

**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:** KMM Homes Ltd, Sovereign House, Stockport Road, Cheadle SK8 2EA

1. **THIS NOTICE** is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has 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**

19 – 21 Milnrow Road, Shaw, OL2 8AP as shown edged in 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 19 April 2018 for residential development comprising of 8 no. houses and 2 no. apartments with associated parking.

4. **THE BREACH OF CONDITION**

The following condition has not been complied with:

***Condition 3***

*No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority (such assessment include any amendments as required by the Authority). Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.*

*Reason - In order to protect public safety, because the site is located within 250 metres of a former landfill site.*

## 5. WHAT YOU ARE REQUIRED TO DO

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

Discharge condition 3 before carrying out any work on site.

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

Dated: 21 February 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.**

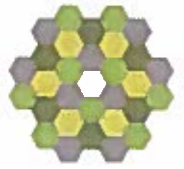
It is an offence to contravene the requirements in paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

If you are in any doubt about what this Notice requires you to do, you should get in touch immediately with Rachael Greaves, Oldham Council, Civic Centre, West Street, Oldham OL1 1QN Telephone number 0161 770 3279.

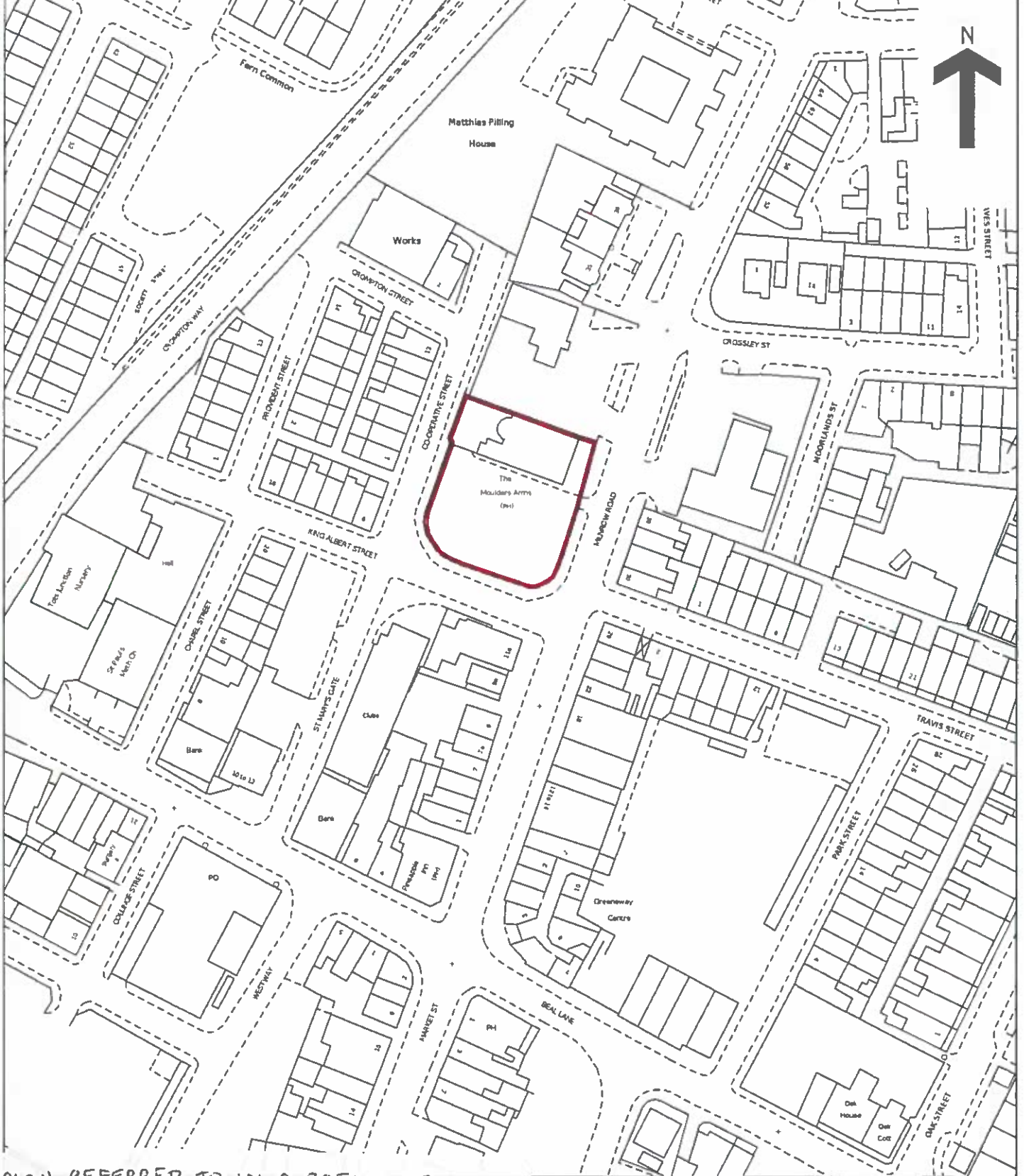
If you do need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

HM Land Registry  
Official copy of  
title plan

Title number **GM661313**  
Ordnance Survey map reference **SD9309SE**  
Scale **1:1250**  
Administrative area **Greater Manchester :**  
**Oldham**



© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316



PLAN REFERRED TO IN A BREACH OF  
CONDITION NOTICE RELATING TO 19-21  
MILNROW ROAD SHAW OL2 8AP DATED  
21ST FEBRUARY 2020

*Alan Evans*