**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 Ghulam Farid of 6 Hollins Road, Oldham OL8 3EA and 26 Monmouth Street, Oldham OL9 7RL

Mr Mohammed Kamran of 26 Monmouth Street, Oldham, OL9 7RL Ms Parveen Zareen of 26 Monmouth Street, Oldham, OL9 7RL

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 conditions 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 the former Conservative Club, Hollins Road, Oldham OL8 3EA as shown edged in red on the attached plan ("the Land").

1. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 5 May 2021 for the change of use from private members' club to mixed use residential and retail use. Ref PA/345184/20

1. **THE BREACHES OF CONDITION**

The following conditions have not been complied with -

***Condition2***

*The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.*

*Reason* - *For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.*

***APPROVED DETAILS SCHEDULE:***

***Reference:***

*GF31320*

*(Elevations only)*

***Version:***

*Rev A*

***Description:***

*Plans* - *Proposed*

*Rev A 13.02.2021*

*Floor Plans* - *Proposed*

*GF31320*

*Rev A*

*Site Plans*

*GF 31320 Rev A 03.08.2020*

*Rev A 13.02.2021*

*08.03.2020*

*Site Plans*

*Floor Plans* - *Proposed*

***Condition 3***

*Notwithstanding the approved plans, the use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter.*

*Reason* - *In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.*

***Condition 4***

*The development hereby approved shall not be brought into use until the car parking spaces have been provided in accordance with the approved plan Ref: GF 31320 Rev A 03.08.20 and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.*

*Reason* - *To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.*

***Condition 5***

*The development hereby approved shall not be brought into use 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 and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.*

*Reason* - *To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area having regard to Policy 9 of the Oldham Local Plan.*

***Condition 6***

*No development shall take place unless and until* a *scheme to soundproof the floor/ceiling between the commercial and residential units has been submitted to and approved in writing by the Local Planning Authority. All such works that form the approved scheme shall be completed before the commercial unit is brought into use and shall be retained at all times thereafter.*

*Reason* - *To protect the future occupiers of the residential accommodation having regard to Policy 9 of the Oldham Local Plan.*

Use of the building has commenced before conditions 3, 4, 5 and 6 have been complied with and the development has not been implemented in accordance with the Approved Details Schedule List as required by condition 2.

1. **WHAT YOU ARE REQUIRED TO DO**

As the persons 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:-

**Condition 2**

Removal of the first floor balcony and replacement of the rear door with a window as shown on the approved drawing Plan GF31320 (elevations only) version Rev A proposed plan.

**Condition 3**

Submit a discharge of conditions application for condition 3.

**Condition 4**

Submit a discharge of conditions application for condition 4.

**Condition 5**

Submit a discharge of conditions application for condition 5.

**Condition 6**

Submit a discharge of conditions application for condition 6.

Period for compliance: - **2 months** beginning with the day on which this Notice is served on you.

Dated: Signed:

18 October 2023

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**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.**

lt 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 or Rachel Greaves at Oldham Council: email Andrew.jones1@oldham.gov.uk or rachael.greaves@oldham.gov.uk.

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.

