

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 13/00305/ENBOC2

To: Navyflag Ltd
144 Nottingham Road
Eastwood
Notts.
NG16 3GE

SERVED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is served by Argyll and Bute Council, under Section 145 of the Town and Country Planning (Scotland) Act 1997, because it is considered that a condition imposed on the grant of planning permission, relating to the land described below, has not been complied with. It is considered that you should be required to comply or secure compliance with the condition specified in this notice.

2. THE LAND AFFECTED BY THE NOTICE

The site to which this notice relates (shown edged in red on the attached plan) forms an area of land known as **LAND ADJACENT TO CASTLE SWEEN COTTAGE, ACHNAMARA**

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number: 11/00895/PP**) on the **15th August 2011** for the **erection of dwellinghouse, installation of shared waste water treatment plant and alteration of access**

4. BREACH OF CONDITION

The following condition has not been complied with:

2. Development shall not begin until details of the floor slab level height of the property has been submitted to and agreed in writing by the Planning Authority. These details shall show the height relative to a fixed datum off-site and shall also define any proposed changes in land levels as may additionally be sought and to ensure that the development 'sits' within its' existing / new topography without the need for undue visible underbuilding. The development shall be implemented in accordance with the agreed details to the satisfaction of the Planning Authority.

Reason: To ensure the development satisfactorily integrates into the neighbouring topography, landscape and built environment.

3. Prior to the commencement of any aspect of this development the new access hereby permitted shall first be formed in accordance with the Councils' highway drawing SD 08/004 Rev a, with a width of 5.5 metres throat, a 2.00 wide verge and with the existing vehicular access to be permanently closed off (with a fence to be erected across the existing access, the public road verge to be reinstated with soil and seeding across that existing access point and the existing roadside ditch to be extended across the existing access connecting to the new access) also offering a refuse collection point adjacent to the public road, to the satisfaction of the Area Roads Engineer and the Planning Authority. The proposed access shall have visibility splays of 42 x 2.40 x 1.05 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interest of road safety.

6. Prior to the commencement of the development the surface water drainage details shall be submitted to and approved in writing by the Planning Authority which ensure that surface water drainage is dealt with separately to the waste water drainage system. The details of the surface water drainage shall also be compliant with a SuDS (Sustainable Urban Drainage System) in line with Planning Advice Note 61 (PAN61) "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook, which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) regulations 2004.

Reason : In the best interest of both public health and to safeguard the water environment local to the site.

7. Development shall not begin until details of the scheme of boundary treatment and hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i) existing landscaping features and vegetation to be retained

- ii) location and design, including materials, of walls, fences and gates (this shall specify a stone dyke wall at the access entrance)
- iii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iv) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping.

8. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply/secure compliance with the stated condition(s) by taking the following steps:

Submit details of the floor slab level, form the access as per the roads requirements in condition no.3, submit details of the surface water drainage, submit a boundary treatment details for both hard and soft landscaping and submit a private water supply appraisal.

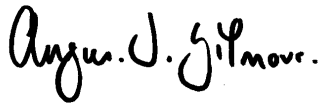
5. TIME FOR COMPLIANCE

Time for compliance: 28 days from the date the notice takes effect.

6. DATE THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 10 December 2013

A handwritten signature in black ink, appearing to read 'Angus J. Gilmore'.

Head of Planning & Regulatory Services
Kilmory
Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE
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It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately by telephone, followed by written enquiry to:

Planning Services, 67 Chalmers Street, Ardrishaig PA30 8DX

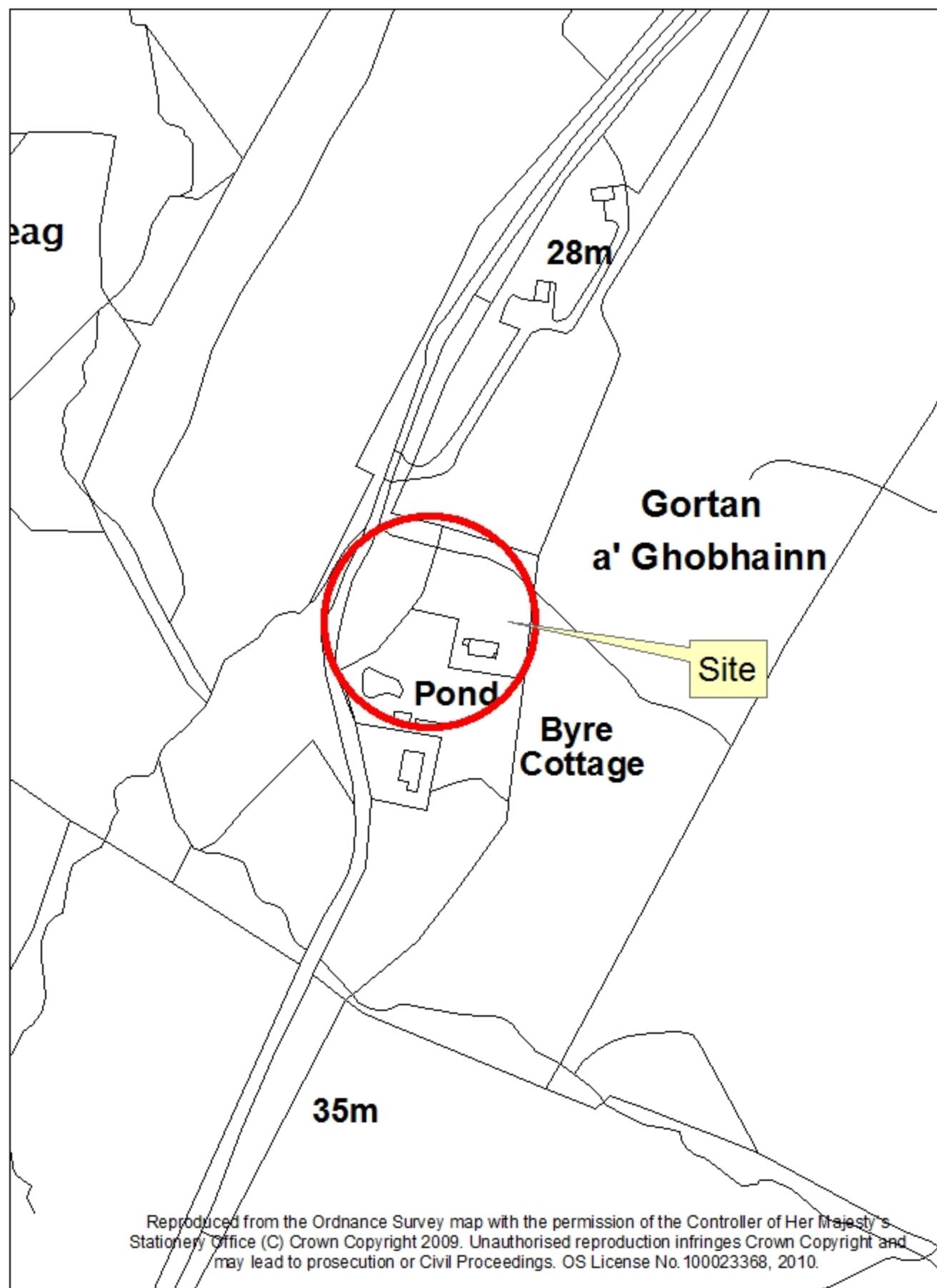
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial review. A lawyer will advise you on what procedure this process involves.

PENALTIES FOR NON-COMPLIANCE WITH A BREACH OF CONDITION NOTICE

Failure to comply with this notice may result in the Planning Authority instigating further planning enforcement proceedings such as an Enforcement Notice or a Fixed Penalty Notice.

The 2006 Act amended the 1997 Act to introduce a new planning enforcement power enabling planning authorities to issue a fixed penalty notice (FPN) as an alternative to prosecution where a person fails to comply a breach of condition notice to correct a breach of planning control. Failure to comply with this notice may result a fixed penalty notice being issued, with a fine of £300 in respect of a breach of condition notice. Please note that while payment of this fine prevents future prosecution this does not remove your responsibility to comply with the terms of this notice and may, as a result, instigate the undertaking of further planning enforcement proceedings.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE
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**Location Plan relative to new dwellinghouse
Land adjacent to Castle Sween Cottage, Achnamara
Enforcement Ref. No. 13/00305/ENBOC2**

Date: 10.12.13

Drawn By: KMK

Scale: 1:2,500

