

SPSO decision report

Case: 201200590, The City of Edinburgh Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Ms C complained about the council's processing of two planning applications in respect of the demolition of a property in a conservation area and the erection of a new home. Two applications were required due to separate consent being required under conservation area consent requirements.

We did not uphold her complaint that the processing was incorrect as the second application did not include information required by council guidance, because our investigation found the application did in fact include this information. We noted however that in their response, the council had not made this clear to Ms C.

We did uphold Ms C's complaint that the council did not respond properly to her complaints. That there were lengthy unexplained delays, and the final response failed to address an additional concern Ms C had raised. We also noted it was not reasonable that the report about the first application was not available on the council's online portal until eight days after the application was granted. We recognised this prevented members of the public having faith in the process.

We also noted some issues in relation to the way the two applications were handled; for example, the applications could have been handled alongside each other, as the process as it stood suggested one had pre-empted the other. In addition, there was some key wording missed out in error in the first application, which could potentially have been misleading and suggested the second application would not be required. We drew this to the council's attention and made three recommendations.

Recommendations

We recommended that the council:

- provide Ms C with a full apology for not responding to her complaint timeously and for not fully addressing the concerns she raised;
- provide the Ombudsman with evidence to demonstrate that the council's internal complaints procedure is being complied with, including evidence that complainants are contacted to seek agreement for further time to respond if required; and
- review and improve procedures for planning applications which require separate conservation area applications to ensure a pragmatic approach and provide evidence of this review to the Ombudsman.
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