings are also relevant to the wider planning process in Scotland.



## SUMMARY OF FINDINGS AND RECOMMENDATIONS

Glasgow City Council has stated that it wants to increase community involvement and empowerment. This was a major plank of the new Administration's manifesto for the 2017 election. If this is a serious objective then, in relation to planning and especially for large scale developments, our experience shows that there is still some way to go to make this a reality. Despite several setbacks and some disillusionment we persevered partly in the hope that lessons may be learned but also because we think the Working Group which emerged from the process has been one positive outcome.

For larger scale developments affecting a neighbourhood:

1. **Officers need to move beyond merely following the minimum statutory procedures and timetable and require developers to do the same.** We acknowledge that in the case of the Victoria officers did give extra time to act on behalf of the community in improving the planning application and also reporting to the Working Group. But there is no guarantee that this would happen in other cases. The system is stacked against the community. The only way the views of the community can be guaranteed to be presented and heard is via formal "objections" (and occasional demonstrations). If these are rejected, as they often are not, the community has no right of appeal. Developers do and they know this. When we asked the Victoria developer (Sanctuary) what they would do if their application was rejected, they said they would appeal – no question of a rethink or compromises. So there is already **a built-in power imbalance** in the planning system. Until the law is changed ways need to be found to correct this imbalance.

2. To achieve this, at the start of the process the Council should attempt to achieve an **Agreement or Concordat** outlining the obligations on the local authority, the developer and the community. The Concordat should set out how the community can have access to officers for information, how both the developer and the Council are to engage with the community and how the community's views are to be presented and considered.

3. The key change is that the Council needs to move to **a more open, genuine and meaningful engagement process right at the start**, and require developers to do likewise, whether this is by a Masterplan or creating a local framework plan. "Meaningful" here means that the community's views are not only sought but included in proposals or as options to committees when decisions are made. We do not expect them all to be accepted but they should be heard. If a developer is involved at this stage they should not be allowed to sift or select and present only what suits them. After a Masterplan or local framework plan decision is made within which a planning application is to be considered then the more formal and statutory consultation procedures can begin.

4. **Resource issues should not be used as an excuse.** Local communities, if they feel that the process is genuine, are likely to offer to use their own knowledge, resources, premises and expertise to help the process along. They will respond constructively and will certainly be less cynical. After all it is their community. Formal objections and confrontations may even be reduced. This can only lead to better results.

## **WHAT GLASGOW CITY COUNCIL CAN DO NOW**

**We acknowledge that some changes we propose will require Government legislation,** for example Third Party right of appeal and requiring developers to sign up to a Concordat.

However most of the changes proposed in this Report (see detailed Recommendations) **can be implemented by the City Council now** without any legislation.

These are:

1. At the start of the process **the Council should take the lead** in attempting to achieve **an Agreement or Concordat** outlining the obligations on the local authority, the developer and the community
2. Not accepting developer led **consultations** as adequate unless they
  - a. Publish in full (with a statistical summary) all the comments received
  - b. Engage in community consultation events as well as seeking individual comments
3. Where a Masterplan or Local Plan is to be produced, not to accept this as adequate unless it follows **the Scottish Government's Advice Notes** (Pan 83) in relation to involving the three main stakeholders and requiring a social and economic assessment to be carried out
4. The Masterplan or Local Plan should be submitted to the **Neighbourhoods Committee** with the full understanding by Members that they are able to modify or reject it if they do not feel that points 1 and 2 above have been carried out adequately
5. If the Council does not have **resources** to carry out a full scale charette or similar consultation exercises then supporting and giving adequate time for the community to access these from elsewhere
6. Setting up a short term **Working Group** to look at implementation and the wider effects of the proposed developments
7. Where there is a large application with many documents published on line ensuring that there is an index and at least one **printed copy** available in the local Library

## BACKGROUND

- Both hospital sites are in Langside/Battlefield (G41) and comprise 9.5 acres and 2.62 acres respectively. These were publicly owned sites but the community had no say in their disposal to private companies.
- The City Plan identified both sites as “Masterplan” areas.
- These redevelopment plus those on the nearby Scottish Power site will add 800 new homes and thus at least 1600 new residents to an area
- The planning process began after the passage of the Community Empowerment Scotland Act (2015) but before the Act came into force.
- The Forum had representative from 4 Community Councils and others with planning, design, and community engagement experience.
- The Forum established a website (<https://newoldvicky.com>) and facebook page with useful links, carried out an on-line survey with published analysis, organised a community consultation event and published all comments and proposals in detail, distributed leaflets, proposed a working group and reported to and consulted its member community councils.

