

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: Splash Properties Limited, 222 Oldham Road, Failsworth Manchester M35 0HH

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that conditions 3, 4, 6, 9, 10, 12, 13 and 16 imposed on a grant of planning permission reference MMA/058795/10, relating to the land described below, have not been complied with. They consider that you should be required to comply with the conditions specified in this notice.

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

11 Holt Lane, Failsworth, M35 9QG as 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 03/12/2010 reference MMA/058795/10 for the minor material amendment to previous approved application PA/54333/07 for demolition of existing detached dwelling house and erection of 14 no. one and two bedroom apartments.

4. **The breach of condition**

The following conditions have not been complied with –

(3) No development shall take place unless and until a scheme for off site public open space in line with Policy R2.1 of the Oldham Metropolitan Borough Unitary Development Plan for Oldham (14 July 2006) has been submitted to and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the approved scheme.

Reason - To ensure the residential development provides appropriate open space and recreation space for future occupiers in accordance with Policy R2.1 of the Adopted Unitary Development Plan for Oldham.

(4) No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

(6) No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the Authority). The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

(9) No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected (such scheme to include any subsequent amendments as required by the Authority). The boundary treatment shall be completed before the use hereby permitted is commenced or before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity as such details were not submitted with the application.

(10) No development shall take place unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority (such scheme to include any subsequent amendments as required by the authority). The approved scheme shall be fully implemented before the apartment building is brought into use or otherwise agreed in writing by the Local Planning Authority and shall be retained at all times thereafter.

Reason - To ensure that the use is not harmful to the amenity of occupiers of nearby residential properties.

(12) No development shall take place unless and until a scheme to provide a minimum of 10% of the predicted total energy requirements of the development, on site, from renewable sources has been submitted to and approved in writing by the Local Planning Authority. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that the development is in compliance with Policy NR 3.3 of the Council's Replacement Unitary Development Plan.

(13) No development shall take place unless and until a scheme to meet the requirements of Part B – Crime Prevention Recommendations of the Crime Impact Statement has been submitted to and approved in writing by the Local Planning Authority. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the

Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that the development is in compliance with Policy D1.7 and D1.1 of the Council's Replacement Unitary Development Plan.

(16) No development hereby approved shall take place unless and until the existing vehicular access along Holt Lane has been abandoned and reinstated with a footway in accordance with a detailed scheme and specification, which shall be submitted to and approved in writing by the Local Planning and Highway Authority.

Reason - In the interest of pedestrian safety.

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)** Cease all building work onsite until the outstanding conditions mentioned in paragraph 4 above have been formally discharged by the Local Planning Authority.
- (2)** Submit a conditional discharge application to the Local Planning Authority for the outstanding conditions mentioned in paragraph 4 above.

Period 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** from when it is served on you or you receive it by postal delivery.

Dated: 20th July 2011

Signed: 

On behalf of: OLDHAM BOROUGH COUNCIL

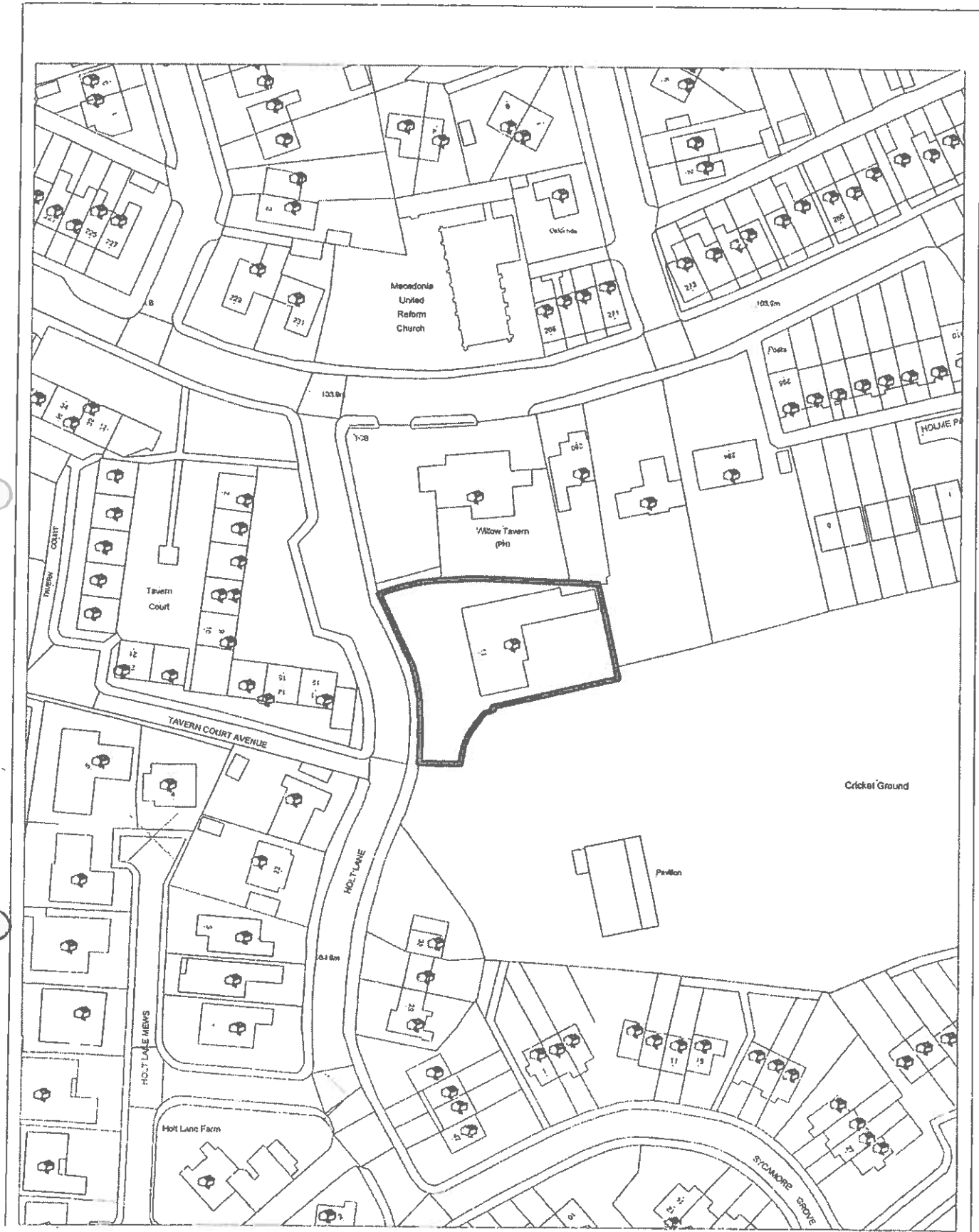
WARNING

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 Lindsey Zecevic at Oldham Council 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.



Plan referred to in a Breach of Condition Notice

under my hand dated: *20th July 2011*.....

Signed: ~~XXXXXXXXXX~~.....

Contact Us -
 Phone: 0161 911 4105
 Fax: 0161 911 3104
 Email: planning@oldham.gov.uk
 Web: www.oldham.gov.uk

Date: 20:07:11

Scale 1:1000



Ordnance Survey

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