

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 NOVEMBER 2023

PLANNING APPLICATION – 18 DUNDEE STREET, CARNOUSTIE, DD7 7PD
GRID REF: 356069 : 734547

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [23/00560/FULL](#) submitted by Carnoustie Dental Care for the erection of a single storey extension to a dental practice and associated internal and external alterations at 18 Dundee Street, Carnoustie. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 9 of this report.

2. INTRODUCTION

- 2.1 The applicant seeks full planning permission for the erection of a single storey extension to a dental practice and associated internal and external alterations at 18 Dundee Street, Carnoustie. A plan showing the location of the site is provided at Appendix 1.
- 2.2 The application proposes an extension to the building and alterations to allow for the formation of a fourth surgery and improved patient and staff facilities within the existing dental practice. A single storey extension would be formed on the north (rear) elevation which would have a footprint of approximately 17sqm and would project from an existing single storey. It would be of similar design to the existing extension and finished in matching materials. The proposal also involves the provision of a small infill extension on the western boundary between the original building and the more recent existing single storey extension. This would have a glazed roof feature. Other external works are relatively minor but include relocation of an existing air conditioning unit. While internal reconfiguration is proposed, this does not require planning permission.
- 2.3 The application has been subject of statutory neighbour notification as required by legislation.

3. RELEVANT PLANNING HISTORY

- 3.1 The property has been subject of a number of applications in the past. The existing ground floor rear extension was approved in 1997 (application 97/00423/FUL refers) and alterations to the roof to provide additional space in the upper floor of the building was approved in 2008 (application [07/01453/FUL](#) refers).
- 3.2 A planning application (ref: [07/01451/FUL](#)) for a ground floor extension to the building was refused by committee in 2008. That proposal involved an extension occupying the full width of the rear area of the building and it was refused for the following reasons: -

1. That the proposal would fail Policy H21 of the Angus Local Plan (2000) because it would have a significant adverse affect on the character and amenity value of the neighbouring properties to the east and west of the application property.
2. That the proposal would fail Policy ENV 5 of the Angus Local Plan (2000) because it fails to be compatible with other policies of the local plan, namely Policy H21.

4. APPLICANT'S CASE

The applicant has provided the following information in support of the application: -

- Carnoustie Dental Care (CDC) and its predecessors have been an NHS committed dental practice for nearly 30 years and remain committed to providing this service to the community.
- Since the COVID pandemic there is a trend of dental practices moving to private only services and as of March 2024 CDC will be the only NHS practice between Broughty Ferry and Arbroath.
- Following the pandemic there is a backlog of check-ups and treatment for patients and with existing constraints waiting times for patients are not at the level the practice would like to offer the community.
- Additionally, given the aforementioned move by other local practices to private only treatment, the practice currently has a waiting list of patients.
- Given the demand for NHS dental services, the practice would like to expand current care capacity and modernise the practice by adding an additional surgery.
- This would allow it to attract additional dentists to the practice.
- This would also allow the practice to reduce waiting times for the existing patient base and reopen the list to accept new patients.
- Without this expansion the practice is limited in the options to improve availability of dental care and will be unable to service the increasing local demand for new patients.

5. CONSULTATIONS

5.1 **Angus Council Roads** – no objection.

5.2 **Angus Council Environmental Health** – no objection in relation to potential amenity impacts subject to a condition controlling noise from plant and equipment. It is indicated that the service has no record of complaints regarding the use of the property.

5.3 **Carnoustie Community Council** – no comments received.

5.4 **Scottish Water** – no objection.

6. REPRESENTATIONS

6 letters of representation have been received raising objection. Those letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website. In summary terms the following issues are raised: -

- Previous refusal for extension.
- Expanded use is out of keeping in residential area and property no longer sufficient to meet demand.

- Design of extension is out of character in residential area.
- Privacy and amenity impacts, including sunlight restrictions.
- Parking impacts.
- Increase in general and clinical waste.
- Patient privacy.

