

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")

To: Mr Salique Meah of 133 Ward Street, Oldham OL1 2EQ
Mr MD Sheikh Afruj Ali & Mr Mafuz Miah of 2 Hilltop Drive, Royton OL2 6AG
and 16 Wye Street, Oldham OL8 1TX

1. **THIS NOTICE** 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 in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the condition specified in this Notice. The Annex at the end of this Notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

The land at Khau Galli, 331 Oldham Road, Royton, OL2 6AB as shown edged in red on the attached 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 16 October 2019 for the change of use from public house to restaurant, conversion of first floor into 2 self-contained living accommodation with separate access, single storey rear extension and alterations to windows. Ref PA/343681/19

4. THE BREACH OF CONDITION

The following condition has not been complied with –

Condition 5

The development hereby approved shall not be brought into use unless and until 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 scheme shall detail how the extraction unit will be attenuated and mounted to minimise the transmission of airborne and structure borne noise and vibration. The works forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place.

Reason - To protect the amenities of the occupiers of nearby dwellings.

5. WHAT YOU ARE REQUIRED TO DO

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

Submit a formal discharge of condition application to the Council with the relevant detailed scheme for the treatment of fumes and odours before their emission to the atmosphere.

Period for compliance: - **28 days** beginning with the day on which this Notice is served on you.

Dated: 13 March 2020

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

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 TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements 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 £2,500 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 Andrew Jones at Oldham Council Telephone 0161 770 4131.

If you do need independent advice about this Notice, you are advised to contact urgently 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.

Old Grey Mare, Oldham Road



PLAN REFERRED TO IN A BREACH OF CONDITION
NOTICE RELATING TO KHAU GALLI 331 OLDHAM
ROAD ROYTON OL2 6AB
DATED 13TH MARCH 2020

Alan Evans

Date: 10:01:20

Scale: 1:800

Ordnance Survey
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OL1 1UT



Oldham
Council