

SPSO decision report

Case: 201101706, Aberdeen City Council
Sector: local government
Subject: applications; allocations; transfers and exchanges
Outcome: not upheld, no recommendations

Summary

Ms C, who is a council tenant, complained that the council failed to assist her in finding safe accommodation when she informed them that she was being stalked and harassed by a local man. When Ms C then moved to two different properties through a mutual exchange programme, she raised a further complaint that the council did not properly consider another request to be re-housed due to noisy neighbours and persistent youth disorder outside her home.

We did not uphold Ms C's complaints. We found that there was insufficient information reported to the council about Ms C's alleged stalker for them to act. The evidence showed that the only records that the council had about this were noted in Ms C's housing application and that they had contacted the local police about these concerns. However, the police had told the council that they had no record of Ms C having reported being stalked. There was also little evidence of Ms C reporting persistent noise by local youths or her neighbours to the council. Therefore, we did not consider that the council acted unreasonably in not awarding Ms C priority housing.

Case: 201201204, Aberdeen City Council

Sector: local government

Subject: handling of application (complaints by opponents)

Outcome: some upheld, recommendations

Summary

The secretary of a golf club (Mr C), the boundary of whose links course lies adjacent to an enterprise park, complained that the council had failed to notify the golf club of a planning application to site a single wind turbine in a neighbouring unit in the enterprise park. He also said that failure had later been compounded in respect of a further application made by the occupants of that unit.

Mr C made seven allegations; five in respect of the handling of the first application and two in respect of the second. With regard to the first application, he alleged that the council failed to serve appropriate neighbour notification; failed to use an appropriate publication for advertising the application; failed to deal with the application appropriately on the basis that, given the council owned the site; they should have recognised the importance of notifying all affected parties, failed to appropriately consider the application in terms of the landscape effects from the point of view of the golf club; and failed to deal with the subsequent complaint appropriately. In respect of the second application, Mr C complained that the council failed to serve appropriate neighbour notification on the golf club and failed to respond adequately to attempts to ensure that the golf club is

notified in future.

As part of our investigation we took independent advice from one of our planning advisers. He was of the view that the wording of the Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and advice in the Scottish Government Circular 4/2009 Development Management Procedures strongly supported the case that the proximity of the golf club to the planning site was sufficiently close that the club should have been notified. We upheld that complaint. However, we did not uphold the four remaining complaints relating to the first application.

The two allegations regarding the second application post-dated the submission of the complaint. Although the golf club did not receive neighbour notification, a letter was sent to them advising them of the second application and they took the opportunity to object. They also met with a senior planning officer. Therefore, these complaints were not upheld.

Recommendations

We recommended that the council:

send a letter of apology to the golf club for their failure to notify in respect of the applications; and

review their procedures in respect of neighbour notification in the light of this case.