Material planning issues are addressed below.

7. PLANNING CONSIDERATIONS

7.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 In this case the development plan comprises: -

- [National Planning Framework 4](#) (NPF4) (Published 2023)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

7.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 3 and have been taken into account in preparing this report.

7.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

7.5 Policy DS1 of the ALDP states that proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies of the plan. The application site is located within the Carnoustie development boundary as defined by the ALDP and is not allocated or otherwise identified for development.

7.6 Policy 23 of NPF4 states amongst other things that, development proposals for health and social care facilities and infrastructure will be supported. This does not mean that all such facilities will be supported irrespective of other considerations and impacts, but the benefit is a material matter in reaching a balanced conclusion on the acceptability of the proposal.

7.7 This is an existing dental practice and provides a service to the community. It is located within a residential terrace and sits between two small shopping parades to the west of the defined town centre. It is close to, and on the edge of the town centre, and is on a main route where it benefits from good accessibility. This is a location where development plan policy generally supports this type of use and the broad principle of extending the existing premises does not give rise to any significant policy tension. The main policy considerations in relation to the determination of this application relate to the suitability of the design having regard to the character and appearance of the area and impacts on the amenity of neighbours; impact of built and natural environment interests; and impacts on infrastructure, including parking and general accessibility considerations.

7.8 In relation to design, the building is not identified as being of special architectural or historic interest and it is not within a conservation area. The principal extension would be located to the rear of the building but would be visible from and would project closer to Balfour Place than the existing structure. The terraced properties to the

south of Balfour Place are of fairly uniform design, but there are a wide range of building styles to the north and to the west in Simpson Place. In addition, properties to the south and to the west have a variety of structures within their rear garden areas which sit between the main building and the carriageway of Balfour Place. The proposed extension would occupy a significant extent of the rear curtilage of the property, and it would be closer to the roadway than the existing building. However, it would be of similar design, appearance, and height to the existing extension on the building, and the resultant appearance of the building would not be significantly discordant in a streetscape where there are a variety of outbuildings between the main buildings and the road. The smaller infill extension would not be readily visible from public areas and has no material impact on the streetscape. The proposal is in broad accord with relevant design policy and with the council's design and placemaking supplementary guidance.

- 7.9 The main extension would be around 6.5m from the rear elevations of neighbouring dwellings to the east and west and would be no closer to them than the existing extension. Impact on windows in those buildings is unlikely to be materially affected by the main extension. The smaller infill extension on the western boundary is of limited height and in the context of the existing situation is again unlikely to materially affect the neighbouring property. The construction of the main extension close to the boundaries with neighbouring dwellings has potential to impact on sunlight available to garden areas of those properties. The council's planning advice note on householder development provides a methodology to allow assessment of such impact and the proposal complies with that guidance in relation to property to the east and west. The proposal does not give rise to any conflict with relevant guidance in terms of window-to-window distances provided in relevant guidance and impact on privacy of neighbouring properties would not be significantly different from the current position.
- 7.10 The extended business is likely to generate additional activity, but the property is located on a main thoroughfare where there is already significant movement and activity. It is an edge of town centre location where it is not uncommon for residential property to be located close to commercial property. Dental surgeries are not uses that typically give rise to significant sensory amenity impacts on neighbouring property and it is not unusual for them to coexist with nearby residential use. The environmental health service has confirmed it has no objection to the application subject to a condition which would restrict noise from any plant and equipment. In general terms, there is no reason to consider that the proposed extension and alterations would materially change the extent of the existing use such that it would be incompatible with other existing uses in the area. The amenity impacts associated with the proposal are not unacceptable in the context of relevant policy and council design guidance and having regard to the nature of existing impacts.
- 7.11 The site is not subject of any natural heritage designation and there is no evidence of presence of protected species. The development would not result in any significant or unacceptable impacts on natural heritage interests and does not give rise to any issue in terms of relevant policy considerations.
- 7.12 The property is in an edge of town centre location and is located on a main road which is also a bus route. There is on-street parking in the vicinity of the site and there is a public car park a short distance to the west. The roads service has confirmed it has no objections in respect of parking, road traffic, and pedestrian safety. The proposal does not give rise to any significant policy issues in terms of road safety or accessibility policy considerations.
- 7.13 No change to existing water supply or drainage arrangements are proposed and

