

Planning Committee – 13 June, 2007

Report of the Development Manager

Enforcement Item

Parish: Bishops Hull

1. **File/Complaint Number** E4/05/2006 and 05/2007/011
2. **Location of Site** China Capital, 87 Mountway Road, Bishops Hull, Taunton, TA1 5DS
3. **Names of Owners** Mr Leng Soon Soh
4. **Names of Occupiers** Mr Leng Soon Soh
5. **Nature of Contravention**

Retention of external extraction ducting.

6. **Planning History**

The extraction duct was first brought to the Council's attention on 9 January, 2006. It was installed at the time when the property was being altered from a Fish and Chip shop to a Chinese takeaway. The existing extraction ductwork for the takeaway was neither of sufficient size nor in the correct location. An application was submitted on 27 February, 2006 and refused on 30 November, 2006. The applicant stated that the ducting was essential for his business so a further application was submitted on 27 March, 2007 which included additional details of the filters and reasons why the ducting was necessary. The application was subsequently refused under delegated powers on 21 May, 2007.

7. **Reasons for taking Action**

The extraction ducting by reason of its size and siting constitutes an intrusive element in the street scene to the detriment of the visual and residential amenity of the area and therefore contrary to Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and to commence prosecution proceedings subject to satisfactory evidence being obtained that the notice has not been complied with.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479