**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: PCW Developments Limited, Sterling House, 501 Middleton Road, Chadderton, Oldham, OL9 6LY

 Mr Gregory Short, Flat 92, St Clements Court East, Broadway West, Leigh on Sea, SS9 2BS

**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 Jubilee Inn, 451 Milnrow Road, Shaw, Oldham, OL2 8BU, 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 17 June 2021 for the application relating to VAR/346324/21 for the variation of conditions 2 and 7 relating to PA/341562/18 for approval of the new site plan. The original permission was for demolition of the former Jubilee PH and construction of 4 dwellings.

**4. THE BREACHES OF CONDITION**

The following conditions have not been complied with –

**Condition 2**

*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.*

**Condition 6**

*Before occupation of the dwellings, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme. The landscaping scheme shall then be completed in accordance with the approved details and maintained thereafter. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.*

*REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.*

**Condition 7**

*The development hereby approved shall not be brought into use until the access and the parking area have been constructed, hard-surfaced, drained and marked out to enable all vehicles to enter and leave the application site in forward gear, entirely in accordance with the approved plan Ref: 2291-MG-00-AP-001 Rev A and thereafter the parking area shall not be used for any purpose other than the parking and manoeuvring of vehicles.*

*REASON - To ensure that 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.*

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

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

 **Condition 6**

 Ensure that the grassed areas and trees are fully planted facing Milnrow Road as required by the approved landscaping scheme

 **Condition 7**

 Ensure that the parking bays are clearly marked out entirely in accordance with the approved plan Ref:2291-MG-00-AP-001 Rev A

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

Dated: 15 November 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**

**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 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 £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 or email 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.

