**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: Sorella Restaurant Ltd, 38 High Street, Uppermill, Oldham, OL3 6HR

Xhelal Hoxha of 8 Croasdale Close, Royton, OL2 6QE

Atdhetare Hoxha of 8 Croasdale Close, Royton, OL2 6QE

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**

The land at 38 - 40 High Street, Uppermill, OL3 6HR, 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 24 May 2022 for the change of use of ground floor (C3) to restaurant (E(b)) at No.40, with single storey rear extension to Nos.38/40 High Street, Uppermill. Ref: FUL/348154/21.

4. **THE BREACH OF CONDITION**

The following condition has not been complied with –

**Condition 6**:

*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 premises having regard to Policy 9 of the Oldham Local Plan.*

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 secure compliance with the stated condition by taking the following steps:-

Ensure that a Discharge of Condition application is submitted to the Council providing the information required by condition 2 to be assessed by the Council, so the condition can be formally discharged.

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

Dated: 31 October 2023

Signed: Alan Evans

**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: email [andrew.jones1@oldham.gov.uk](mailto:andrew.jones1@oldham.gov.uk) .

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.

Location map

