



PLANNING APPLICATIONS COMMITTEE

Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: Jamie McArdle Phone: 0141 287 6042

Item 2 (c)

18th June 2024

APPLICATION TYPE	Full Planning Permission		
RECOMMENDATION	Grant Subject to Condition(s)		
APPLICATION	24/00511/FUL	DATE VALID	22.02.2024
SITE ADDRESS	367 - 373 Byres Road Glasgow G12 8AU		
PROPOSAL	Installation of replacement mechanical plant.		
APPLICANT	John Lewis Mr Thomas Bull Taylor House Doncastle Road Bracknell RG12 8YA	AGENT	SMR Architects Floor 2, The Exchange Station Parade Harrogate HG1 1TS
WARD NO(S)	23, Partick East/Kelvindale	COMMUNITY COUNCIL LISTED	02_118, Dowanhill, Hyndland & Kelvinside
CONSERVATION AREA	Glasgow West		
ADVERT TYPE	Affecting a Conservation Area/Listed Building	PUBLISHED	22 March 2024
CITY PLAN			

REPRESENTATIONS/ CONSULTATIONS

REPRESENTATIONS

7 representations, all objecting to the application, have been received. The representations include one from Dowanhill, Hyndland and Kelvinside Community Council and one from Friends of Glasgow West. The grounds of objection are summarised below and are addressed further in the Assessment and Conclusions section of this report:

- The existing mechanical plant emits a 'vibration' and a 'humming noise' which is audible in most properties in Grosvenor Lane. It is hoped the proposed mechanical plant brings an improvement to residential amenity.
- The new mechanical plant should be less noisy than the existing mechanical plant.
- The new mechanical plant should conform to standards on noise pollution.
- The new mechanical plant should be 'environmentally friendly'.
- The new mechanical plant should take into account the carbon footprint of the Waitrose Supermarket.
- The new mechanical plant should be concealed from public view.
- Concerns that the applicant has not used the nearest residential dwellings for the noise impact assessment.

CONSULTATIONS

- No formal external consultations were undertaken. NRS Environmental Health were consulted and had no objections to the proposal subject to a standard safeguarding condition regarding noise levels.

PLANNING HISTORY

02/00376/DC: Display of colour window graphics behind the glazing. Granted Subject to Conditions - 13.09.2002
02/01770/DC: Frontage alterations and erection of rear ventilation duct. Granted Subject to Conditions - 12.09.2002
02/03065/DC: Display of various non-illuminated vinyl signage. Granted Subject to Conditions - 10.01.2003
03/00130/DC: Erection of rear ventilation duct. Granted Subject to Conditions - 11.03.2003
09/01732/DC: Display of two sets of internally illuminated individual letters, one internally illuminated double sided projecting box sign, one set of non illuminated individual letters, three non illuminated panel signs, four vinyl window graphics and various car park signage. Granted Subject to Conditions - 26.10.2009
09/01760/DC: Installation of new frontage to shop. Granted Subject to Conditions - 24.09.2009
09/01761/DC: Installation of air conditioning and refrigeration units to service yard. Granted Subject to Conditions – 15.10.2009
09/02276/DC: Installation of emergency exit doorway to north elevation. Granted Subject to Conditions - 27.11.2009
09/02761/DC: Display of internally illuminated signage to wall of shop. Refused - 15.01.2010

SITE AND DESCRIPTION

SITING

The wider application site is a supermarket located on the west side of Byres Road and is within the Glasgow West Conservation Area. The application property occupies the ground and first floor of a 6-storey building. The retail sales area occupies the ground floor with a customer car-park at 1st floor level. The car-parking area extends westwards at the rear over two levels. The 4no upper floors above the supermarket are occupied by flatted dwellings. The main public entrance is on the Byres Road frontage. There is a vehicular access to the customer car-park via Grosvenor Lane on the northern elevation of the site. The existing mechanical plant, loading-bay, services and refuse/recycling storage are also located on the northern elevation adjacent to the customer car-park entrance.

The application property is located within the Partick/Byres Road town centre and is bounded by a mix of residential and commercial uses. To the north, across Grosvenor Lane, is a hotel and residential dwellings. To the west there are further residential dwellings. Immediately to the south of the site is a traditional 4-storey sandstone tenement with ground floor commercial units. To the east, across Byres Road, are further commercial units.

PRE-APPLICATION PROCESS

No formal pre-application advice was requested by the applicant or their agent.

APPLICATION PROPOSAL

The proposal is for the installation of replacement mechanical plant.

Existing

There is mechanical plant currently situated within the service bay under-croft on the north elevation of the property. This plant consists of condensing and refrigeration units which were granted planning permission in 2009.

Proposed

The existing plant will be removed and replaced by new mechanical plant to service the supermarket's refrigeration equipment. The proposed mechanical plant would be located in the same location as the existing plant.

SPECIFIED MATTERS

Planning legislation requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee Report. The remainder of the information and a response to each points to be addressed is detailed below.

A. Summary of the main issues raised where the following were submitted or carried out

i. Environmental Statement

Not applicable to this application

ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994.

Not applicable to this application

iii. A Design Statement or a Design and Access Statement

A Design and Access Statement has been submitted.

iv. Any report on the impact or potential impact of the proposed development (for example the Retail Impact, Transport Impact, Noise Impact or Risk of Flooding).

Due to the nature of the proposed development, a noise impact assessment was submitted by the applicant. Based on the information and data submitted, NRS Environmental Health have no objections to this proposal on noise grounds.

B. Summary of the terms of any Section 75 Planning Agreement

Not required

C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32

These regulations enable Scottish Ministers to give directions.

i. With regards to Environmental Impact Assessment Regulations (Regulation 30)

Not applicable to this application

ii. 1 Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)

No direction has been made by Scottish Ministers/ Not applicable

2. Restricting the grant of planning permission

No direction has been made by Scottish Ministers/ Not applicable

iii. 1. Requiring the Council to consider imposing a condition specified by Scottish Ministers

Not applicable to this application

2. Requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.

Not applicable to this application.

POLICIES

NATIONAL PLANNING FRAMEWORK 4

National Planning Framework 4 (NPF4) was adopted on the 13th of February 2023. NPF4 is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national development and natural planning policy for Scotland. The relevant policies are:

Policy 1: Tackling the Climate and Nature Crisis

Policy 2: Climate Mitigation and Adaptation

Policy 14: Design, Quality and Place

Policy 23: Health and Safety

GLASGOW CITY DEVELOPMENT PLAN

The Glasgow City Development Plan was adopted on 29th March 2017. This application is categorised as a 'local development'. The relevant policies and associated supplementary guidance are:

CDP 1: The Placemaking Principle

CDP 2: Sustainable Spatial Strategy

CDP 9: Historic Environment

SG1: The Placemaking Principle (Part 2)

SG 9: Historic Environment

ASSESSMENT AND CONCLUSIONS

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (As subsequently amended) require that planning applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

In terms of this application therefore, the determining issues are considered to be:

- a) Whether the proposal accords with the relevant provisions of the Development Plan; and
- b) Whether any other material considerations, such as consultations or representations, have been satisfactorily addressed in the assessment of this proposal.

DEVELOPMENT PLAN POLICY CONSIDERATIONS

In respect of a), the Development Plan consists of the National Planning Framework 4 and the adopted Glasgow City Development Plan 2017. The relevant policies are outlined below.

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the Climate and Nature Crisis

Policy 2: Climate Mitigation and Adaptation

Policy 1 and Policy 2 are overarching policies which must be taken into consideration for all development proposals. These policies seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. It states that when considering development proposals significant weight will be given to the global climate and nature crisis.

Comment: Although the proposed development is of a relatively small scale and does not directly address the global climate emergency and nature crises, it is considered to be a general improvement to the existing mechanical plant. The applicant has provided background information which states that the proposed mechanical plant is aimed at saving energy and reducing the carbon impact associated with the operation of the supermarket. For example, the existing plant ejects all the waste heat from the cabinets to the atmosphere. Whereas the new plant utilises a water-to-water heat pump to recover waste heat from the refrigeration system. This reduces the heat-load being placed on the existing gas boilers meaning that fossil fuel use is reduced. The

existing gas fired water heater is being removed and replaced for an electrically heated hot water cylinder which will also significantly reduce fossil fuel use. The application is deemed to be in accordance with the overall aims of these policies as it does not cause significant harm to the climate and nature crisis.

