

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

Issued by: OLDHAM BOROUGH COUNCIL ("The Council")

To: Mr Jewel Miah - Vamasaki Restaurant

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that conditions imposed on a grant of planning permission, relating to the land described below, have not been complied with. They consider that you should be required to secure compliance with the conditions specified in this notice.

2. **The land affected by the notice**

The Land at Vamasaki Restaurant, Grains Bar, Ripponden Road, Oldham, OL4 2JY shown edged in red on the attached plan.

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on 24th April 2008 for the proposed single storey kitchen extension, vertical flue, waster storage area to the rear and external storage compound to the side elevation, and cycle hooks to be provided to the front elevation (Ref. PA/054608/08).

4. **The breach of condition**

The following conditions have not been complied with: -

- 4. The close boarded timber fencing hereby approved shall be stained in a dark colour first to be agreed in writing with the Local Planning Authority prior to its erection or otherwise painted in situ within a period of 3 months of their erection, and then kept so coloured unless otherwise agreed in writing with the Local Planning Authority.

Reason – In the interest of visual amenity

- 5. Within 3 months of the date of this permission the part of the horizontal flue to be clad, together with the raising of the parapet wall shall be completed in accordance with the approved plans and specifications received on 6th March which are referenced as drawing at number 0111-P-01. The cladding and raised parapet shall be retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

Reason – To safeguard the visual amenity of nearby residents

- 6. Within 3 months of the date of this permission a detailed scheme for treating fumes and odours before their emission to the atmosphere so as to render them innocuous has been submitted to and approved in writing by the Local Planning Authority. The

works forming the approved scheme shall be completed entirely in accordance with the approved scheme within one month of the date of written approval from the Local Planning Authority and thereafter shall remain in place at all times.

Reason – To protect the amenities of the occupiers of the nearby properties

7. Notwithstanding the details show in the submitted plans, within 3 months of the date of this permission a detailed scheme to conceal the vertical flue extraction system shall be submitted to and approved in writing by the Local Planning Authority. The works forming the approved scheme shall be completed entirely in accordance with this scheme within 3 months of the date of written approval from the Local Planning Authority and thereafter shall remain in place at all times.

Reason – In the interest of visual amenities of the area generally and the existing building in particular

5. What you are required to do

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

1. Submit details of the dark stained colouration of the close boarded timber in store and complete the staining within 30 days after the date of written approval by the local planning authority.
2. Complete the parapet wall within 30 days from the date this notice becomes effective, in accordance with the approved plans, so as to screen the exposed horizontal part of the external flue in the interest of visual amenity.
3. Submit details of the flue extraction system for written approval by the local planning authority within 30 days from the date of this notice becoming effective.

Time for compliance: - 30 days beginning with the day on which this notice is served on you.

6. When this notice takes effect

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

Dated: 27/4/09

Signed: 
[Council's authorised officer)

