

## Marr Area Committee Report 24 January 2023

Reference No: APP/2022/1919

**Full Planning Permission for Change of Use from Shop (Class 1) to Dental Surgery (Class 2) at 1 Raemoir Road, Banchory, Aberdeenshire, AB31 5UJ**

**Applicant:** Deeside Dental Care, 75 High Street, Banchory, AB31 5TJ

**Agent:** Bradley Craig Architects, 24 Newburgh Crescent, Bridge of Don, Aberdeen, AB22 8ST

Grid Ref: E:370495 N:795755  
Ward No. and Name: W16 - Banchory and Mid-Deeside  
Application Type: Full Planning Permission  
Representations: 3  
Consultations: 3  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2022  
Designations: Banchory Settlement  
Complies with:  
Development Plans: Yes  
Main Recommendation: Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1e of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for approval and there have been valid objections from third parties and 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

Cllr Ross - this application should be referred to the Area Committee for further consideration due to the matters raised by objectors in relation to parking.

- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 Full planning permission is sought for the change of use from a shop (Class 1) to a dental surgery (Class 2) at 1 Raemoir Road, Banchory.

- 2.2 The site is located to the east side of Banchory, outwith the defined town centre boundary on the corner of Raemoir Road and Station Road (A93). The former beauty shop unit is located in a predominantly residential area with the neighbouring attached properties flats. The unit is currently vacant with a flat located above (first floor), it has rendered light walls, UPVc windows and a slate roof with dormers to the top of the two and a half storey property. The existing shop has no dedicated parking.

- 2.3 The proposal seeks a change of use to a dental surgery, with no external changes proposed to the building. The existing foul drainage and public water supply shall remain. No dedicated parking exists for the previous retail use, and that is to remain the case within this proposal.

- 2.4 In terms of planning history, APP/2017/0174 granted change of use from a shop to residential flat, however this was never implemented and has expired.

- 2.5 To support the application, the following information has been provided;

Parking Survey – analyses available parking nearby, particularly at the Glebe Park car park which has 33 spaces available, and through the survey on 5th and 7th December there was always more than 20 spaces available at any time during the intended opening hours of the dentist.

Technical Specification of various apparatus – as requested by Environmental Health details of all equipment associated with the change of use was provided to detail the noise and vibration output to address any potential concerns.

### 3. Representations

3.1 A total of 3 valid representations (objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- Lack of parking
- Impact on private residents' car park
- Noise impact on existing residents

### 4. Consultations

4.1 **Environment and Infrastructure Services (Roads Development)** has reviewed the parking survey which confirms that there is adequate parking available within walking distance to the dental surgery. The applicant has confirmed that upon opening, they will advertise these parking locations to their clients in order that there is no conflict with the local residents to the dental practice location.

4.2 **Environment and Infrastructure Services (Contaminated Land)** has no concerns or comments on this application.

4.3 **Environment and Infrastructure Services (Environmental Health)** note the applicant has provided further details in regard to proposed noise sources and their use within the proposed dentist surgery. The applicant has advised that the compressor is only in operation during working hours and is used for purposes within the practice, therefore will not be in operation out with working hours. As such a condition to limit the hours of operation of the surgery is appropriate.

### 5. Relevant Planning Policies

#### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and

socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

#### 5.1.1 National Planning Framework 4 (NPF4)

The revised National Planning Framework 4 (NPF4) has now been published and on 8 November 2022 was laid before Parliament for approval. The revised NPF4 will be before the Scottish Parliament for six weeks.

NPF4 will form part of the statutory development plan on adoption and publication (assuming the commencement of the necessary provisions in the Planning Act). Until then, the Revised NPF4 is a material consideration in development management decision making, although with limited weight until such times as it is adopted.

#### 5.2 Aberdeen City and Shire Strategic Development Plan 2020

The Strategic Development Plan (SDP) was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

#### 5.3 Aberdeenshire Local Development Plan 2022

Policy P3 Infill Developments within Settlements and Householder Developments (including home and work proposals)  
 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land  
 Policy RD1 Providing Suitable Services

### 6. Discussion

- 6.1 The proposal seeks to change the use of a vacant class 1 retail unit to a class 2 use as a dental surgery. The principle of changing the use of the class 1 retail unit was previously established through approval to form a residential flat in the property, however that consent has expired without being implemented. The unit remains vacant, and lies outwith the Banchory Town

Centre. The viable re-use of the property is welcomed, subject to that proposed use being appropriate and compatible with surrounding amenity.

