

## **PLANNING COMMITTEE – 16 FEBRUARY, 2005**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish: Pitminster**

1. **File/Complaint Number** 30/2004/026 – E221/30/2004
2. **Location of Site** The Blagdon Inn (formerly The White Lion), Blagdon Hill, Taunton.
3. **Names of Owners** Eat Drink and Be Merry Pub Company
4. **Names of Occupiers** -
5. **Nature of Contravention**

Provision of extract duct not in accordance with approved plan.

6. **Planning History**

A planning application was submitted and approved for the erection of a single storey extension, fire escape and new porch on 6 April, 2004. The application included an extraction system. It was brought to the Local Planning Authority's attention that the external venting duct was installed different to that indicated on the approved plans and that noise and smells were being detected at neighbouring properties. A new planning application was submitted to regularise the situation on 4 October, 2004 and was subsequently refused under delegated powers on 17 January, 2005.

7. **Reasons for taking Action**

It is considered that the air intake unit and ventilation extract gives rise to an unacceptable degree of noise and smells and causes serious harm to the residential amenity of the neighbouring property. It is therefore contrary to Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorized to serve an enforcement notice and prosecution action subject to satisfactory evidence being obtained should the notice not be complied with.

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

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