

SPSO decision report

Case: 201508021, Argyll and Bute Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about the way the council considered, and approved, a planning application to build a house close to his own. He said that the proposed structure as shown on the plans should have alerted the council to look more closely at the application and its potential to create noise in the surrounding area. The application was advertised but no comments were made about it by neighbours or the environmental health department. It was approved by the council.

The development as built did not comply with the planning permission granted and the developer was required to regularise the situation. The developer applied to the council for a non-material variation (where amendments proposed will not significantly change the scheme that was originally granted planning permission), which was approved around a year after the initial planning application had been approved. Mr C complained that this approach was unreasonable as was the council's action on his complaints of noise. The council, however, maintained that they dealt appropriately with both applications and with the information presented to them and, after investigation, they had found no evidence of a statutory noise nuisance.

We took independent planning advice and found that the council had assessed the applications made in terms of current legislation and guidance. We found that Mr C's complaints about noise had been reasonably investigated and the council had sought to limit any noise between the hours of 19:00 and 09:00. We also found that his complaint had been dealt with reasonably.