

SPSO decision report

Case: 201202858, Perth and Kinross Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr and Mrs C live next to the site that was chosen for an integrated nursery, primary and secondary school academy with community leisure facilities, including an all-weather pitch and multi-use games area. Planning consent was obtained in November 2006 and the campus opened for school use and evening and weekend hires in late 2011. Mr and Mrs C complained from the outset about noise, foul language and rude behaviour in the games area, and, after evening hires of the games area for hockey, football and rugby were restricted, also complained about similar noise from users of the all-weather pitch. They told us that the council failed to take reasonable steps to provide an accurate description of the development during pre-development consultation; and failed to take reasonable action in respect of their complaints of noise and anti-social behaviour.

Our investigation found that the consultation took place in June 2006, with the application for planning consent. The evidence we saw showed that the intention to locate the games area near Mr and Mrs C's home was disclosed at the outset and in the officer's report on the application, and we did not uphold this complaint.

The council had, during their consideration of the complaint about the noise, accepted fault and apologised. Their second stage response also accepted fault and upheld six of nine points that Mr and Mrs C raised. However, Mr and Mrs C remained unhappy, as they said there was a lack of effective action by the council to reduce the nuisance and distress they were suffering. Our investigation found that problems have continued and the council have not done all they could to resolve this. We upheld this complaint and made recommendations with the aim of addressing this.

Recommendations

We recommended that the council:

- demonstrate measures they have taken or propose to take to implement the policy of zero tolerance of anti-social behaviour including foul and abusive language; and
- reach a decision on the installation of fencing in appropriate locations to reduce general levels of noise affecting the property of Mr and Mrs C and their neighbours.