

TCP/11/16(285)

Planning Application 13/01143/FLL – Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee (Variation to Condition 2 – To Extend Hours of Operation from 9.00am to 8.00am on 2 days only)

INDEX

- (a) Notice of Review and supporting documents (***Pages 73-96***)
- (b) Planning Decision Notice (***Pages 97-98***)
 - Report of Handling (***Pages 99-103***)
- (c) Representations (***Pages 104-112***)

09 DEC 2013

RECEIVED

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name DR HEIDI & MR CRAIG MUELLER-AHSJANN

Address HAMELDAEME
2 MAIN ROAD
LUNCARTY

Postcode PH1 4PB

Contact Telephone 1 01738 828 270

Contact Telephone 2 07808 805 575

Fax No

E-mail* tayside_chiro@gmail.com

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

13/01143/FLL

Site address

HAMELDAEME, 2 MAIN RD, LUNCARTY, PH1 3EP

Description of proposed
development

VARIATION TO CONDITION 2: -TO EXTEND HOURS OF
OPERATION FROM 9AM TO 8AM ON 2 DAYS ONLY.

Date of application 16th JULY 2013

Date of decision (if any) 12th SEPTEMBER 2013

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

28 NOV 2013

RECEIVED

NOTICE OF REVIEW

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Applicant(s)

Name DR HEIDI J MURRAY MULLER-HISHAMON

Address HAMELDAENE
2 MAIN ROAD
LUNCARTY

Postcode PH1 3EP

Contact Telephone 1 01738 828 270

Contact Telephone 2 07808 808 875

Fax No

E-mail* heidi.knorr@virgin.net

* tayside.charo@gmail.com - preferred

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No
☐ ☐

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

TCP/11/16 /13/01143/FLL

Site address

HAMELDAENE, 2 MAIN RD, LUNCARTY PH1 3EP

Description of proposed
development

MINOR ALTERATION / VARIATION OF OPENING HOURS

Date of application

19/11/2013

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☒
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We ask that you allow a minor variation in the stated opening hours granted for Tayside Chiropractic & Wellness Clinic, that is, open doors at 8am instead of 9am on a Monday and Friday morning, in addition to the currently permitted opening hours of 9am to 7pm weekdays and 9am to 1pm on Saturdays.

Our original planning application stated that practitioners worked in shifts between 8am and 7pm and this varied on a daily basis according to practitioner. For example, the massage therapist begins work mid-morning, whereas the chiropractor's busiest requested times are early morning and late afternoon / evening.

When the planning application for permanent change of use was submitted, we considered very carefully the future of the business and the changing needs of the owners, staff and patients. We hoped not have to continually change opening hours. Family commitments for some of the practitioners at present, prevent the clinic from utilising all of the later opening hours that were granted by the Perth and Kinross council.

As there is a demand for appointments out-with regular working hours, and we cannot provide this service regularly at present, we would like to be able to offer appointments earlier at the beginning of the day. Our business is about healthcare, but the current hours restrict care for our acute and new patients from receiving the treatment that they need because they are unable to get appointments. It is not appropriate to ask patients in pain to wait 2 week wait for an appointment, when a 2 or 3 day interval is what is required between. We are now finding that if this need is not met, patients may chose to go elsewhere. This is not ideal for our patients, the business or our reputation.

We expect that opening 1 hour earlier on just two weekday mornings will help us to meet this demand. As the business has on-site parking, we do not expect this to be a hindrance to peak hour traffic, nor to our neighbours.

Tayside Chiropractic & Wellness Clinic has now been established for 10 years, with 7 of them in Luncarty. We enjoy a good reputation and hope to keep it this way, continuing to employ and serve local people.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

I DID NOT SPECIFY PREVIOUSLY WHY WE WANTED TO OPEN AT 8am ON 2 DAYS.
THIS IS EXPLAINED IN THE STATEMENT

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

* ORIGINAL LETTER FOR REVIEW OF PLANNING APPLICATION HOURS (01/10/13)
 * SUPPORTING LETTERS FROM 2 RECEPTIONISTS.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

19/11/2013

Hameldaeme
2 Main Road
Luncarty
Perthshire PH1 3EP

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
High Street
Perth PH1 5PH

1st October 2013

COPY

Dear Sir / Madam,

Re: Planning application 13/ 01143/FLL

I write to you in connection with our request for permanent change of use to operate our business, Tayside Chiropractic and Wellness Clinic, from 2 Main Road, Luncarty PH1 4PB.

I have had some time to reflect on the hours that you have granted permission for us to operate our business from; and would like to ask that you consider allowing us to open doors at 8am on two week day mornings instead of 9am in addition to the stated opening hours of 9am to 7pm on weekdays.

When applying for planning, we considered the future and changing needs of our family, staff, patients and the general community. It was noted in the original application, our preference for early starts and that shifts varied in start and finish times. It was not however, stated specifically, that I only wished to do this on 2 days.

At present, the clinic is only open on one evening until 7pm and on two evenings until 5pm due to family commitments. Because of the limited late opening times, it has been difficult to meet the needs of all the patients, especially for those that work out of town or work shifts. Having two earlier starts would solve this problem. This would also allow some flexibility for the needs of any future staff we employ. We are sure that you will appreciate that where patient needs cannot be met, they may go elsewhere with their custom.

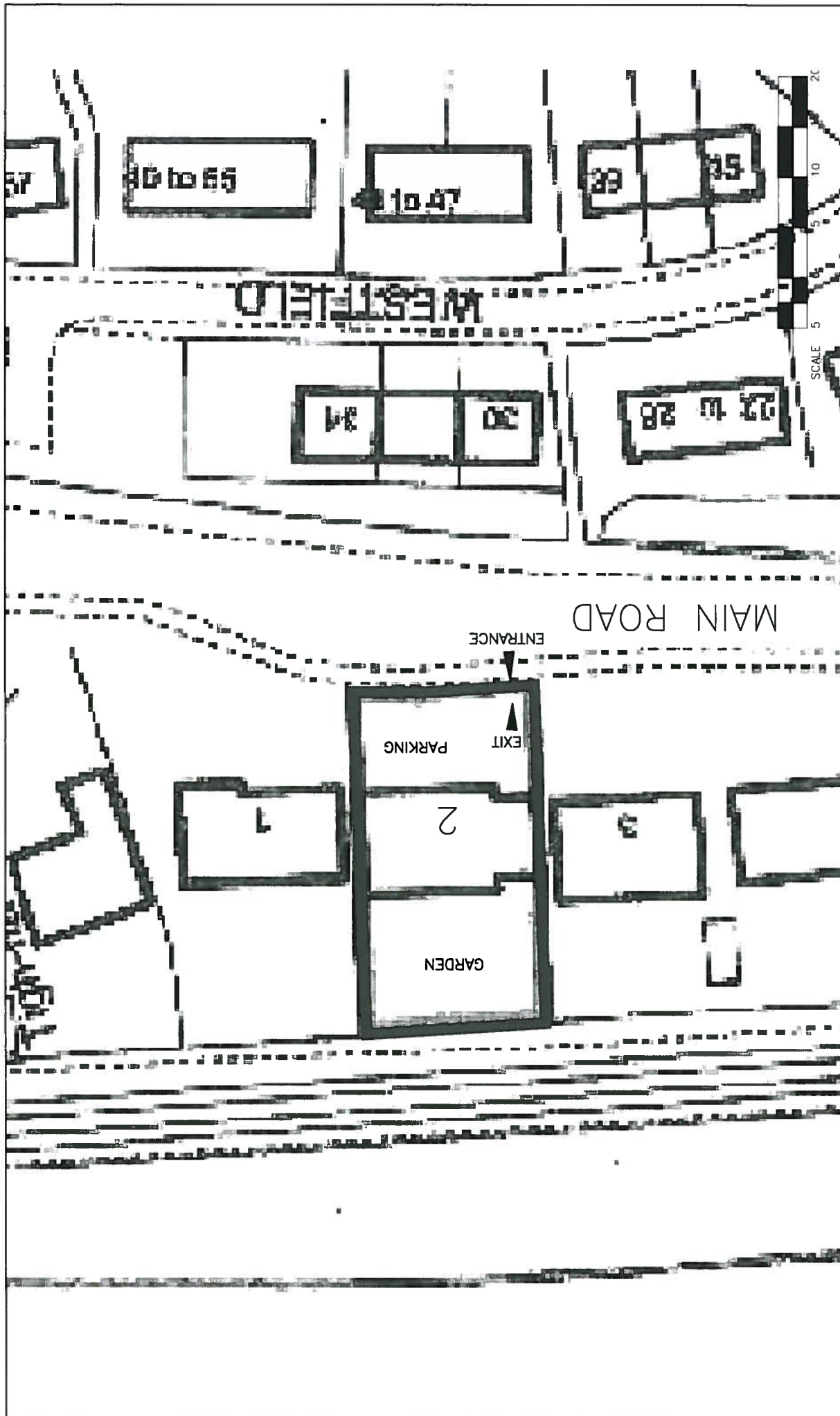
I understand that Perth and Kinross council operates as an equal opportunities employer, so you know doubt be aware of the need to support and help to sustain the needs of small businesses and their employees, and the community at large. I do not foresee that two earlier opening days will cause interruption to traffic nor to the create issues for the neighbours as we offer on-site parking.

Thank you for your consideration of our request. I look forward to hearing from you again in the very near future.

Yours sincerely,



Heidi Mueller-Ahsmann
B.Sc M.Chiro , M.Sc (Chiro Paeds)

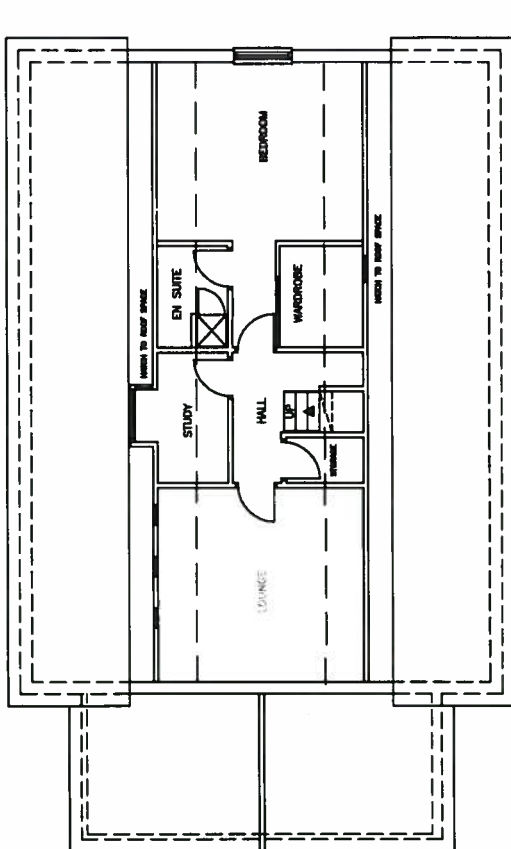


<p>TITLE: TAYSIDE CHIROPRACTIC CLINIC, 2 MAIN ROAD, LUNARTY, PH1 3EP</p>	BLOCK PLAN	
<p>CLIENT: MR & MRS C MUELLER-AHSMANN</p>	AS PER 2006 PLAN (NO CHANGES MADE SINCE)	
<p>SCALE: 1:500 @ A4</p>	DATE: 10 JULY 2013	

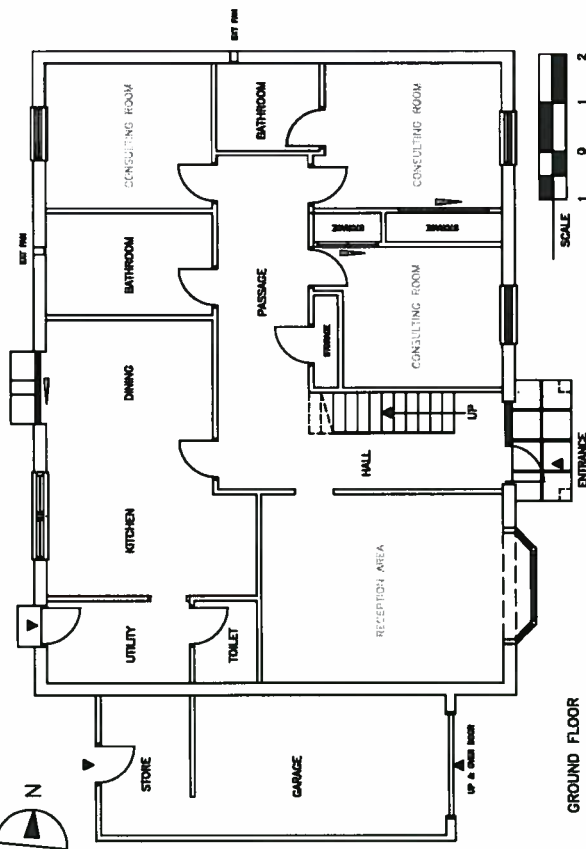


AS PER 2006 PLAN (NO CHANGES MADE SINCE)

LOCATION PLAN, GROUND FLOOR & FIRST FLOOR



FIRST FLOOR

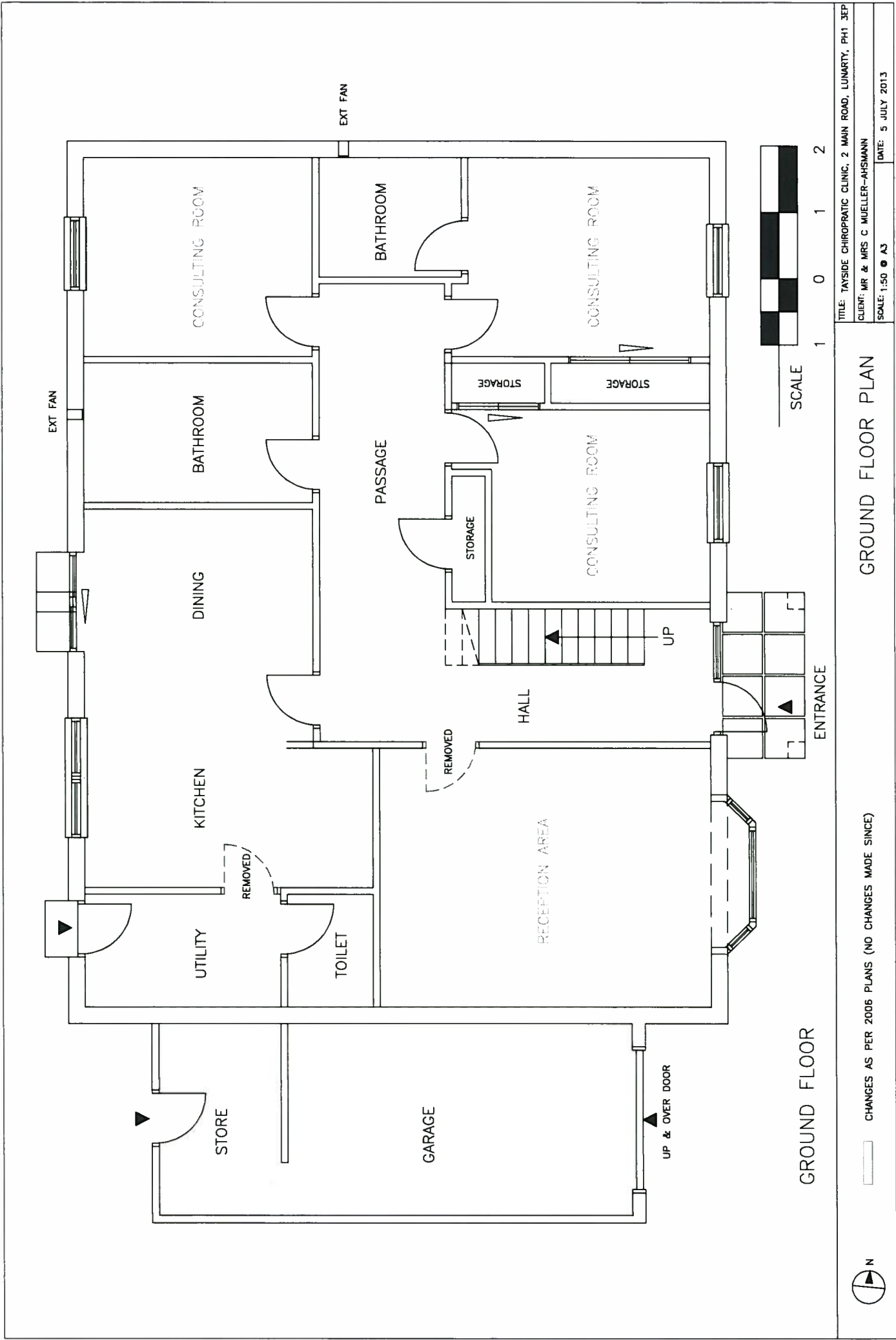


GROUND FLOOR

TITLE: TAYSIDE CHIROPRACTIC CLINIC, 2 MAIN ROAD, LUNARTY, PH1 3EP

CLIENT: MR & MRS C MUELLER-AHSMANN

SCALE: 1:1250 @ A4 - 1:50 @ A3 DATE: 5 JULY 2013





LOCATION PLAN

TITLE: TAYSIDE CHIROPRACTIC CLINIC, 2 MAIN ROAD, LUNARTY, PH1 3EP

CLIENT: MR & MRS C MUELLER-AHSMANN

SCALE: 1:1250 • A4:

DATE: 5 JULY 2013

From: Heidi

Sent: 16 July 2013 09:41

To: Development Management - Generic Email Account

Cc: Alma Bendall

Subject: DRAWINGS for Hameldaeme , 2 Main Road Luncaryt PH! 3EP ref: 13/01143/FUL

Dear Sir / Madam,

Please find attached my updated plans for continued change of use of this dwellinghouse to part business (chiropractic clinic) / part residential.

I trust you will be in contact with me should you require any further information. I have cc'd Ms Alma Bendall who I have been corresponding with over the past couple of weeks.

Yours sincerely,

Heidi Mueller-Ahsmann

*Planning and Regeneration
Head of Service David Littlejohn*

Tayside Chiropractic Ltd
FAO Dr And Mr Heidi And Craig Mueller-Ahsmann
Hameldaeme
2 Main Road
Luncarty
Perthshire
PH1 3EP

Pullar House 35 Kinnoull Street, PERTH
PH1 5GD
Tel 01738 475300 Fax 01738 475310

Telephone 01738 475300

Reference No 13/01143/FLL
Date 21st June 2013

Dear Sir/Madam

Town and Country Planning (Scotland) Act, 1997 as amended by Planning etc (Scotland) Act 2006

Permanent change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee Hameldaeme Main Road Luncarty Perth PH1 3EP

Thank you for your recent planning application for the above proposal.

Unfortunately, your application is invalid for the following reasons:

1. No plans have been submitted, please forward a set of plans (locational, site, block and internal layout) as per the minimum standards outlined in the links available at www.pkc.gov.uk

It cannot be registered and will not be considered until the outstanding matters are received.

Your prompt attention to this letter is therefore requested so that formal planning procedures can be followed as quickly as possible.

The planning application and one copy of the documents you submitted will be retained for public record purposes. If we do not receive the required information within 21 days from the date of this letter, then we shall assume that you do not wish to pursue the proposal and the application will be returned to you. **Please note that only two opportunities will be allowed to forward the necessary information;** the application will be automatically withdrawn thereafter – by failing to respond, or remaining incomplete following attempts to address points contained in any second letter issued. Upon withdrawal, the planning application forms and one copy of the

documents submitted will be retained for public record purposes.

Yours faithfully

Development Management Team



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000065420-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☐ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☒ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: * 06/01773/FUL

Date (dd/mm/yyyy): * 31/10/06

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

This is a request for a renewal of change of use to part business (chiropractic clinic) and part residential (occupied by employee). The business has been in successful operation since 2007. There have been no complaints or problems with operation of the business since permission was first granted.

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.)*

☒ Yes ☐ No

Have the works already been started or completed? *

☐ No ☐ Yes - Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

02/02/07

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

This is a retrospective request. I hadn't realised that initial change of use was only temporary and that I had to reapply after a period of time for permanent change.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title: *

Other

You must enter a Building Name or Number, or both:*

Other Title: *

Dr and Mr

Building Name:

Hameldaeme

First Name: *

Heidi and Craig

Building Number:

2

Last Name: *

Mueller-Ahsmann

Address 1 (Street): *

Main Road

Company/Organisation:

Tayside Chiropractic Ltd

Address 2:

Luncarty

Telephone Number: *

Town/City: *

Perthshire

Extension Number:

Country: *

UK

Mobile Number:

Postcode: *

PH1 3EP

Fax Number:

Email Address: *

Site Address Details

Planning Authority: Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1: Hameldaeme

Address 5:

Address 2: Main Road

Town/City/Settlement:

Perth

Address 3: Luncarty

Post Code:

PH1 3EP

Address 4:

Please identify/describe the location of the site or sites.

Northing

729608

Easting

309400

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

I was advised to apply for permanent planning consent as my consent expired a few years before. I wasn't aware of this situation.

Title: Mr

Other title:

First Name:

Ray

Last Name:

Short

Correspondence Reference Number:

13/00103/Use

Date (dd/mm/yyyy):

18/04/13

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

455.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Chiropractic clinic is operating weekdays in two shifts of 2 to 5 hours. To work between hours of 8am and 7pm, but hours vary each day. There are some late starts and late finishes, and some half days (e.g. Friday). Open alternate Saturday mornings finishing at 12 noon. Closed on Sundays. Other complementary practitioners work 1 or 2 shifts per week. There are never any more than 2 practitioners working at the same time.

Residential flat on 1st floor is used by a single employee.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

5

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

5

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office / Light Industry)

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8): *

137

If Class 1, please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

First floor is residential only.

Ground floor is for business use except kitchen, dining and utility area which is shared during the day by business and occupier.

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Dr and Mr Heidi and Craig Mueller-Ahsmann

On behalf of:

Date: 17/06/2013

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

I have attached a cover letter as an attached document giving more details about the business.

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Dr and Mr Heidi and Craig Mueller-Ahsmann

Declaration Date: 17/06/2013

Submission Date: 17/06/2013

Payment Details

Online payment: 24069

Created: 17/06/2013 13:18



14th June 2013

Dear Sir/ Madam,

It was recently brought to my attention that our change of use and planning permission for operation of our chiropractic business had lapsed.

My husband and I own the aforementioned property and the property is deemed part residential-part business. I wish therefore to apply for renewal of this consent.

The first floor is occupied by a chiropractor who works for me and would never be rented to someone outside this capacity.

We have operated a successful chiropractic and healthcare business from this location since early 2007. I employ 2 part-time staff in addition to myself, as the principal chiropractor. We also have 3 other practitioners (podiatrist, sports massage therapist, and reflexology) working up to 2 shifts. We all operate on an appointment system, allowing for latecomers so that the car park is not overfull, and this has been successful since establishment of the business.

The staff park off-site and walk to work. This means that the maximum numbers of car spaces are available for patients to use during the day. This can be visualised in photographs in the attached Word document. We intentionally created one space that was larger than the others for disabled use.

Any disabled patients that are scheduled e.g. use walking sticks or are elderly are accompanied into the office by one of the receptionists. Wheel chair patients or those who are unable to attend the clinic (especially for podiatry) are offered home visits. We adhere to Health and Safety rules.

With regards to SUDS arrangements ; there were no plans for when we the driveway paved for parking. At the time, we installed a drainage system for the carpark. This can also be seen in the photographs provided - in the front of the house along the east elevation.

All patients are informed that conditions of our use mean they are required to reverse park their cars and they must enter and leave the property in a forward gear.

There have been no problems with operation of this business since the onset. I trust that you will be in contact with us should you have any further questions.

Yours sincerely,

 
Heidi & Craig Mueller-Ahsmann

Photos of Parking area for Tayside Chiropractic Ltd

2 Main Road, Luncarty PH1 3EP



3 marked spaces. The one on the far left is the largest and is used as a disabled space. Patients are advised to reverse park so that that may leave in a forward gear.



Parking continued - one car in garage. Demonstration that two cars can park in front of garage if necessary in addition to the 3 marked spaces.

Since planning consent was first given in October 2006, there have been no road traffic accidents in the car park or entering or leaving the property.

Ground floor information

On the ground floor

- The Living Room (11) is used as a reception area.
- The Hall and Passage (7 and 8) are used for the business.
- Bedroom 1 (10), Bedroom 2 (9), and Bedroom 3 (5) are used as treatment rooms.
- Bathrooms (4 & 6) are for patient use.
- The dining, kitchen, toilet and utility are shared use during the working day.
- The drainage system for excess surface water is in front of Bedroom 1 and 2 (which face east). See photo below.



Ground floor information

On the ground floor

- The Living Room (11) is used as a reception area
- The Hall and passage (7 and 8) are used for the business.
- Bedroom 2 (9) is used as a podiatry and massage room.
- Bedroom 1 (10) and Bathroom (6) and Bedroom (5) are used as chiropractic treatment rooms.
- Bathroom (4) is also for patient use.
- The dining, kitchen, toilet and utility are shared use during the working day.
- The drainage system for excess surface water is in front of bedroom 1 and 2 and the living room (which face east).

PERTH AND KINROSS COUNCIL

Tayside Chiropractic Ltd
FAO Dr And Mr Heidi And Craig Mueller-Ahsmann
Hameldaeme
2 Main Road
Luncarty
Perthshire
PH1 3EP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 12 September 2013

Town and Country Planning (Scotland) Acts.

Application Number **13/01143/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 16th July 2013 for planning permission for Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee Hameldaeme Main Road Luncarty Perth PH1 3EP subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. The hours of operation shall be limited to between 09.00hours to 19.00 hours Monday to Friday, 09.00 hours to 13.00 hours on Saturdays and at no other time. .

Reasons for Conditions

1. To ensure that the development is carried out in accordance with the plans approved.
2. In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

13/01143/1

13/01143/2

13/01143/3

13/01143/4

13/01143/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/01143/FLL
Ward No	N5- Strathtay

PROPOSAL: Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee

LOCATION: Hameldaeme Main Road Luncarty Perth PH1 3EP

APPLICANT: Tayside Chiropractic Ltd

RECOMMENDATION: APPROVE THE APPLICATION

SITE INSPECTION: 2 August 2013

OFFICERS REPORT:

The application is for permanent change of use from a dwellinghouse to a chiropractic consultancy business (Class 4) on the ground floor with residential accommodation on the first floor at Hameldaeme, Main Road, Luncarty. Permission was granted in 2006 ref 06/01773/FUL but the applicant was unaware that the consent was only for a 3 year period and is therefore applying for permanent change of use.

There has been no change in the proposal from what was previously approved on the ground floor three rooms are used as consulting rooms, the living room as a reception area and the dining/kitchen are shared use with the living room and bedroom at first floor to be used a staff accommodation. The application was previously granted on a temporary basis due to the neighbouring residential uses.

There is a large amount of parking to the front of the building which also allows vehicles to leave and enter in a forward gear. Transport Planning have no objection to the proposal.

Environmental Health has been consulted and although an objection has been received with regard to this application they have not received any complaints to the service. They consider that controlling the hours of operation would be adequate to safeguard residential amenity. The hours of operation have been recommended as was on the previous consent but the applicant has stated on the application form that appointments would begin on some occasions at 8am. I have discussed this Environmental Health and they have no objection to this start time. The hours of operation shall therefore be limited to between 08.00 hours to 19.00 hours Monday to Friday, 08.00 hours to 13.00 hours on Saturdays and at no other time.

It is considered that the proposal complies with Policy 71 of the Perth Area Local Plan 1995 which supports small scale business activities where they are compatible with the amenity and character of the village. The proposal also complies with the Proposed Local Development Plan 2012 Policy RD1: Residential Areas encourages business uses where appropriate.

In terms of the economic benefit of this proposal approving the application will assist in facilitating employment.

One letter of representation has been received raising the following issues; loss of privacy, parking problems and access, signage, devaluing property, nobody staying in residential element. In relation to loss of privacy the parking of cars and movement of people at the front of the dwelling would be on an appointment basis and only during the restricted hours of operation. Transport Planning have no objection to the proposal on the grounds of access or parking and there are no restrictions on parking at present on the main road so planning cannot control how cars park out with the site. The signage has been approved under a separate application. The potential devaluation of adjacent properties and the fact that no-one occupies the residential element are not a material planning consideration.

The proposal complies with the development plan and there are no material considerations that would outweigh the development plan in this instance, I therefore recommend the application for approval.

DEVELOPMENT PLAN

Perth Area Local Plan 1995

P_071 Perth Area Villages

P_071 Inset Maps 1 - 40 indicate village areas and small settlements where residential amenity and village character will be retained and, if possible, improved. Some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the village. Generally encouragement will be given to:-

- Improvements of existing village shopping facilities where it can be shown that they would serve the needs of the village.
- Proposals which will improve the character and environment of the village.
- Small scale business activities where they are compatible with the amenity and character of the village.
- Proposals for the provision of small scale tourism and leisure facilities in villages.

Proposed Local Development Plan 2012

On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a

more up to date view of the Council than those contained in the relevant adopted Local Plan.

The principal relevant policy is RD1; Residential Areas encourages business uses where appropriate.

OTHER POLICIES	None specific
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SITE HISTORY

06/01773/FUL 5 October 2006 Application Permitted

07/00057/ADV 19 April 2007 Application Permitted

13/01138/ADV 12 August 2013 Application Permitted

CONSULTATIONS/COMMENTS

Scottish Water No objection

Environmental Health	No objection condition to be added
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Transport Planning	No objection
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TARGET DATE: 16 September 2013

REPRESENTATIONS RECEIVED:

Number Received: One letter received

Summary of issues raised by objectors:

The letter received raised the following issues; loss of privacy, parking problems and access, signage, devaluing property, nobody staying in residential element.

Response to issues raised by objectors:

These are addressed in the report section.

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not required

Legal Agreement Required:	No
Summary of terms	N/A

Direction by Scottish Ministers **No**

Conditions:-

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 The hours of operation shall be limited to between 08.00hours to 19.00 hours Monday to Friday, 08.00 hours to 13.00 hours on Saturdays and at no other time. .

Reasons:-

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Notes

Perth and Kinross Council

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997 as amended The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

A person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable and, in any case, before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act.

Before any work starts on site please complete the form below and return it to:

Development Management
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth PH1 5GD

Application Reference Number	13/01143/FLL
Date of issue of consent	12 September 2013
Date works are to commence	
Proposal	Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee
Name & address of developer	.
Name & address of landowner (if a different person)	
Name & address of site agent	

Jenna Aitken

From: Neil Kydd
Sent: 10 September 2013 11:26
To: Joanne Ferguson
Cc: Kirsty Steven
Subject: RE: Consultation response
Attachments: 13-01143-FLL - HameldaemeLuncarty.doc

Hi Joanne,

EH were not consulted on the original application 06/01773/FUL but the planning permission given included hours of operations in condition 9

The hours of operation shall be limited to between 09.00 hours to 19.00 hours Monday to Friday, 09.00 hours to 13.00 hours on Saturday and at not other times

EH would have no objections to changing the hours of operation to 08.00 Monday to Saturday if Planning feel this is necessary.

Regards,

Neil

From: Joanne Ferguson
Sent: 09 September 2013 16:49
To: Neil Kydd
Subject: Consultation response

Neil

I was just putting one through for Hameldaeme, Main Road, Luncarty ref 13/01143/FLL and I noted that we have went with 09.00 – 19.00 as hrs of operation mon – fri. On the application form they have stated that they start at 8am would it be a problem to change the condition from 09.00 hrs to 08.00hrs start?

Joanne Ferguson
Planning Officer - Planning & Regeneration

Perth & Kinross Council
The Environment Service
Pullar House, 35 Kinnoull Street
Perth, PH1 5GD

Phone 01738 475320
Email JLFerguson@pkc.gov.uk
Website www.pkc.gov.uk



The Environment
Service

MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/01143/FLL	Date	7 August 2013

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 13/01143/FLL for planning consent for:- **Permanent change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee Hameldaeme Main Road Luncarty Perth PH1 3EP for Tayside Chiropractic Ltd**

Insofar as the Roads matters are concerned I have no objections to the proposed development.

I trust these comments are of assistance.

31/07/2013



Perth & Kinross Council
Pullar House, 35 Kinnoull Street
Perth
PH1 5GD

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir/Madam

PLANNING APPLICATION NUMBER: 13/01143/FLL
DEVELOPMENT: Perth Luncarty Main Road Hame
OUR REFERENCE: 630240
PROPOSAL: Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Perth Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

Perth City Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water's Customers Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Hannah McGinley
Customer Connections Administrator



Planning and Regeneration
Head of Service David Littlejohn

Pullar House
35 Kinnoull Street, PERTH
PH1 5GD
Tel 01738 475300 Fax 01738 475310

Tayside Chiropractic Ltd
FAO Dr And Mr Heidi And Craig Mueller-
Ahsmann
Hameldaeme
2 Main Road
Luncarty
Perthshire
PH1 3EP

Telephone 01738 475300
Ref No 13/01143/FLL
Date 24th July 2013

Dear Sir / Madam,

Town and Country Planning (Scotland) Act, 1997 as amended by the Planning etc (Scotland) Act 2006

Payment Required for Advertisement Fee re Permanent Change of use from dwellinghouse to chiropractic consulting rooms and residential accommodation for employee at Hameldaeme Main Road Luncarty Perth PH1 3EP

I refer to the above application. The Council has advertised this application as required by the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008.

Under the Town and Country Planning (Charges for Publication of Notices)(Scotland) Regulations 2009 the cost of this advert must be paid by the applicant. In this case the **cost is £61.10**

Under these Regulations the payment must be made within **21 days** of this notification being received. The Council cannot determine the application until this payment has been received.

Payment, to Perth and Kinross Council, can be made:

- by post to this address using a cheque
- in person at this address using cheque, cash or debit or credit card
- by telephoning 01738 475300 and using debit or credit card

Please quote the reference number of your application when paying.

If the fee is not paid within 21 days we will treat the application as withdrawn. If the application is withdrawn, the application fee will not be returned. Under the Planning



19th November 2013

I, Liz Duncan, work at the Tayside Chiropractic and Wellness Clinic as a receptionist,

I can attest to the fact that with the currently permitted opening hours of Tayside Chiropractic, the needs of many patients are not being met, because we are unable to provide enough early morning appointments to meet demand.

Often, a patient may have to wait weeks for an appointment, whether they are a new patient or a current one. Sometimes we lose these patients to other practitioners.

I am happy for you to contact me should you wish to discuss this further.

Yours sincerely,



Liz Duncan

JIF

Linda Al-Ibrahimi

From: Morris Findlay [REDACTED]
Sent: 07 August 2013 22:00
To: Development Management - Generic Email Account
Subject: Planning application 13/01143/FLL

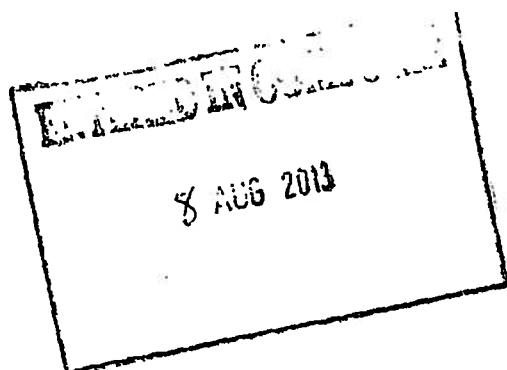
Dalfiny
Main road
Luncarty
Perth
PH1 3EP

Dear sir/madam

I would like to place an objection to the above application for permanent change of use from dwelling house to chiropractic consulting rooms. This is as stated a dwelling house in a residential street. There are a number of residents in this street who have businesses but do not run them from their homes. I did not build my house in a nice quiet area for then to have a busy carpark next door to me. This has a major impact on my family's privacy. I believe in the first instance that this planning permission was originally set out stating that they would be living in the house and that they were not allowed to put signs up on the house. There has never been any permanent body staying there and most of the time it is empty when business is closed. They have also had open day which means that practically the whole street is covered in cars. This is a dangerous road at the best of times and there is an accident waiting to happen. They have also put a sign up on the wall next to my property and not only is it unsightly, it has now got a flood light above it. I do also think that this has a major impact on the value of my property and properties surrounding it. The applicant had the business running for several years in her own private residence and didn't want to start a family in the same. Therefore wanted her own residence to be business free to bring up their own family. This is very unfair to then bring their business into our street where we all have family's.

I would be very grateful if you would take these points into account as I feel they have not followed the original temporary planning. There is plenty commercial building in perth that are empty. I feel very strongly about this.

Morris Findlay



Perth & Kinross Council

Dear Sirs

I work at the Tayside Chiropractic and Wellness Clinic, Luncarty as a receptionist.

I would like to take this opportunity to say that due to the current permitted opening hours, we have a shortage of early morning appointments. We are a very busy clinic and regularly struggle to find suitable appointments within a reasonable time for our patients, many of whom are in pain. Opening at 8am would help the situation greatly.

Please feel free to contact me if you require any more information.

Yours faithfully

G. Holmes

Gill Holmes

