

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 11/00311/ENBOC2**

To: Mr Roddy Anderson  
Mallard Cottage  
Tayvallich  
By Lochgilphead  
Argyll  
PA31 8PJ

**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 SOUTH EAST OF ARDNAFADMORE COTTAGE, TAYVALLICH**

**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: 09/00746/DET**) on the **24<sup>th</sup> November 2009** for the **Erection of dwellinghouse and installation of septic tank**

#### 4. BREACH OF CONDITION

The following condition has not been complied with:

3. *Prior to any work commencing within the application site details of the upgrading of the private road, outside the application site, for the first distance of 26 metres of that road commencing immediately beyond the recently surfaced 5 metres of bituminous tar macadam at the bellmouth (as per decision 08/02154/DET) with the adopted Tayvallich - Carsaig public road, shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Manager. The surfacing details shall also be laid to hard surface, such as bituminous tar macadam, as shall be agreed with the Authority. The agreed works shall be implemented to the satisfaction of the Planning Authority prior to any aspect of work commencing within the red edged application site, and shall also be top dressed after the completion of the development and prior to its occupation to the Authorities' satisfaction if damaged in the process of the development.*

*Reason: In the interest of highway safety having regard to the number of dwellings served by the road.*

5. *Prior to works commencing within the application site, samples of the proposed external wall finishes (both reconstituted stone facings for the lower floor level, the mortar, the render for the upper level and timber treatment for the half shaped octagonal tower), the garage door, the windows and the roof covering of the development (which notwithstanding the details shown on the approved plans shall be of natural slate), hereby granted consent shall be submitted to and approved in writing by the Planning Authority. The balustrades shall be constructed in accordance with the already specified details, unless otherwise agreed in writing. Thereafter, the development shall be implemented in accordance with the duly approved details.*

*Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

7. *Prior to the commencement of the development details of a scheme of surface water drainage shall be submitted to and approved in writing by the Planning Authority, together with a technical report, which demonstrates specifically that surface water drainage is :*

- (a) dealt with separately to the waste water drainage system; and*
- (b) that the surface waters are so collected from the development and distributed within the site in a manner which avoids any concentration which might bring about further sufferance than presently exists to the dwelling house and its lands beneath.*

*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.*

*The development shall be implemented in accordance with these duly approved details*

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

10. *Development shall not begin until details of the scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:*

- i) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub*
- ii) 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.*

## **7. 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:

**Upgrade the private road as per condition no. 3 above, submit samples of all finishes as per condition no.5 above, submit a surface water drainage scheme as per condition no.7 above and submit a hard and soft landscaping scheme as per condition no.10 above.**

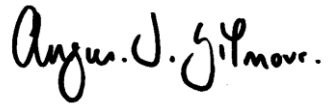
## **8. TIME FOR COMPLIANCE**

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

## **9. DATE THIS NOTICE TAKES EFFECT**

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

Dated: 6 March 2012

A handwritten signature in black ink, reading "Angus J. Gilmore". The signature is written in a cursive style with a large initial 'A' and 'G'.

Head of Planning & Regulatory Services  
Kilmory  
Lochgilphead

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

<b>WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE</b>
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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

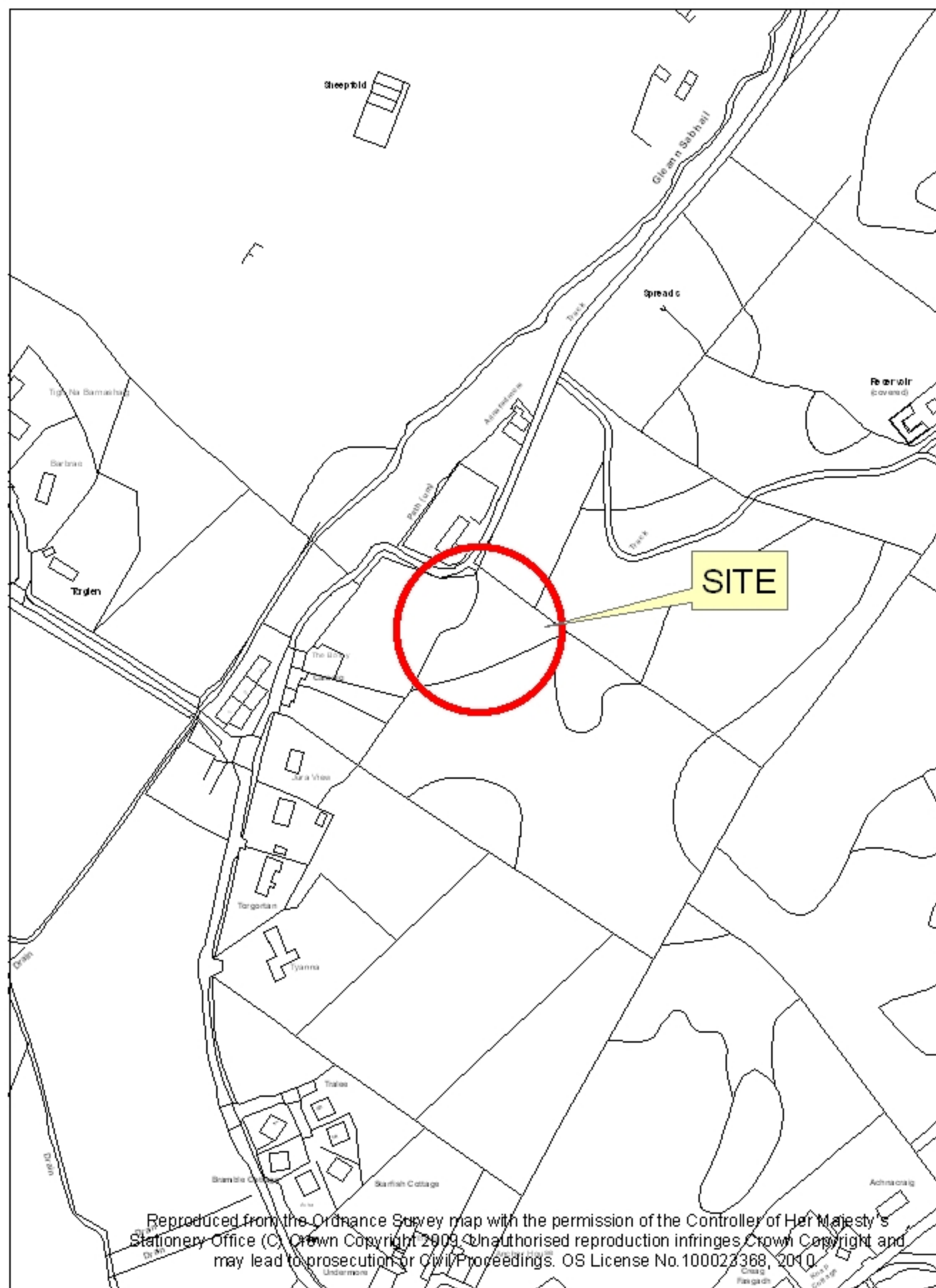
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial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

<b>DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE</b>
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**Location Plan relative to Land South East  
Ardnafadmore Cottage, Tayvallich  
Enforcement Ref. No. 11/00311/ENBOC2**

Date: 03.03.12

Drawn By: KMK

Scale: 1:2,500

