

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 Metropolitan Borough Council ("the Council")

1. **THIS NOTICE** which is issued by the Council, under Section 187A of the above Act, because they consider that conditions 5, 6, and 12 imposed on a grant of planning permission, relating to the land described below, have not been complied with. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations. The Annex at the end of the Notice contains important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

125 Chamber Road, Oldham, OL8 1AA as shown edged red on the accompanying plan ("the Land")

- 3 **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 6 November 2012 for the change of use of car showroom to food superstore with single storey front extension (Ref.PA/332890/12).

4. **THE BREACHES OF CONDITION**

The following conditions have not been complied with:

Condition 5

The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided, including the abandonment and reinstatement with footway construction of the existing access in accordance with the approved plan received on 24th September 2012 (Ref: Dwg No. 468-03b) and thereafter the parking spaces shall not be used for any purpose than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety.

Condition 6

The development hereby approved shall not be brought into use unless and until the eastern access with Chamber Road has been marked 'in' and the western access with Chamber Road marked 'out' with signs clearly visible to users of the accesses when entering and leaving the application site.

Reason - To facilitate the manoeuvring of vehicles into and out of the site.

Condition 12

The sales area of the floorspace will not exceed 478 square metres

Reason - To protect the vitality and viability of Oldham Town Centre and the Borough's other centres and local shopping parades

5. WHAT YOU ARE REQUIRED TO DO

As the person/company responsible for the breaches of condition specified in paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:

- i. Carry out necessary works to ensure that the access and car parking spaces are laid out and provided in accordance with attached plan referenced Dwg No.468-03b ("the Drawing"). Works should include the abandonment and reinstatement with footway construction of the existing access as shown on the Drawing.
- ii. Ensure that the eastern and western access points with Chamber Road are marked 'in' and 'out' respectively
- iii. Reduce the present sales area of the floorspace to no more than 478 square metres

Period of compliance: 28 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: 5th October 2015

Signed:



**For Paul Entwistle
Director of Legal Services
Council's authorised Officer**

On behalf of: Oldham Metropolitan Borough Council
Civic Centre
West Street
Oldham
OL1 1UL

ANNEX

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 Bongani Ndlovu at Oldham Council Telephone 0161 770 3102.

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.

A copy of this Notice has been served on the following persons: -

Sarfraz Ul-Haq of 327 Frederick Street, Oldham, OL8 4HG
Manchester Super Store (Oldham) Limited (company no. 09419516) of Hardman House, Heywood Street, Failsworth, Manchester, M35 0BD