## WHAT HAPPENED ?

**The Mansionhouse Unit site** was sold to CALA Homes for housing in summer 2015. No masterplan was undertaken, and an application for 101 flats was submitted. The local community objected mainly to the scale (height) of the development and the number of flats. Because of the weight of objections there was a site visit and a hearing but all the main objections were rejected. Construction is underway.

**The Victoria Infirmary site** was purchased by Sanctuary Housing with authorisation by GCC DRS for a developer-led Masterplan to be submitted simultaneously with the planning application. The “Masterplan” was approved by the Council’s Neighbourhoods Committee early in 2018 and the planning application soon after. There will be 413 apartments on the site, most to be for sale through Sanctuary Homes, with 135 to be “affordable” (details still pending). There will also be some retail and office units. The plan retains one B listed building and also the original Nightingale wards and a lodge building which were not listed.

This Report deals primarily but not exclusively with the Infirmary site.



# OUR EXPERIENCE, FINDINGS AND RECOMMENDATIONS

## 1. THE CONSULTATION PROCESS

Even where a Masterplan is not produced the developer is required as part of the planning application process for a major development to carry out a community consultation exercise and the adequacy of this will be taken into account by the planning officers.

Sanctuary HA as the Victoria site developer held 3 sets of information sessions in Langside Library in early 2017. Their ideas for the site were presented and feedback requested. There were around 600 repeat visits with 130 written comments. Sanctuary did not publish these. No public discussion session was held by them.

The Forum members were of the view that facilitated public discussion sessions are a more effective method of generating ideas, as well as increasing community involvement, rather than the traditional “comments” by individuals on concepts already presented by developers or architects. So we organised such an open session early in the process attended by 120 local people. Sanctuary was invited to take part but did not attend. The format was to request ideas for the redevelopment of the site under a number of headings (albeit within the City Plan guidance of primarily residential use). These ideas numbered 1700 and were collated into subject groups and published in writing and on line and sent to Sanctuary and Council.



In its planning application Sanctuary referred to its own Library consultations and selected a number of comments from those they received (but did not quantify them). They also selected a number of the ideas produced by the Forum public discussion. As an example, the Forum meeting showed that 50% explicitly wanted a mix of flats and some town houses (based on local understanding of housing need). Sanctuary said that “some” people wanted houses but that did not fit with their design concept which was to be 100% flats. Another example is that the Forum meeting showed that 50% wanted a children’s play area but Sanctuary rejected this as not being their company’s “policy”

In effect by not publishing the full list and selecting only some Sanctuary were able to be both judge and jury. This was accepted by the Council planners as an adequate process. The Council Planning Committee was not presented with the full list or even a statistical summary of what those who attended the Sanctuary consultations had actually said or desired. The Committee was therefore required to judge the merits of the Sanctuary proposal without being given the full independent information on the degree or strength of feeling by the community on specific issues.

## Recommendation 1

For a large scale development site with major impact, whether producing a Masterplan or Local Plan or not, consultations should be open-ended; that is before any specific proposals are presented. This can be either charette style or similar. As we showed in our public meeting, properly managed these will be constructive and not confrontational. Ideally they should be led by the Council or an independent facilitator (the Shawlands Town Centre Plan is a good example). With these inputs proposals can then be commented on in more detail in further consultation rounds. Developers should be required to provide a full statistical report of all the comments they receive



## **2. THE “ MASTERPLAN”**

Successive City Plans identified both these former hospital sites as Masterplan sites. The Forum members assumed that this would be the main way that wider issues would be dealt with and the means by which the community could make a contribution.