- 6.2 The key considerations relate to potential noise nuisance and site servicing, particularly in relation to access and parking.
- 6.3 In terms of potential noise nuisance, there is a flat above and residential uses adjacent to the property. Environmental Health sought information on the equipment to be used within the dental surgery and are satisfied that the facility can operate to acceptable noise levels during day time hours. It is accepted that a class 1 retail use, both previously and were it to recommence, would come with an element of noise and disturbance to neighbouring amenity, therefore the key consideration is to ensure that the proposed class 2 use does not significantly increase that to a detrimental level. To protect amenity beyond the working day, Environmental Health have requested a condition be attached to restrict the operating hours of the dental surgery. Based on the foregoing, the proposal is therefore not considered to pose any significant impact on amenity or nuisance thus satisfying Policy P4, and is a compatible use within its setting and complies with Policy P3.
- 6.4 In terms of site servicing the existing water infrastructure and commercial waste collection shall continue. Turning to accessibility, the facility does sit on the A93 and public bus route, with good pedestrian access. Car parking has been demonstrated to be publicly available nearby with more than the 8 required spaces proven to be available throughout the day. The applicant's agent has also confirmed they will undertake to promote public off-site parking to their customers to avoid any potential impact on the neighbouring residential car park. Whilst no dedicated on-site parking is not an ideal scenario, balancing the material consideration of the previous use as a shop having no dedicated parking the dental surgery proposed is not considered to significantly worsen the pre-existing situation, and as outlined there is ample public parking available nearby. The proposal is acceptable to Roads Development on that basis, and in turn considered to comply with Policy RD1.
- 6.5 The representations received express concerns in relation to parking and potential amenity impacts, which are considered to be addressed above.
- 6.6 The application is considered to comply with Policy P3 and proposes an appropriate use of an infill vacant site, which can be suitably accessed in accordance with Policy RD1. The application is recommended for approval.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Implications and Risk**

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **9. Departures, Notifications and Referrals**

### **9.1 Strategic Development Plan Departures**

None

### **9.2 Local Development Plan Departures**

None

- 9.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 9.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## **10. Recommendation**

### **10.1 GRANT Full Planning Permission subject to the following conditions:-**

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The proposed development shall not operate out with the hours of 08:00 - 18:00 hours Monday to Friday, and 09:00 - 13:00 hours on a Saturday, with no operation on a Sunday.

Reason: In the interests of preserving amenity for local residents.

## 10.2 Reason for Decision

The application is considered by the Planning Authority to comply with the Aberdeenshire Local Development Plan 2022, the proposed use is capable of operating with no significant detrimental impact on amenity to neighbouring properties and can be suitably serviced in terms of available parking in the locale, compliant with Policies Policy P3 Infill Developments within Settlements and Householder Developments (including home and work proposals) and RD1 Providing suitable services.

Alan Wood

Director of Environment and Infrastructure Services

Author of Report: Neil Mair

Report Date: 4 January 2023

# Comments for Planning Application APP/2022/1919

## Application Summary

Application Number: APP/2022/1919

Address: 1 Raemoir Road Banchory Aberdeenshire AB31 5UJ

Proposal: Change of Use from Shop (Class 1) to Dental Surgery (Class 2)

Case Officer: Louise Todd

## Customer Details

Name: Mrs Caroline Adams

Address: 18 Station Court Banchory AB31 5WT

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Unfortunately parking is a big issue, and our car park is a private car park along with Ilderton places car parking, but half the time our reserved spaces are taken up by people who do not live here or even visiting. Where are the patients going to be parking?



# Comments for Planning Application APP/2022/1919

## Application Summary

Application Number: APP/2022/1919

Address: 1 Raemoir Road Banchory Aberdeenshire AB31 5UJ

Proposal: Change of Use from Shop (Class 1) to Dental Surgery (Class 2)

Case Officer: Louise Todd

## Customer Details

Name: Mr Martin Brasier

Address: 8 Station Court Banchory AB31 5WT

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I echo Infrastructure Services' holding objection pending detail on parking provision, though I doubt there is any satisfactory solution to it.

There is parking adjacent on Ilderton Place, but that is designated for residents and their visitors.

There is also \*private\* parking across the road for Station Court. (For me, the parking provision was a key factor in choosing a flat here rather than elsewhere.) Street parking near a busy junction would create a hazard.

If permission were granted, I suspect it is inevitable that existing designated/private parking would be colonised by patients and staff and cause considerable inconvenience and nuisance to local residents.

If that can be guaranteed not to happen, then I have no objection.

**Archived:** 04 October 2022 12:51:05

**From:** [Andy Sanderson](#)

**Sent:** 04 October 2022 11:25:34

**To:** [Planning Online](#)

**Subject:** Ref APP/2022/1919 Change of shop to new Dental Surgery

**Sensitivity:** Normal

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To whom it may concern,

I must put in an objection to this as Car Parking will be a big issue and probably patents will end up using residential spaces which cannot be allowed, it can already be challenging to get a space for people who live here.

Also once the Dental Surgery is totally fitted out this noise levels will be a concern for residents who live above - that would need to be looked into.

Andy Sanderson  
77a Station Road  
AB315YL