On behalf of: OLDHAM BOROUGH COUNCIL

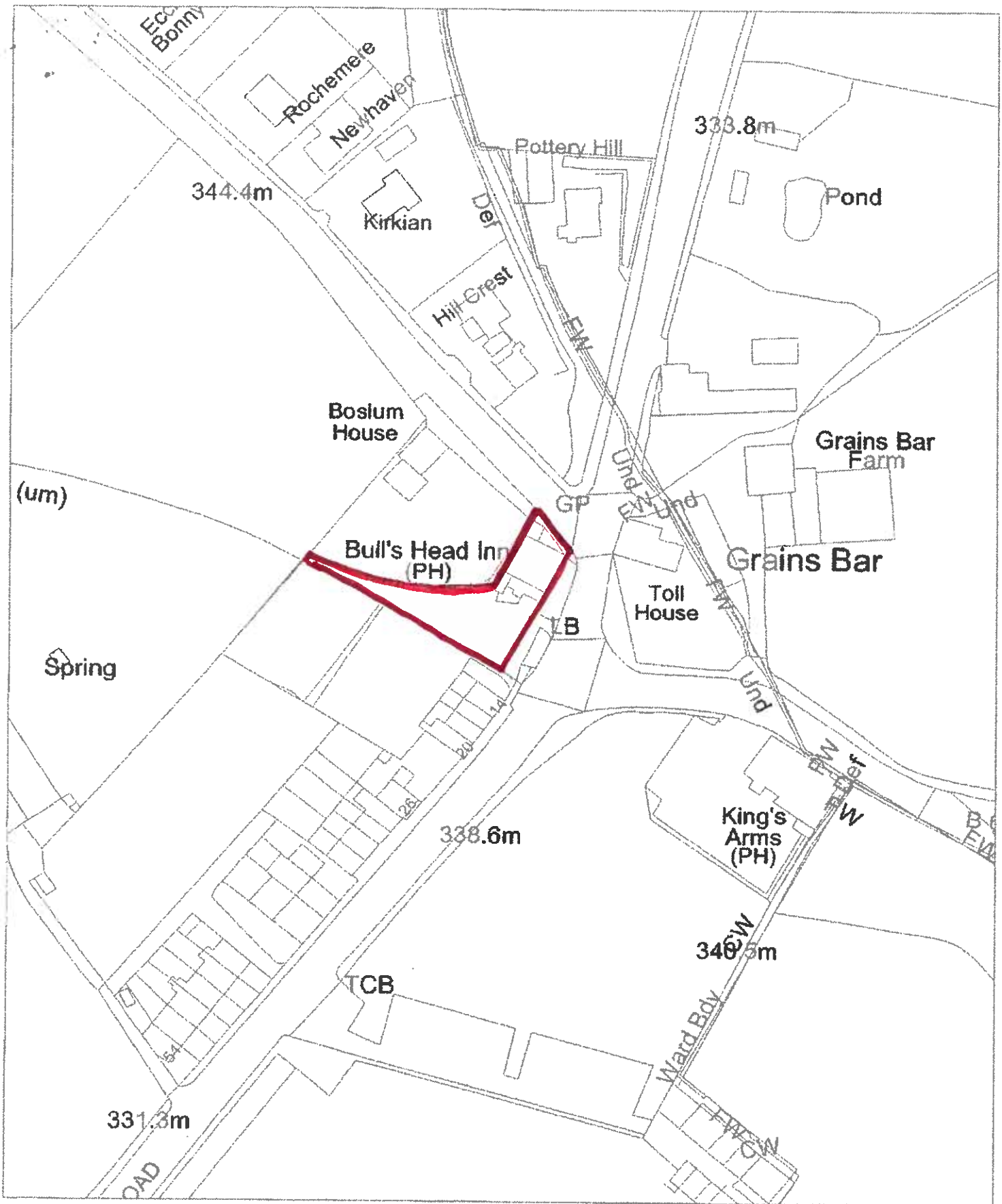
WARNING

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 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 David McCartney at Oldham MBC Telephone 0161 770 4131.

If you need independent advice about this notice, you are advised to urgently contact a lawyer, planning consultant or other professional adviser specialising in planning matters. 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. A lawyer will advise you on what this procedure involves.

Do not leave your response to the last minute.



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BREACH OF CONDITION NOTICE

Planning Application Reference: PA/054608/08

Location: Vamasaki, Grains Bar, Ripponden Rd, Oldham.

Alan Evans 27/4/09



1:1250

OLDHAM
Metropolitan Borough

Environmental Services

Acting Executive Director: Environmental Services
Civic Centre PO Box 33 West Street Oldham OL1 1JG

For information on the Planning Department and the services it provides, please contact our Customer Care Centre on 0161 275 2000. For more information on the Planning Department, please visit our website at www.oldham.gov.uk. The information on this notice is for your information only and does not constitute an offer of planning permission. Oldham MBC reserves the right to amend this notice without notice.