This was not unreasonable given The Scottish Government’s good practice advice (PAN 83) which states that masterplanning is a participatory process involving the 3 main stakeholders (the Council, developer and the local community) and embracing the impact of any development on the surrounding area - *The plan should be “linked to a social and economic analysis” and it should be based on “collaboration with communities and organisations, with either a stake or an interest in the area”*.

Despite repeated requests by the Victoria Forum to the NHS and then to GCC for them to prepare such a Masterplan looking at the impact on the wider area and with community involvement **at an early stage** in order to set the context for any planning application, this did not happen.

The Masterplan requirement was dropped completely in the case of the Mansionhouse Unit, without explanation. The Council handed the responsibility to produce a Masterplan for the Infirmary site to the developer (Sanctuary) with no guidance as to the method of community involvement.

When we asked the developer (Sanctuary) at the only meeting the Forum was granted by them if they were going use the Government's definition, they responded by saying that it was only an advice notice and they need not follow it. They did not.

This decision allowed the developer to adopt a narrower approach. Instead of being a contextual strategic plan for the area which took account wider social and economic issues (eg housing need) and neighbourhood impacts it became a site-limited largely design exercise. With no guidance by the Council the developer was able to limit community engagement to that which is required before a planning application.

At that stage we were still optimistic that at least a sequential process would result. This belief was based on a commitment given early in 2017 to Langside Community Council in writing by the Head of Planning and Building Services that the Masterplan was to be considered by the Council "at an early stage in the process" and "if adopted would allow for the Masterplan to become a material consideration when the planning application is determined." Not unreasonably, the Forum understood this to mean that some changes or revisions were possible, if councillors wished.

We were further advised by Planning Aid that any planning application submitted before a Masterplan was considered would be normally being regarded as "premature."

Despite this we were incredulous when the developer (Sanctuary) presented their planning application later in 2017 saying that it was also "effectively" a Masterplan. The Council rejected this and requested them to produce a separate Masterplan. These documents were subsequently presented, but note, **after** the planning application was submitted. To nobody's surprise they were 100% consistent with it. We did not expect otherwise as any deviation would have jeopardised the already submitted planning application, and possibly a costly re-submission. Not only did the Forum predict this we also pointed out several times to the Council the back to front nature of the exercise and the community's view that it was verging on the farcical. Nevertheless the Council accepted it.

The Forum was later informed by officers that this "Masterplan", was to be considered by the new Neighbourhoods, Housing and Public Realm City Policy Committee "for information only" and it would be unusual for them to reject it. No explanation was given to the Forum of why the Head of Planning's written commitment to the community was abandoned.

Nothing the Council or the developer did was unlawful. All the minimum statutory requirements were fulfilled. But the events show that neither the developer nor the Council had any desire to go beyond that. This undermines the Council's stated intention of increasing community involvement, let alone "empowering communities"

### **Recommendation 2.1**

The Council should accept and require developers to follow the Government's advice on Masterplanning –that is an exercise involving communities as well as planners, elected members, officers and developers and this should be undertaken in an open and transparent manner and not as a fait accompli by the developer.

### **Recommendation 2.2**

Where there are significant sites for development or re-development and in particular where there are impacts on surrounding areas **Glasgow Council should take the lead** in preparing a wider Masterplan or Local Area plans with the local community (and developers if identified) to set the context for any subsequent planning applications.

### **Recommendation 2.3**

A Masterplan, whether developer or council-led, should always be submitted well before the planning application and with the opportunity for public consultation and comment. Its submission to a Council committee for consideration should not exclude the possibility of revisions or even refusal. Otherwise it is meaningless.

## **3. RESOURCES**

At no point did GCC Planning officers say that a Council-led Masterplan or wider community consultation exercise could or should not have been produced at an early stage, but instead claimed not to have the internal staff. Neither did they appoint independent consultants to carry it out. It was left to the developer to decide the format and scope. We understand that staff and other resources are scarce and the Council has to set priorities for which parts of the city it concentrates on. We are not clear if in this case the setting of priorities was an officer or political decision.

