

SPSO decision report

Case: 201508093, Perth and Kinross Council
Sector: local government
Subject: policy/administration
Decision: not upheld, no recommendations

Summary

Mr C complained about the council's handling of the planning application for a music festival. In particular, he complained that the council unreasonably granted the developer permission to use a particular junction as the access route for the building and break-up of the event. He further complained that the council had failed to carry out adequate environmental monitoring at this junction. Mr C was also concerned that the council agreed to extend working hours and that they failed to take enforcement action when the developer failed to adhere to the amended hours. Finally, Mr C was unhappy that the council did not attach a planning condition to the planning consent that residents affected by any disruption should be compensated by the developer.

We took independent planning advice. We were satisfied that the council followed planning procedure in determining the planning application in accordance with the terms of the relevant legislation. The advice we received was that, while the council accepted that there was some disturbance to local residents, the planning conditions imposed were aimed at safeguarding the amenity, health and safety of neighbouring residents. As such, we did not uphold the complaint that the council unreasonably granted the developer permission to use the junction.

We also found that there was no requirement on the council, as planning authority, to carry out environmental monitoring. We found that conditions had been placed on the planning consent aimed at ensuring that the amenity, health and safety of residents was safeguarded and that disturbance was minimised. We did not uphold the complaint that the council failed to undertake environmental monitoring.

In relation to Mr C's concern that the working hours were extended, we found that the planning condition had allowed for a change in the hours of operation. We did not uphold this aspect of the complaint.

We were also satisfied that when the alleged breach of amended hours was brought to the council's attention, they took reasonable action. As such, we did not uphold the complaint that the council unreasonably failed to take enforcement action.

Finally, we were satisfied that the council correctly explained that they were unable to apply a planning condition requiring that affected residents should receive compensation from the developer and we did not uphold this aspect of the complaint.