

SPSO decision report

Case: 201103490, The City of Edinburgh Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, recommendations

Summary

Ms C complained on behalf of the residents of a new housing development, which consisted of a number of buildings. Planning permission had been approved for the development on the basis that one parking space would be provided for each property. However, due to a mistake by the developer's architect, there was a shortfall in the number of available spaces. The developer submitted a further application, changing the proposal for one of the buildings so that underground parking that was originally planned would not be provided. Ms C complained that the council approved the second planning application without considering the impact that this had on the overall parking provision for the development.

We found that it was appropriate for the second application to be considered separately and on its own merits. However, our planning adviser told us that the council should take into account the wider context of the application, including parking provision for the site as a whole. The council had said that they did not consider the parking problems on the wider site to be a material consideration when determining the second application. We were satisfied that there was clear evidence of the matter being investigated and considered fully.

Our investigation highlighted that the developer sold a number of properties to a housing association, and the proposed number of parking spaces for those properties reduced to 25 percent in line with the requirements for affordable housing. However, the properties were later to be sold as shared ownership flats, which require 100 percent parking. We noted that the council did not have a policy in place for shared ownership properties' parking at the time of sale. Once the matter was brought to their attention, however, they amended their policy and ensured that the developer would provide 100 percent parking.

Ms C also complained that the council were working with the developer to use existing landscaped space for parking. Residents found this inappropriate, as the landscaped areas were a requirement of the original planning consent and were already minimal. We found no direct evidence of the council encouraging the developer to make use of these areas or of working with the developer. However, it was clear that the council would consider any proposals put to them, including the use of landscaped areas. We did not consider this to be inappropriate, but we made a recommendation relating to the outcome of any decision.

Recommendations

We recommended that the council:

- upon determining the planning application, provide a full and detailed explanation to the residents' steering group of the reasons for their decision.