

Important - This Communication Affects Your Property

**Town And Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)**

Breach Of Condition Notice

Served By: South Lakeland District Council ('the Council')

To: Susan Singleton, 19 Kingswood Park, Birkdale, Southport, PR8 2JH

1. BREACH OF CONDITION NOTICE

1.1 THIS IS A FORMAL NOTICE served by the Council, under section 187A of the Town and Country Planning Act 1990, because the Council considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

2.1 Land at Compass Point, The Esplanade, Grange-over-Sands, LA11 7HH ('the Land') shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

3.1 The relevant planning permission to which this notice relates is the permission granted by the Council on 26th November 2020 for 'Erection of a dwelling with memorial garden' attached to SL/2020/0683.

4. THE BREACH OF CONDITION

4.1 The following conditions have not been complied with:

Condition (4):

- a) The approved development shall be carried out in accordance with the Proposed Landscaping Scheme (Saskia Flores Gardens, P001-01) within 6 months of the first planting season following the first occupation of the development and shall be retained in perpetuity thereafter. Any trees, shrubs or vegetation which are removed, die, or become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.
- b) The memorial garden shall be implemented in accordance with the proposed landscaping plan (P001-01 Saskia Flores Proposed Landscape Plan). The

memorial garden shall be made available for public use and retained in situ thereafter.

Reason: To enhance the character of the conservation area and to secure high quality landscaping in accordance with Policies DM1, DM2 and DM4 of the of the Development Management Policies Development Plan Document and to provide the memorial garden for a public benefit, to offset the impact of the development with respect to the conservation area, in accordance with Paragraph 196 of the National Planning Policy Framework.

Condition (6):

The development hereby approved shall be undertaken in full accordance with the Tree Survey and Impact Assessment prepared by Anthony Wood dated 28 August 2020. The existing trees to be retained at the site shall be protected for the full duration of the site works in accordance with the tree protection measures set out in section 5 of the report and in accordance with BS5837 (Trees in relation to design, construction and demolition).

Reason: To ensure the protection and retention of important landscape features in accordance with Policy DM4 of the Development Management Policies Development Plan Document and Policy CS8.1 of the South Lakeland Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO IN RELATION TO THE BREACHES OF CONDITIONS

5.1 As the person responsible for the breaches of conditions specified in paragraph 4 of this notice, you are required to comply with the stated conditions by taking the following steps:

- A) Replace the removed fruit trees with 10 fruit trees that are of a 'standard' for being no less than 150cm tall and supported with double stakes and ties. Planting should be carried out to BS8545 2014 Trees: from nursery to independence in the landscape – Recommendations. The trees shall be retained on site thereafter.*
- B) Accurately implement the development in accordance with the approved landscaping plans (P001-01 Saskia Flores Proposed Landscape Plan), landscaping scheme (Saskia Flores Gardens, P001-01) and tree survey and impact assessment (prepared by Anthony Wood dated 28 August 2020).*

6. PERIOD FOR COMPLIANCE

6.1 Section 5.1 Part A – Planting required by 31st January 2023

6.2 Section 5.1 Part B – 60 days beginning with the date on which this notice is served on you.

7. WHEN THIS NOTICE TAKES EFFECT

7.1 This notice takes effect:

- Immediately, if served on you in person
- On the day you received it by post

Dated: 29/06/22

Signed: Nick Howard Senior Specialist Development Management

On behalf of:- South Lakeland District Council
South Lakeland House
Lowther Street
KENDAL
Cumbria
LA9 4UQ

Nominated officer: Eleanor Rawsthorne – Specialist Enforcement Level 2

Telephone number: 01539 793476

RECIPIENTS OF THE NOTICE:

The names and addresses of all persons who were served with the Notice:

Susan Singleton
19 Kingswood Park
Birkdale
Southport
PR8 2JH

Annex

Warning

This Notice Takes Effect Immediately It Is Served On You In Person Or On The Day You Received It By Post.

There Is No Right Of Appeal To The Secretary Of State For The Environment Against This Notice.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate** prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with South Lakeland District Council's planning department either by email planning@southlakeland.gov.uk or telephone 01539 733333.

If you do need independent advice about this notice, you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters urgently.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.



Plan 1

Compass Point, The Esplanade, GRANGE-OVER-SANDS, LA11 7HH



Scale: 1:1250

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