

**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 ENF2021/0100

To: BAY VIEW COURT (TYCOCH)
MANAGEMENT COMPANY LIMITED

Address: Directors C/o 7 Bay View Court, Sketty, Swansea, SA2 9JY

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control under Section 187A 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

Development known as Bay View Court Sketty Swansea SA2 9JY 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

Breach of Condition No. 9 of planning permission 2017/2240/FUL failure to implement Landscape details as agreed under Condition No.8 (2019/0530/DOC)

4. THE BREACH OF CONDITION

The landscaping condition associated with Ref:2017/2240/FUL has not been complied with in accordance with the details as approved under Ref: 2019/0530/DOC. The condition states the following:

(i) Condition No.9

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to provide for suitable landscaping of the site in the interests of visual amenity.

5. 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) Implement the landscaping scheme in accordance with the details as approved under planning Ref: 2019/0530/DOC (Appendix A)

6. REASONS FOR ISSUING THIS NOTICE

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

The requirements of the condition have not been met within the specified time frame. Repeated requests have been made to the developer to comply with the requirements of the condition. Despite numerous commitments to undertake the works required 4 periods in which the Local Planning Authority has requested the work be done have been missed these were the planting season Oct - March 2019-20, 2020-21, 2021-22 & 2022-23.

The failure to comply with the conditions gives rise to an adverse visual impact that would be remedied through compliance with the condition. Failure to comply gives rise to an adverse visual impact and is contrary to the provisions and objectives of Policy PS2 of the Local Development Plan.

7. TIME FOR COMPLIANCE

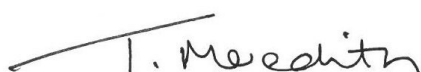
4 Months beginning with the day on which this Notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 1st November 2023

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**

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

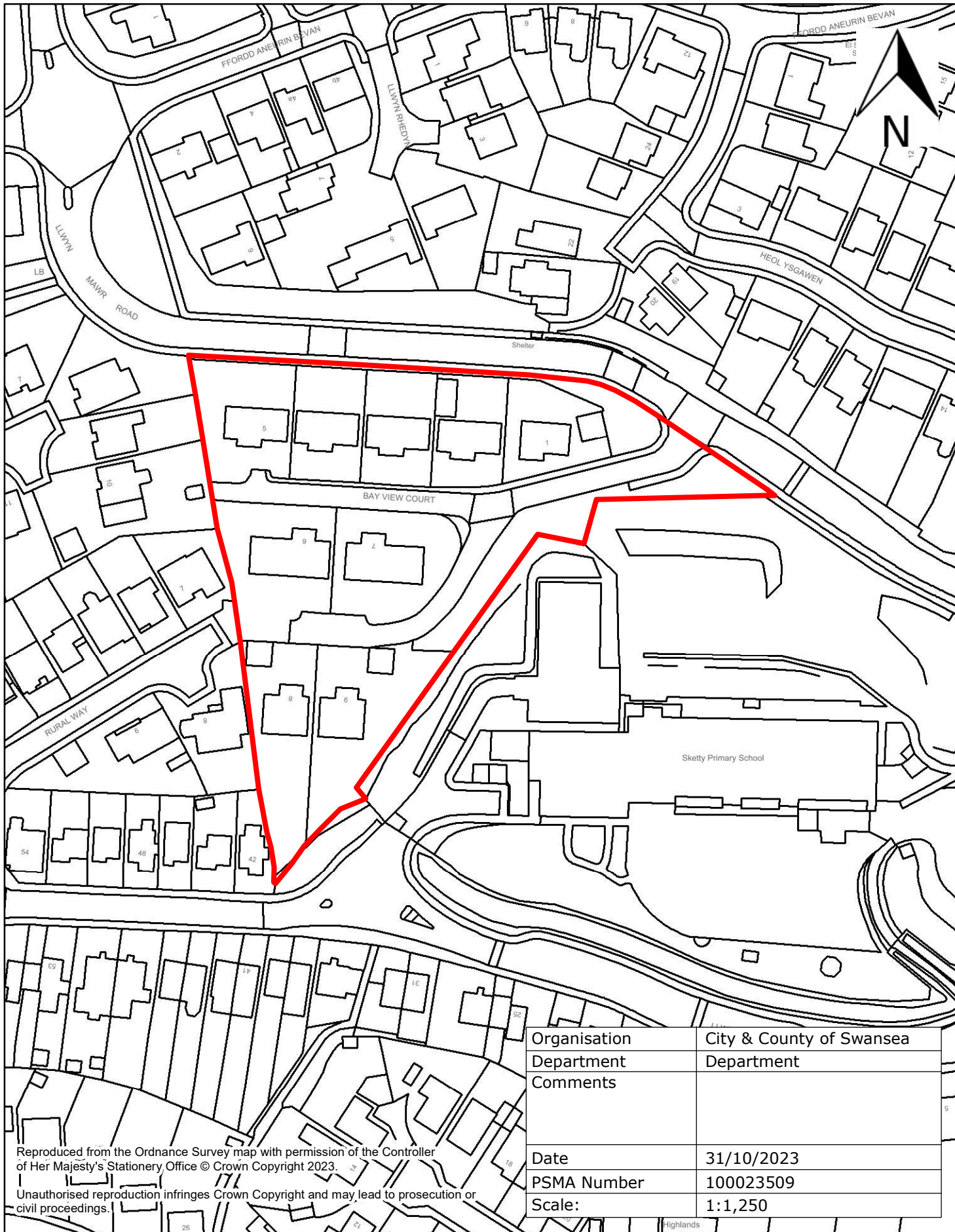
It is an offence to contravene the requirements stated in paragraph 5 of this Notice after the end of the compliance period. You will be at risk of **IMMEDIATE PROSECUTION** in the Magistrates' Court, for which the maximum penalty is a fine amounting to £1,000 for a first offence and for any subsequent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