Scottish Water has confirmed no objection. No information is provided on the amount of waste likely to be generated by the operation of the extended facility, but there is no reason to consider that appropriate provision for storage could not be made and this matter is addressed by a proposed condition. There is no evidence to suggest that the proposal would have a significant impact on other infrastructure, and it does not give rise to issue in terms of relevant policy considerations.

- 7.14 The proposal is generally compatible with topic specific policies, and having regard to the scale, nature, and location of the development, along with the proposed conditions, it does not give rise to any other significant issues in terms of development plan policy, including NPF policies 1, 2 and 3. It would provide some community benefit through the provision of improved dental care facilities. As with any proposal, it attracts support from some policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan subject to conditions.
- 7.15 In relation to material considerations it is relevant to have regard to the planning history of the site and to relevant planning matters raised in representations.
- 7.16 A proposal for a rear extension to the building was refused in 2008 for reasons relating to unacceptable impact on the amenity of neighbouring property as set out in the planning history above. That proposal involved an extension projecting the full width of the rear garden area between the eastern and western boundaries. The current proposal is materially different as it does not occupy the full width of the rear curtilage and impacts on neighbouring property are acceptable as assessed in terms of relevant council design guidance as discussed above. In these circumstances, the planning history has limited relevance.
- 7.17 The extension and associated works would result in some additional impact on neighbouring property. However, this is a long-established dental practice, and it is in a location where development plan policy generally supports such use. For the reasons detailed above, the proposed extension and alterations to the existing established business are not considered incompatible with the area in terms of use, design, or amenity impacts subject to the stated conditions.
- 7.18 There is on-street parking provision in the immediate vicinity of the premises and there is public car park provision in the wider area. The roads service has confirmed no objection to the application.
- 7.19 The application has been discussed with the council's waste services team and it has indicated no objection to the application. There is no reason to consider that appropriate waste management provision cannot be made within the site and a condition is proposed that requires details to be submitted, approved, and implemented.
- 7.20 Issues related to data protection and client privacy are not directly planning considerations and are matters regulated under other legislation. However, there is no reasonable basis to suggest that the proposed extension would have a material impact in relation to these matters.
- 7.21 In conclusion, permission is sought for development that would improve dental care facilities associated with an existing business. Improved facilities allow opportunity for improved dental care for a growing community. Any development is likely to result in some impact and change on the amenity for those in its proximity, and the objections submitted in relation to the proposal have been considered in the preparation of this

report. However, this is an accessible, edge of town centre location, where development plan policy is generally supportive of this type of development and where impacts associated with the detail of the proposal are not unacceptable having regard to council policy and guidance. The proposal is in accordance with the development plan as it provides for an improved dental care facility in a location and in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, road safety, or infrastructure, subject to conditions. There are no material considerations that justify refusal of the application.

8. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

9. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal is in accordance with the development plan as it provides for improved dental care provision in an accessible, edge of town centre location in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.
Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.
2. Prior to the commencement of development, a scheme for the management of waste within the site, which shall include a plan showing the bin storage locations, shall be submitted to and approved in writing by the planning authority. The approved scheme shall be implemented before the extension is brought into use and the development shall be operated in accordance with the approved scheme thereafter.
Reason: In order to clarify the proposed waste management arrangements and location of bin storage within the site, in the interest of residential amenity.

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORT AUTHOR: JILL PATERSON

EMAIL DETAILS: planning@angus.gov.uk

DATE: 3 NOVEMBER 2023

APPENDIX 1: LOCATION PLAN

APPENDIX 2: LETTERS OF REPRESENTATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES