

SPSO decision report

Case: 201400024, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr C complained about the council's handling of a planning application for the development of a local sports ground. Mr C said the council's report to the development management sub-committee contained significant errors and omissions and that, as a result, the committee did not make its decision on the basis of all the material considerations as required by law. Mr C listed eight separate areas where he considered there to be failings by the council. This included that there was an unreasonable failure by the council to adequately assess the information provided by the applicant about the height of the stadium, the size (footprint) of the development and attendance figures, and to ensure that this was correct. Mr C also said the council unreasonably failed to have regard to, and report properly on, the independent report obtained by consultants on the methodology used in the transport submission to the planning application.

We obtained independent advice on Mr C's complaint from a planning adviser. Our adviser did not find failings by the council in six of the eight areas identified by Mr C in his complaint. On the first of the remaining two areas, our adviser considered that the council did not unreasonably fail to adequately assess the information provided by the applicant about the height of the stadium, the size (footprint) of the development and attendance figures, and ensure that this was correct, so we did not uphold this complaint. However, our adviser was concerned about the planning report's lack of clarity in relation to the height dimensions detailed in Mr C's complaint so we made a recommendation to address this.

On the second matter, we accepted the council's view that they were not required to include every detail of the consultants' report in their planning report. However, we were concerned that, having commissioned an external assessment by consultants on the transport methodology used in this case (in response to concerns raised about the way in which the transport impacts of the proposed development had been handled by the council) the council did not adequately report the consultants' views in their planning report to committee, so we upheld Mr C's complaint about this.

Recommendations

We recommended that the council:

- ensure that staff are aware of the need to provide appropriate descriptions/definitions of the dimensions being used in planning reports to committee;
- feed back our decision to the staff involved in this case; and
- provide Mr C with a written apology for the failings identified.