

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 12/00031/ENBOC2

To: M MacDonald
West Loch Shores
West Loch
Tarbert
Argyll
PA29 6YF

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 OF BELLOCHANTUY COTTAGES, BELLOCHANTUY**

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: 11/00281/PP**) on the **22nd September 2011** for the **Change of use of land to form 9 no. hard standing areas for holiday let lodges/caravans, formation of new access and installation of treatment plant with partial soak away**

4. BREACH OF CONDITION

The following conditions have not been fully complied with:

2. Prior to the commencement of works, the exact specifications, appearance, materials and orientation of the proposed units shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt the caravans should be timber clad unless otherwise agreed in writing with the local planning authority. The development shall be implemented in accordance with the approved details and shall be retained as such unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In the interests of visual and site amenity.

3. No development shall commence on site until details of a Sustainable Urban Drainage System (SUDS) have been submitted and approved in writing by the Head of Planning in consultation with the Chair, Vice Chair and Local Member of the Council's Planning, Protective Services and Licensing Committee. Such details shall include a drainage layout plan which shall include full details of the surface and foul water discharge from the site and shall include any mitigation measures required to address surface water runoff from the site. The development shall thereafter be carried out in accordance with this plan.

Reason: To ensure that there is a satisfactory drainage system in place for the development in the interests of health and amenity.

5. Prior to the commencement of works, a site plan demonstrating parking for a minimum of 1 vehicle per plot with a total minimum number of 9 spaces provided shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Area Roads Manager. These spaces will be constructed in accordance with the approved details prior to the occupation of any of the approved plots.

Reason: In the interests of road safety.

7. The development shall not begin until details of a scheme of boundary treatment, surface treatment and landscaping works have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include :

- i) location and design, including materials, of any walls, fences, hedges and gates;
- ii) surface treatment of means of access and hardstanding areas;
- iii) screening in the form of hedging and/or fencing to be provided along the site boundary between the private and public road.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Council as planning authority, within six months of the site being brought into use for the approved purpose. This plan shall be consistent with the suggestions made by the Local Biodiversity Officer under the consultation response dated 27/7/11. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In the interests of visual amenity, in order to integrate the development with its surroundings and maintain the landscape character of the area.

5. 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/specifications of the units as per condition no.2, a detailed Sustainable Urban Drainage System to be submitted and approved as per condition no.3, a site plan demonstrating the parking arrangements to be submitted as per condition no.5 and a boundary treatment scheme to be submitted and approved as per condition no. 7.

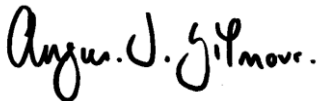
6. TIME FOR COMPLIANCE

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

7. DATE THIS NOTICE TAKES EFFECT

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

Dated: 22 March 2012



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

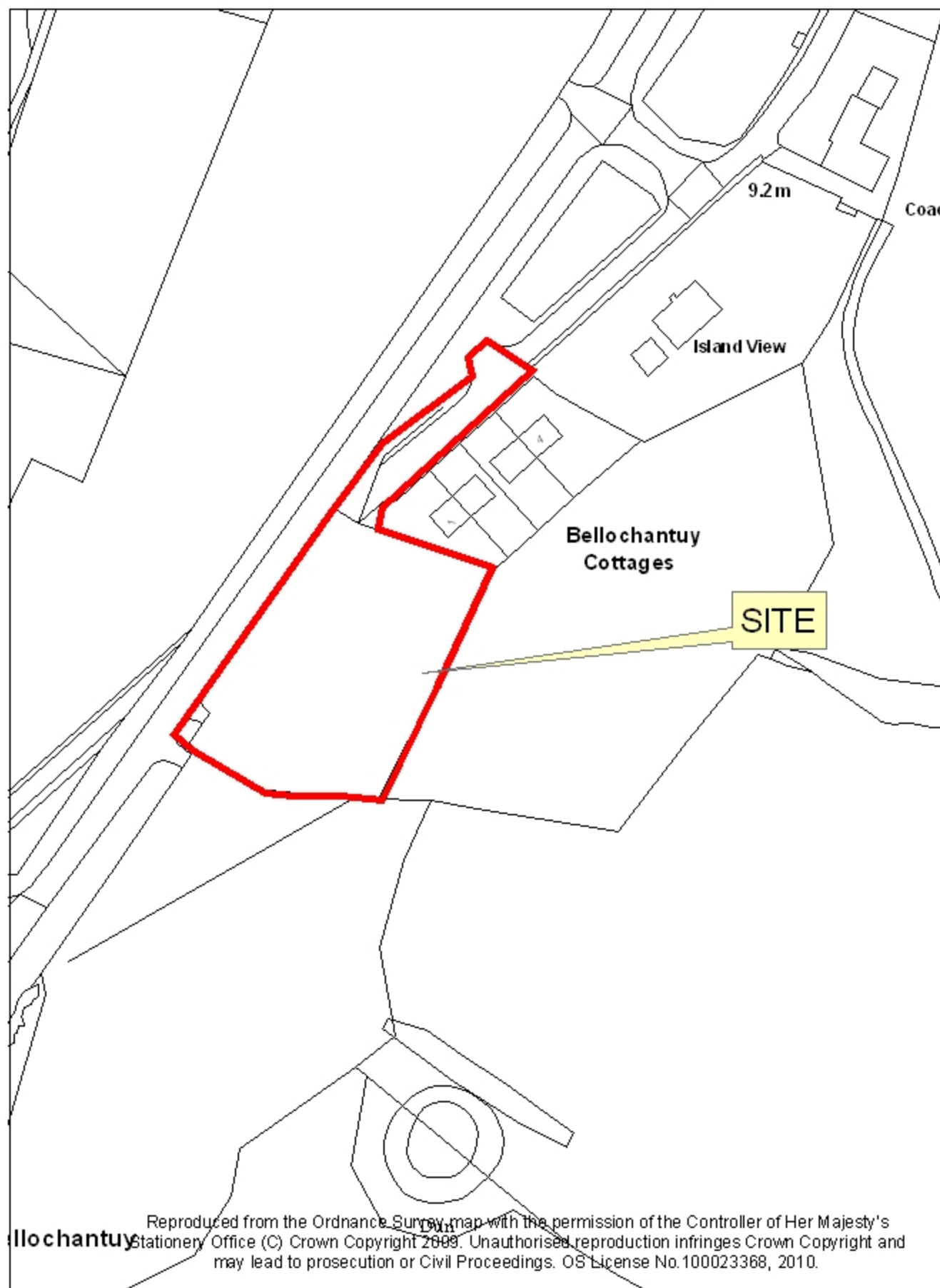
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial 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 Land South of
Bellochantuy Cottages, Bellochantuy
Enforcement Ref. No. 12/00031/ENBOC2**

Date: 21.03.11

Drawn By: KMK

Scale: 1:1,250

