

SPSO decision report

Case: 201605227, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Decision: upheld, recommendations

Summary

Mr C complained about the council's handling of a planning application to extend a restaurant near his home. Mr C was concerned that a parking policy had not been taken into account when determining the application and that the planning service had not waited on a consultation response from the roads service at the council before approving the application. During their own consideration of the case, the council accepted that parking had not been covered in the planning officer's report for the application and they apologised for this failing.

We took independent advice from a planning adviser. We found that there was no evidence that the relevant policy for parking had been considered when determining the planning application. While there was no statutory requirement to await a roads service consultation response before determining the application, the advice we received highlighted that proceeding without all the relevant information was a key shortcoming. However, there was no evidence that proceeding without the consultation response made any difference to the council's decision to approve the application. On balance, we upheld the complaint. However, based on the advice we received, we did not consider that there was any further action that the council were required to take in respect of the application. We did make a recommendation to ensure that material considerations and relevant policies are taken into account when determining a planning application in the future.

Recommendations

What we said should change to put things right in future:

- All material considerations should be taken into account when determining a planning application. The correct policies should be identified and referenced in the report of handling.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.