As soon as the proposed sale of the site was announced by the NHS the Community Council submitted an application to the Scottish Government, with the support of Planning Aid, to fund a community consultation exercise to contribute to an overall Masterplan. We requested that this be a joint application in partnership with GCC Planning but this was not forthcoming. The SG rejected the application and from feedback we believe that a joint application (possibly with the developer as well) would have been better received. This shows that if there is a will resources can be made available if the Council and developers are prepared to work in partnership with the community (as for example the recent success of the Sustrans funding proposal for a feasibility study of the Battlefield area)



### **Recommendation 3**

If there is a resource issue in carrying out planning or consultation exercises then priorities should be set by city councillors, not officers. If internal resources are not available then Council officers should be required to work with the community and other bodies to secure these from external sources where possible.

### **4. THE WORKING GROUP**

The Forum failed to achieve its objective of a comprehensive framework looking at the wider social and economic issues and needs (eg housing types, business units etc) as well community needs and desires (play area, retention of more buildings, public realm improvements) through the statutory “Masterplan” process. This would have been the context within which any planning application should have been considered. So we produced our own “Community Masterplan” looking at these issues and based on our own engagement process. We know that planning officers considered it but it had no official status and was not presented to a Council Committee.

We also proposed a Working Group to be chaired by a senior local councillor. This was accepted by Councillors and established. Its remit is to seek information and work with other stakeholders on some of the issues identified in the public consultation but omitted from the developer’s planning brief, e.g. traffic circulation, pedestrian safety, schools capacity, supported housing, heritage. There have been regular meetings and it has brought together several council departments, kept local councillors and the community informed.

We conclude that the working group has proved successful, obtaining information on forecast schools capacity and the affordable supported housing process, securing a children’s play area previously excluded from the planning application, new road crossing points and stimulating a traffic options study in Battlefield which in turn led to a successful Sustrans bid by Land and Environmental Services for a public consultation on future road layout and the public realm.

Regrettably the other major stakeholder, the developer, Sanctuary, has refused to participate. All communication with them remains via Council officers.

We now believe that such a working group is essential to monitor implementation, to consider wider impacts and non-planning matters such as housing tenure.

### **Recommendation 4**

Whenever a major development or re-development is proposed within the context of an existing community where there are likely to be wider impacts the Council should lead a Working Group of officers, councillors and community representatives and developers to monitor consultation, implementation and propose further developments.

## **5. COMMUNICATING WITH THE COMMUNITY**

Communicating a major scheme and related public engagement events is a challenge.

We think that, despite the events in Library, information only reached a small proportion of the local community. Local TV and news websites rarely pick up on planning issues other than the most high profile, e.g Sauchiehall Street. The readership of local newspapers has contracted so the requirement for a single ad in a local daily to promote a consultation event is wholly inadequate, as is the requirement to give written notice of such events only to immediate site neighbours and the nearest community council.

The Forum tried to deal with this by publishing and distributing leaflets around shops and cafes and set up a dedicated website as well as linking to websites and facebook pages of local community councils and other social media such as Southside Happenings. The site published our own survey results and sought to draw attention to the relevant developer and council webpage links.

It is Council policy to put planning applications on-line only. This raised other serious communication issues. Sanctuary's planning application 17/02059/DC consisted of 470 individual documents but included neither the long promised developer masterplan nor any summary or even index that would have facilitated comprehension of the overall scheme by local people without planning expertise. As stated earlier the Masterplan was eventually submitted to the Neighbourhoods Committee but with no opportunity for public response to it which there would have been had it been submitted with or in advance of the Planning application. Both the Council and the developer refused to make available a collated printed copy. The Forum itself arranged through its own resources to create a printed version and placed it in the Library

### **Recommendation 5.1**

Media and social media training are essential for community councils, many of whose members lack experience and competence in this area. Similarly skills in running on-line surveys would benefit community councils and related groups seeking to represent the views of their area residents.

### **Recommendation 5.2**

Where there is a large and complicated application a summary and guide to key plans and elevations should be part of the submission requirement. For those who are not on-line collated printed plans should be available at local libraries as well as librarian support to access them online.