

SPSO decision report

Case: 201103610, South Ayrshire Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

The council granted planning permission for a supermarket development opposite Mrs C's home. She was opposed to the development and had submitted objections during the planning application process. Her objections included concerns about the proposed development's impact on her ability to safely enter and exit her driveway, which is situated on a bend in the road, opposite the supermarket's access junction.

Mrs C became aware that a transport assessment had been undertaken in relation to the development. On looking into this, Mrs C became concerned and complained that the council's actions in relation to this assessment contributed to what she considered to be an unsafe road layout. She said that the council allowed the developer to conduct traffic surveys at times when traffic was diverted away from the road being assessed. She felt the council accepted a substandard traffic assessment and approved the planning application without question and then failed to ensure that certain planning conditions were met. She also complained about the council's handling of her correspondence about this.

We did not uphold most of Mrs C's complaints. The evidence that we examined in our investigation showed that no diversions were in place when the traffic surveys were carried out, and that the council had in fact considered the developer's traffic assessment to be substandard. They sought appropriate technical advice and worked with their adviser to ensure that amendments were made before planning consent was approved. We were satisfied that the council did not simply accept the proposals submitted by the developer, and we found that any outstanding issues were incorporated into conditions attached to the planning consent. That said, we found the council's record-keeping around this to be poor.

We found the council's actions on the two planning conditions that Mrs C felt had not been met to be reasonable. In one case, the council had not acted on a recommendation from their technical advisers to reword the condition, but we were satisfied that the action that they took reflected national guidance. We were, however, critical of the council's complaints handling and upheld Mrs C's complaints about this. The council had not shared with her the evidence that they presented to us, which clearly explained and supported the council's actions on the transport assessment. As such, complaints that could have been resolved quickly were allowed to carry on with no detailed explanation of the council's approach.

Recommendations

We recommended that the council:

- consider introducing a system to maintain clear records of issues that have been identified, the action proposed to address them, and the date and reasons for the council's decision in response to each proposed action; and
- take steps to ensure that staff responding to complaints do so in sufficient detail to explain the reasons behind the council's position.