

Case: 201101677, 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 two planning applications for the construction of a new house on a plot of land neighbouring his home.

Planning permission was initially granted for the build, despite the council's failure to notify neighbours of the development as required by planning regulations. Although the developer had the council's permission to build the new house, this was vulnerable to legal challenge due to this failure to notify neighbours.

To remedy this, the developer submitted a new planning application so that neighbour notification could be carried out. Planning permission was subsequently approved again.

Mr C felt that the original planning permission should have been revoked while the second application was being considered. He believed that the failure to do this meant that any objections submitted would be dismissed in favour of confirming the existing planning permission. Mr C submitted objections based on the impact the new development would have on his own property's privacy. He did not feel that his objections were taken into account when planning permission was granted for a second time.

We upheld Mr C's complaint that the council granted planning permission without neighbour notification. However, we did not find it necessary for the original planning permission to be revoked while the resubmitted planning application was being considered. The planning officer's report showed that due consideration was given to Mr C's objections with reference to local planning policy and we were, therefore, generally satisfied that the second planning application had been properly processed.

Mr C was told by the planning committee's vice convenor that he would be invited to attend a pre-determination hearing. This did not happen and he was subsequently told that planning permission had been granted without his attendance at such a meeting. On looking at this issue, we found that it was beyond the vice convenor's powers to make this promise to Mr C. However, there was no obligation on the council to hold a pre-determination hearing for this planning application or to invite Mr C to it. We recommended that the council remind elected members of the process for notification of and invitation to pre-determination hearings.

Mr C raised further concerns about the council's handling of his formal complaint. We found that the complaint was properly investigated but that there were delays to the council's responses.

Recommendation

We recommended that the council:

- remind elected members of the process for notification of and invitation to pre-determination hearings.