

**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 ENF2018/0088**

**To: Timothy Lawrence Evans**

**Address: 39 St James Crescent, Uplands, Swansea, SA1 6DR**

**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)(a) 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/building at 39 St James Crescent, Uplands, Swansea, SA1 6DR in the City and County of Swansea (“the Land”), shown edged red on the plan appended hereto (“the Plan”).

### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, works have been undertaken to extend and alter the property, but these works have not been implemented in accordance with the plans approved under application reference number 2011/1489 approved on 26th January 2012, or in accordance with the conditions attached to that grant of planning permission.

### **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of the conditions mentioned above has occurred within the last ten years. These conditions read as follows:

1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 2 The materials used in the development hereby approved shall match those of the existing building and the windows shall be timber as per the details shown on the approved plans.  
Reason: In the interests of visual amenity.
- 3 Prior to the first occupation of the development hereby approved a covered and secure bicycle parking facility shall be provided in the curtilage of the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle facility shall be retained permanently on site for the parking of bicycles only unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of sustainability & promoting other forms of transport than the car.
- 4 Prior to the commencement of works on site, full details of the bin storage area and the new gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the details thereby approved.  
Reason: In the interests of visual & general amenity of the property and the area.

In that:

- 1 The development carried out is not in accordance with the approved plans.
- 2 The materials do not match the existing building and uPVC windows have been installed throughout not the timber windows specified.
- 3 No details have been submitted for a covered and secure bicycle parking facility, for the written approval of the Local Planning Authority, nor has it been confirmed whether any such facility has been provided at the site.
- 4 No details have been submitted for the written approval of the Local Planning Authority, of the bin storage area or the new gates to be provided, nor has it been confirmed that such a storage area/new gates have been provided/supplied at the site.

## **5. WHAT YOU ARE REQUIRED TO DO**

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

- (i) Amend the side extension to accord with the approved plans.
- (ii) Remove all uPVC windows in the front elevation and replace them with white painted timber sash windows, to the specification illustrated in the plans approved under application reference number 2011/1489, particularly HG 117301 existing elevations and floor plans and HG117302 Rev A proposed elevations and floor plans.
- (iii) Rebuild the stone front boundary wall with metal railings above, to the same specification illustrated in the plans approved under application reference 2011/1489, particularly HG117303 proposed front railings and HG117304 proposed street scape.

- (iv) Submit details of a covered and secure bicycle parking facility to be provided within the curtilage of the site, for the written approval of the Local Planning Authority. The approved bicycle facility shall be retained permanently on site for the parking of bicycles only.
- (v) Submit full details of the bin storage area and the new gates to the Local Planning Authority for their written approval. The development shall then be completed in accordance with the details thereby approved.

**6. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that a breach of the above mentioned conditions has occurred within the last ten years.

**7. TIME FOR COMPLIANCE**

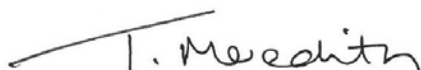
6 months beginning with the day on which this Notice takes effect.

**8. WHEN THIS NOTICE TAKES EFFECT**

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

Dated: **30<sup>th</sup> July 2020**

Signed:



Designation: **Chief Legal Officer**  
**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**

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# **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 5 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

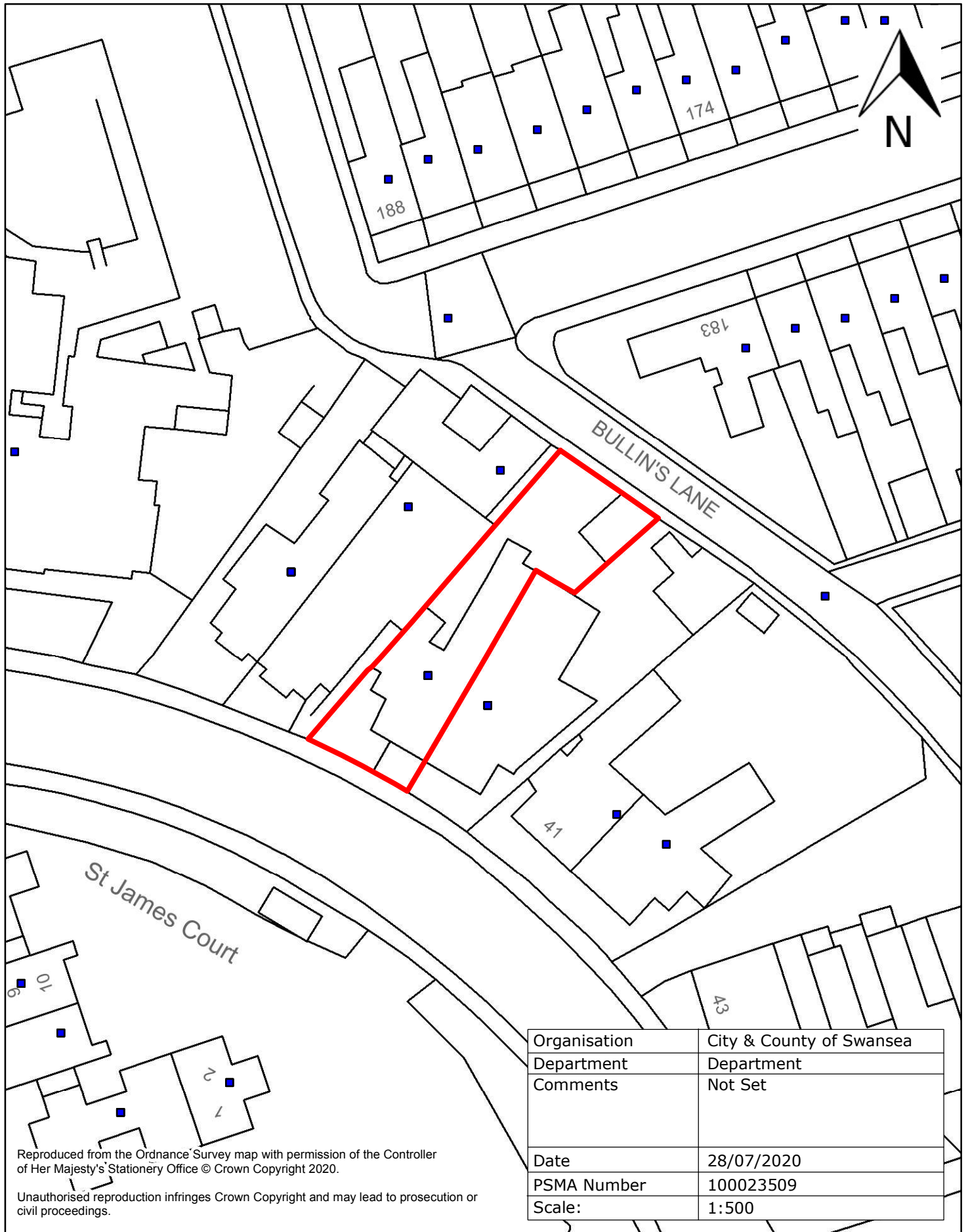
If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of this Notice you may only do so by an application to the High Court for Judicial Review.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

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# land/buildings at 39 St James Crescent



Not Set



Organisation	City & County of Swansea
Department	Department
Comments	Not Set
Date	28/07/2020
PSMA Number	100023509
Scale:	1:500

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