

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

BREACH OF CONDITION NOTICE

**The Town and Country Planning Act 1990 (as amended) –
Section 187A**



**ISSUED BY THE CITY AND COUNTY OF SWANSEA ("The
Council")**

COUNCIL REFERENCE ENF2018/0080

To: Mr Gregory Hole

**Address: 4-6 Gwydr Square,
Uplands,
Swansea,
SA2 0HD**

- 1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(b) of the Town and Country Planning Act 1990 at the land described below. They consider that it is expedient to issue this Notice having regard to the provisions of the development plan and all other material planning considerations. The **annex** at the end of the Notice contains important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

Land at 59 Uplands Crescent Uplands Swansea SA2 0EZ in the City and County of Swansea ("the Land"), shown edged red on the plan appended hereto ("the Plan").

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this Notice relates is the permission granted by the Council on 18th July 2017 (Reference: 2017/0920/FUL) for 'New shopfront and removal of ramp to form terrace' at 59 Uplands Crescent, Uplands, Swansea ("the Permission"). This is appended hereto ("The Plan").

4. THE BREACH OF CONDITION

It appears to the Council that the following condition of the Permission has not been complied with.

Condition 2

- 2. The development shall be carried out in accordance with the following approved plans and documents: 100 REV B (site location and block plans), 201 REV E (proposed ground floor and roof plans), 400 REV E (existing and proposed front elevations), 401 REV A (existing and proposed rear elevations) received 23rd May 2017.*

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

In that:

A new (replacement) ramp as set out on the approved drawings has not been carried out on site as a stepped approach into the premises, not detailed on the approved plans, has been provided.

5. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The planning application submitted and approved included the removal of a former ramp into the premises to be replaced with a new terrace area. As part of the plans submitted and approved the applicant set out that a replacement ramp would be provided to gain access into the premises. The replacement ramp has not been provided on site and instead a stepped approach has been provided.

The development results in the lack of a ramp facility into the premises thus failing to incorporate 'inclusive design' by ensuring that the development allows access for the widest range of people possible. Accordingly the development as completed fails to comply with Policy EV1 criterion (vi) of the City & County of Swansea Unitary Development Plan (Adopted 2008) in addition to the thrust of Policy EV3 which requires new development to provide 'access for all'.

6. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of the condition specified in paragraph 4 of this Notice you are required to secure compliance with the stated condition by taking the following steps:

- i. Develop in accordance with the approved plans set out under Condition 2 by providing a replacement ramp into the premises in the location as shown on approved drawings references 201 REV E and 400 REV E.

7. TIME FOR COMPLIANCE

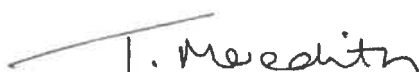
2 months beginning with the day on which this Notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 13th December 2018

Signed:



Designation: **Head of Legal, Democratic Services and Business Intelligence**

The Council's Authorised Officer

Address to which all communication should be sent:

**Phil Holmes
Head of Planning and City Regeneration
City and County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN**

ANNEX

WARNING

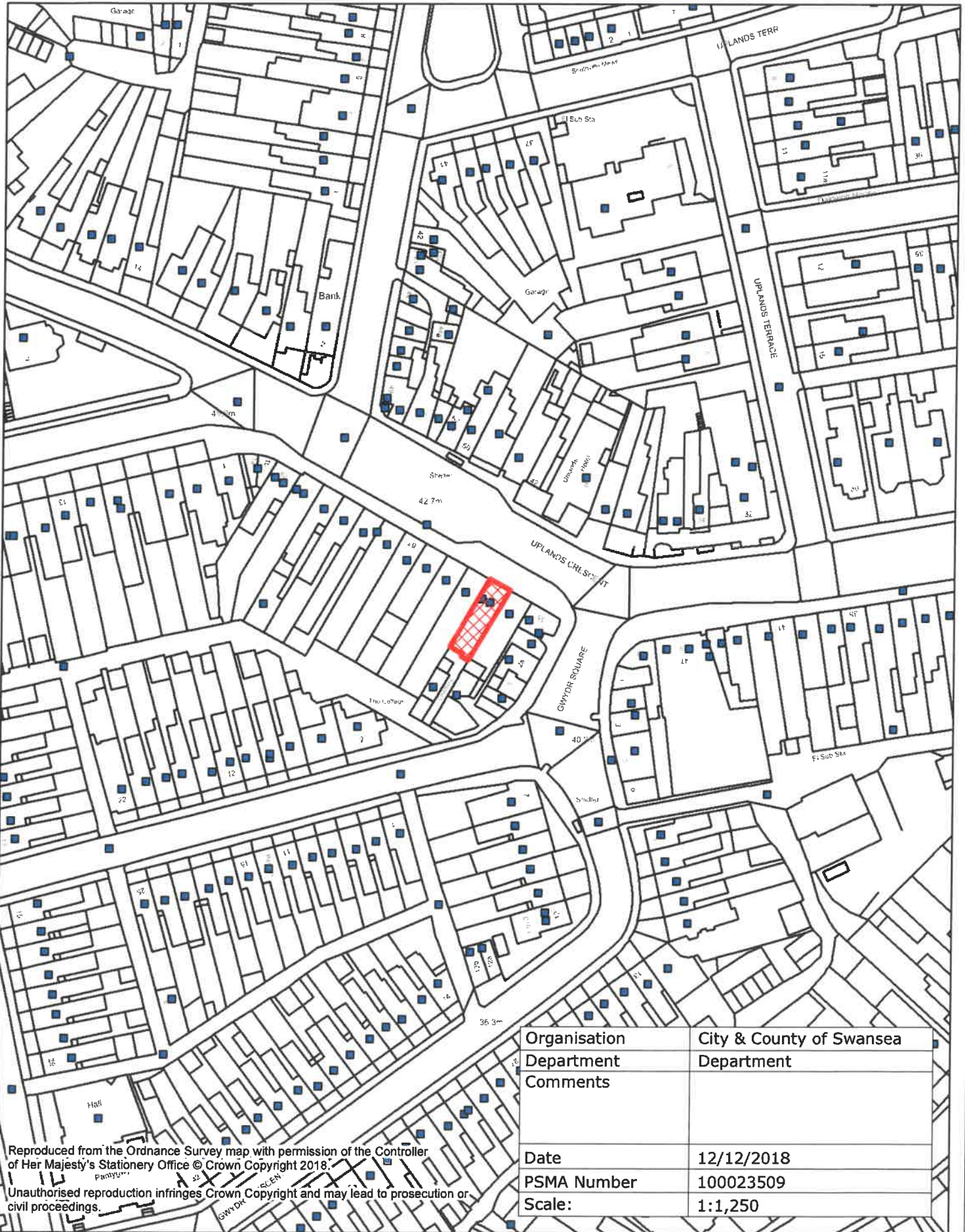
THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 6 of this Notice after the end of the compliance period. You will be at risk of **IMMEDIATE PROSECUTION** in the Magistrates' Court, for which the maximum penalty is a fine amounting to £1,000 for a first offence and for any subsequent offence. If you are in any doubt as to what this Notice requires you to do you should immediately contact The Planning Control Section of the City and County of Swansea at the Civic Centre, Oystermouth Road, Swansea, SA1 3SN. Telephone – 01792 635692

If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of this Notice you may only do so by an application to the High Court for Judicial Review. A lawyer will advise you what this procedure involves.

The Plan



Organisation	City & County of Swansea
Department	Department
Comments	
Date	12/12/2018
PSMA Number	100023509
Scale:	1:1,250

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