

SPSO decision report

Case: 201407734, South Lanarkshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr C complained to us about the council's handling of a planning application for additional parking along his parents' street. He said that the council had not fully considered several material planning considerations when they granted consent with conditions, and that he had not been given an opportunity to speak at the council meeting when the application was determined. He also complained that, when he reported to the council that conditions on the planning consent had not been met, the council did not take any enforcement action.

We took independent advice from a planning adviser. He noted the procedures which the council had implemented in handling the planning application, and the presentation of the various different issues raised as objections to the application. He reviewed how these had been presented and considered in the report on the application, and considered that the council had taken a reasonable approach to each of the concerns raised. The adviser also noted appropriate consultations with the council's roads department. He reviewed the procedures in relation to public hearings, and was satisfied that the council had applied these appropriately. In terms of following up on the conditions of the consent, the adviser was satisfied that the approach taken by the council had been reasonable, though they noted the extended timescales involved, which were not in line with the council's Enforcement Charter.

We found that the council had followed their procedures appropriately in relation to their consideration and determination of the planning application. We also considered that it was in line with their policies not to allow for public presentations at the council meeting, in relation to this application. In relation to potential enforcement action, we were satisfied that they had taken a reasonable approach in not taking formal enforcement action. However, we were critical that they had not taken prompt action, and that they had not kept Mr C informed of what was happening.

Recommendations

We recommended that the council:

- apologise to Mr C for the slow responses to his enquiries and provide him with information about what work remains outstanding, when the council expect completion, and what action they will take if conditions remain outstanding.