The Plan

The Land



Organisation	City & County of Swansea
Department	Department
Comments	
Date	31/10/2023
PSMA Number	100023509
Scale:	1:1,250

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specification notes

- Any proposed substitutions, whether species, cultivar, pot size or other specification, must be approved by landscape architect prior to planting;

- All Nursery Stock to comply with BS3936 Part 1:1992 and all subsequent amendments;

- Great care must be taken to preserve existing soil quality and integrity.
- All rootballed trees to be anchored

- Areas to be spread with topsoil to a depth of not less than 150mm for grass areas and 300mm for planting beds, above subsoil (300mm depth for shrub beds and 150mm for grass areas); topsoil allowed to settle prior to planting or turling;
- All planting beds (but not tree pits) to receive peat-free compost during cultivations at a rate of 1m³ to 20m² and slow release fertiliser (e.g. Ficote 140) at rate of 25g/plant; beds to be thoroughly watered following planting and before mulching;

- Where trees are close together or form avenues, tree pits will be linked to form a continuous deep bed;
- Watering to continue as required throughout

- Hedges to be planted a minimum of 400mm from kerbs.
- Implementation of the Planting Plan will be prior to planting.

- All planting beds (but not tree pits) to receive peat-free compost during cultivations at a rate of 1m³ to 20m² and slow release fertiliser (e.g. Ficote 140) at rate of 25g/plant; beds to be thoroughly watered following planting and before mulching;

- Bark mulch to be dark brown mixed conifer bark of particle size 8-35mm and pH range 5.0-7.0 to BS PAS 100:2005; mulch to be laid to 75mm (settled) depth;

- Excessive concrete haunching to kerbs or excessive concrete to wall foundations to be reported to site manager for removal prior to planting.







- Implementation of the Planting Plan will be overseen by the Landscape Architect to ensure that implementation is as per the approved plans and specifications.

- Prior to construction on site, protective fencing shall be erected around each tree as shown on the plan. No soil, spoil or other material shall be deposited within the fenced areas;

- No burning to take place within 10m of the furthest extent of the canopy of trees to be retained on site or on land adjoining;

- The protective fencing shall be retained in position until completion of the development, when it shall be removed only with the written consent of the planning authority;

legend

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-  proposed ornamental planting beds
 proposed turf
 proposed hedge
 line of protective tree fencing
 proposed trees
 existing trees retained with RPA shown

planting specification

Spacing	ID	No.	Latin Name	Scheduled Size	
	TREE	AGF	3 Acer davidii 'George Forrest'	12-14cm	Multi-stem 3-5no. RB
	TREE	Als	4 Alnus spaethii	20-25cm	Rootballed
	TREE	BaF-20/2i	3 Betula albosinensis 'Fascination'	20-25cm	Rootballed
	5/m2	BSil	79 Berberis 'Silberlicht'	30-40, 5L	Full pot
	4/m2	CaSV	134 Cornus alba 'Sibirica Variegata'	30-40cm, 3L	3 breaks in lower third
	5/linm	Cb-H	407 Carpinus betulus	60-80cm, BR	double staggered row
	2/m2	CmP	18 Corylus maxima 'Purpurea'	40-60cm, 4L	2/3 breaks in lower third
	4/m2	Ctr	125 Ceanothus thyrsiflorus 'Repens'	30-40cm, 3L	Bushy
	4/m2	CWD	123 Chinkya dewitteana 'White Dazzler'	30-40cm, 3L	5 breaks in lower third
	TREE	Gb	3 Ginkgo biloba	16-18cm	Rootballed
	6/m2	GxH	207 Geranium x cantabrigiense 'Hanna'	20-30cm, 1L	Full pot
	6/m2	Ho	113 Helleborus 'Silver Rose'	20-30cm, 3L	Full pot
	3/m2	HPD	33 Hydrangea paniculata 'Pink Diamond'	30-40cm, 3L	3 breaks in lower third
	4/m2	LG	14 Lavandula 'Grappenhall'	30-40cm, 3L	5 breaks in lower third, bushy
	3/linm	Lo	323 Ligustrum ovalifolium	60-80cm	3L
	4/m2	MaA	308 Mahonia aquifolium 'Apollo'	30-40, 2L	Main leader well branched
	4/m2	PICB	11 Prunus laurocerasus 'Cherry Brandy'	30-40cm, 3 breaks	min 3 strong breaks in lower third
	4/m2	PLR	83 Photinia x fraseri 'Little Robin'	30-40, 3L	5 breaks in lower third
	4/m2	PS	59 Phormium 'Surfer'	40-60cm, 3L	Minimum of 5 spears
	CLIMBER	Pt	2 Parthenocissus tricuspidata 'Veitchii'	40-60cm	caned, min 2 breaks
	4/m2	RGW	19 Rosa 'Golden Wings'	30-40cm, 3L	3 breaks in lower third
	4/m2	SR	117 Skimmia 'Reevesiana'	30-40cm, 3L	3 breaks in lower third



Revision C March 2019: Reference to tree fence measurements removed from notes
Revision B February 2019: Ground covers above retaining wall to Plots 1-5 reduced in area, privet hedge added, with fencing between; revised fencing to rear garden of Plot 1
Revision A June 2017: LA comments, including species substitutions, tree distances increased, protective fencing specification



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job title
Ty Coch Hill,
Sketty, Swansea

client:
Purnell Homes

drawing title
Planting Plan

scale • 1:250 at A1

date • May 2017

drawn • CE

drawing number • 364.01

revision • C