

SPSO decision report

Case: 201101548, Glasgow City Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Ms C lives in a tenement flat. The space between the tenement in which her flat is situated and the next tenement was occupied by a single storey shop. In December 2004, the owner obtained conditional planning consent to demolish the shop and build a three storey town house in the gap. However, they did not do this and, shortly before planning permission expired, a different applicant applied for planning permission for the site. Under new planning procedures introduced in August 2009, that application should have been taken forward without notifying neighbours of the plans and should have been determined by planning officers under delegated procedures. However, the council did notify neighbours. When Ms C went to see the plans, there were none for the newer application, and the file on the earlier application had been mislaid. The new applicant was apparently unable to provide the council with a copy of the 2004 approval and related plans.

In the first half of 2010, Ms C sent four letters to the council's planning service. Eventually in May 2011, the council prepared a report of handling about the newer application. In this, Ms C's letters and those of others were treated as objections to the proposals. The relevant council committee, however, granted planning consent on conditions broadly similar to those in the initial approval. Despite the fact that the 2004 file had not been found, the May 2011 decision said that the development should proceed in accordance with plans submitted and approved in 2004. After Ms C pursued her complaint with the council, in February 2012 a third application was submitted. It was approved in August 2012 on the basis of plans compatible with those submitted in 2009 for a building warrant (which was approved in December 2009).

Ms C's complaint to us had five elements. We upheld the first of these - that the council unreasonably took 18 months to present the further application to committee for approval - and made two recommendations to address the failings we found. We did not uphold the other four complaints, which related specifically to the report of handling and presentation to the relevant committee in May 2011.

Recommendations

We recommended that the council:

- apologise unreservedly to Ms C for their administrative shortcomings in the handling of the second application; and
- consider their policy with regard to the consequences of lost application plans for effective monitoring and enforcement, especially in the circumstances where a further application for any kind of statutory determination is made to them.