Policy 14: Design, Quality and Place

The intent of Policy 14 is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Comment: The proposed mechanical plant will be installed in the same location as the existing plant. The proposed development will not detract from the character and quality of the existing building. The proposed plant will be suitably located within the service bay under-croft and has a simple functional design which corresponds with the use of the property. The design and materials are considered appropriate and, overall, the proposed development is generally consistent with the six qualities of successful places. The proposal will not have a detrimental impact on the character or environmental quality of the surrounding area in terms of design and materials. Furthermore, the noise impact assessment has demonstrated the proposed plant will not have a detrimental effect on residential amenity.

Policy 23: Health and Safety

The intent of Policy 23 is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Development proposals that are likely to raise unacceptable noise issues will not be supported. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

Comment: The proposal is not considered to raise any health and safety issues. The applicant has submitted a noise impact assessment which demonstrates the proposed plant has a noise rating less than the existing plant. The noise levels of the proposed mechanical plant will be within the perimeters of the standard safeguarding condition in relation to noise.

CITY DEVELOPMENT PLAN

CDP1 and SG1 – Placemaking Principle

Policy CDP 1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. The Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels. CDP 1 states that new development should aspire towards the highest standards of design and should respect the environment by responding to its qualities and character. CDP 1 also advises that the associated supplementary guidance SG1 Part 2 will provide guidance to promote the overarching Placemaking Principle.

SG1: The Placemaking Principle (Part 2) - Alternations to Shops and Other Commercial Buildings contains specific guidance relating to the alterations proposed. This guidance seeks to ensure that alterations to shops and other commercial buildings enhance the appearance of buildings and the street scene generally, respecting the historic character of the property, and cause no dis-amenity to neighbours.

Chiller/Air Conditioning Units:

- a) external fittings such as air conditioning units should be located out of sight of public view, on rear/side elevations, concealed on a roof, or in back yards; and
- b) within residential buildings, units should be located to minimise noise and vibration. In general units should be located away from any residential window.

Comment: The proposed mechanical plant units are considered to comply with this guidance. The units are sited within a service bay under-croft on the side elevation of the building within Grosvenor Lane. They are out of sight of public view from Byres Road and are not readily observable from a public area. Environmental Health are satisfied with the information and data provided in the applicant's noise impact assessment and a safeguarding condition will be attached to ensure noise levels are within acceptable limits.

CDP2: Sustainable Spatial Strategy:

This overarching policy seeks to guide the location and form of development to create a 'compact city' form which supports sustainable development. It will also help to ensure that the City is well-positioned to meet the challenges of a changing climate and economy, and to build a resilient physical and social environment which helps attract and retain investment and promotes an improved quality of life.

Comment: The proposal meets the overall aims of the CDP2 as it will support the retail function of the unit.

CDP 9 and SG 9: Historic Environment

This policy and guidance aims to ensure the appropriate protection, enhancement and management of Glasgow's heritage assets by protecting, conserving and enhancing the historic environment for the benefit of existing and future generations. This will be achieved by assessing the impact of proposed developments and supporting high quality design that respects and complements the character and appearance of the historic environment and the special architectural or historic interests of its Listed Buildings, Conservation Areas, Scheduled Monuments, archaeological remains, historic gardens and designed landscapes and their settings, or by mitigating unavoidable adverse effects on them.

Comment: The application site is not a Listed building but is within the Glasgow West Conservation Area. However, although the property has been in-situ for many decades, it is considered as a more modern in-fill building within the conservation area. In terms of scale and aesthetics, the proposed development is a like-for-like replacement of mechanical plant, taking place within the service bay under-croft of the property. The location of the plant is not readily observable from a public area. Consequently, the proposed development is considered to meet a suitable standard of design while having a neutral impact on the conservation area.

MATERIAL CONSIDERATIONS

With regard to b), whether any material considerations have been raised during the application process that would outweigh the provisions of the statutory Development Plan, the representations and consultations received for this application are material consideration and have been summarised below:

CONSULTATIONS

NRS Environmental Health were consulted on this application. They had no objections to the proposal subject to a standard safeguarding condition regarding noise levels.

REPRESENTATIONS

7 representations objecting to the proposal were received. Grounds of objection are summarised, with appropriate comment, as follows:

- *The existing mechanical plant emits a 'vibration' and a 'humming noise' which is audible in most properties in Grosvenor Lane. It is hoped the proposed mechanical plant brings an improvement to residential amenity.*
- *The new mechanical plant should conform to standards on noise pollution.*
- *The new mechanical plant should be less noisy than the existing mechanical plant.*

Comment: NRS Environmental Health were consulted on this application and they had no objections to the proposal subject to a standard safeguarding condition regarding noise levels. The noise levels of the proposed mechanical plant will be within the parameters of the standard safeguarding condition in relation to noise. The proposed mechanical plant is an upgrade and replacement of existing plant which has been in-situ for 15 years approx. The proposed plant is more energy efficient and emits less noise than the existing plant.

- *The new mechanical plant should be 'environmentally friendly'.*
- *The new mechanical plant should take into account the carbon footprint of the Waitrose Supermarket.*

Comment: The applicant has provided background information which states that the proposed mechanical plant is aimed at saving energy and reducing the carbon impact associated with the operation of the supermarket. The new equipment will reduce the amount of fossil fuel use.

- *The new mechanical plant should be concealed from public view.*

Comment: The proposed mechanical plant would be sited in the same location as the existing plant (which is to be removed). The plant will be located in the service bay under-croft, close to the customer car-park entrance, which is accessed from Grosvenor Lane. The plant will not be observable from Byres Road at the front of the building. The plant will be partially observable where the service bay under-croft opens onto Grosvenor Lane at the north elevation of the building. It would not be viable to enclose this area as it is the main access to the customer car-park and the service/loading-bay for the supermarket.

- *Concerns that the applicant has not used the nearest residential dwellings for the noise impact assessment.*

Comment: With regards to the noise impact assessment provided by the applicant and agreed upon by NRS Environmental Health, this assessed the noise to the dwellings directly opposite the location of the mechanical plant as these are the nearest, most affected dwellings to the proposed plant. Whilst it is noticed that 23 Grosvenor Lane is physically closer to the location of the proposed mechanical plant, the windows to this dwelling are screened from the plant by the flank walls of the car park. The acoustic screening provided by the flank wall will provide at least an additional 10dB reduction to the plant noise levels. Therefore, the resultant noise level at 23 Grosvenor Lane will be lower than those calculated outside the properties opposite.

CONCLUSIONS AND RECOMMENDATIONS

It is considered that the proposed installation of replacement mechanical plant is in accordance with NPF4 and the relevant policies and supplementary guidance of the adopted Development Plan.

Other material considerations, including the consultations responses and the points raised in the representations have been considered but do not outweigh the proposal's accordance with the Development Plan.

Accordingly, it is recommended that planning permission is granted, subject to the following conditions.

CONDITIONS AND REASONS

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.

Reason: In the interests of certainty and the proper planning of the area, and to comply with section 58(1) of the Town and Country Planning (Scotland) Act 1997, as amended.

02. 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.

DRAWINGS

The development shall be implemented in accordance with the approved drawing(s)

1. 2001-C1 Location Plan Received 22 February 2024
2. 2003-C1 Proposed Ground Floor Received 22 February 2024
3. R6-01 Proposed Plant Layout Received 22 February 2024

As qualified by the above condition(s), or as otherwise agreed in writing with the Planning Authority

REASON(S) FOR GRANTING THIS APPLICATION

01. The proposal was considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's accordance with the Development Plan.

ADVISORY NOTES TO APPLICANT

01. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build or maintain this approved development. Such consent should be obtained prior to the commencement of works on site.

for Executive Director of Neighbourhoods,
Regeneration and Sustainability

DC/ JMR/
05/06/2024

BACKGROUND PAPERS**PLEASE NOTE THE FOLLOWING:**

Any Ordnance Survey mapping included within this report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to license Ordnance Survey mapping/map data for their own use. The OS website can be found at www.ordnancesurvey.co.uk

If accessing this report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale.