

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 16 January 2018
Item No 5.2

Local Review Body: Review of Planning Application Reg. No. 17/00440/DPP

Tim Ferguson
Ferguson Planning
Shiel House
54 Island Street
Galashiels
TD1 1NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Luigi Pia, 9 Whitehouse Gardens, Gorebridge, EH23 4FQ, which was registered on 20 September 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Change of use from flatted dwelling to house in multiple occupation at 29 Waverley Road, Bonnyrigg, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	S01 1:1250	05.06.2017
Proposed Floor Plan	S 1:50 First Floor	05.06.2017

The reason for the Council's decision is set out below:

- The use of the flat as a house in multiple occupation for 5 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 21 November 2017. The LRB carried out a site visit on the 20 November 2017.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan - Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the proposal
2. The potential impact on highway safety and amenity

Dated: 21/11/2017

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, sweeping initial 'P'.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk