

SPSO decision report

Case: 201200484, The City of Edinburgh Council
Sector: local government
Subject: advertisement of proposals: notification and hearing of objections
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mrs C complained about the council's handling of an application for a change of use of local commercial premises. Mrs C said that neighbour notification was not carried out correctly, which she believed meant that she and her co-complainants missed a chance to have the planning application decided by committee, and to speak to that committee. Mrs C complained that relevant issues, such as the residential nature of the area and public safety, were not taken into account when assessing the application. She also said that there was delay in responding to her and her co-complainants' representations about the planning application and in telling them of the outcome.

We found no evidence that the neighbour notification procedures were faulty. We also did not uphold the complaint that there was a failure to take account of relevant issues. There was no evidence to suggest that there had been a failure to consider issues which were material to the case when assessing the planning application, or that Mrs C was not given an explanation when she complained. We also saw no evidence that Mrs C's contact with the council was subject to delay when they responded but we upheld her complaint that she was not notified of the decision. However, as the council had apologised to her for this and, in response to our investigation, advised us that they had looked at why this happened and that a similar error should not happen again, we made no recommendations.