IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TAUNTON DEANE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
(as amended by the Planning and Compensation Act, 1991)

BREACH OF CONDITION NOTICE

TO: [redacted]

ISSUED BY: Taunton Deane Borough Council ("the Council").

1. **THIS IS A FORMAL NOTICE,** which is issued by the Council as Local Planning Authority under Section 187A of the above Act because it considers that a condition imposed on the grant of planning permission, relating to the land described below, has not been complied with. It considers that you should be required to comply with the conditions specified in this Notice.

2. **THE LAND AFFECTED BY THIS NOTICE**
The land shown edged red on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 31 January 2008 for the Change of Use of Betting Shop to A3 (Restaurant / Café) with Delivery Services at North Town House, 3 Staplegrove Road, Taunton as Amended by Applicant's Letter Dated 2nd April 2006 with Attached Ventilation Duct Details.

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:-

03 No take-away food shall be offered for sale from the premises.
03 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

08 Within 1 month of the date of this permission full details of the extraction system and external ducting currently on site, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the extraction system shall thereafter be maintained in full working order.
08 Reason: In order to ensure that the extraction system continues to be maintained on site in accordance with the current system in order to protect the amenity of adjacent occupants in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).

09 Within 1 month of the date of this permission details of a carbon filter, to be inserted into the existing extraction system, shall be submitted to and approved in writing by the Local Planning Authority. The approved filters shall be installed within 2 calendar months of the above approval letter and thereafter maintained in full working order.

09 Reason: In order to ensure that the extraction system works to its maximum efficiency to protect the amenity of adjacent occupants in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).

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 comply with the stated conditions and cease the provision of take aways from the premises and submit full details of the extraction system and external ducting currently on site together with details of a carbon filter to be inserted into the existing extraction system, The carbon filter must be installed within 2 calendar months of the date of the approval letter and maintained in full working order thereafter.

TIME FOR COMPLIANCE – Cessation of take away service within 5 days of the date this Notice takes effect.

Submission of extraction details with 28 days of the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect 28 days after it is served on you, or you receive it by postal delivery.

Dated: 7 May 2010

Signed: .....
Growth and Development Manager

on behalf of: TAUNTON DEANE BOROUGH COUNCIL

The Deane House,
Belvedere Road,
TAUNTON.
TA1 1HE

WARNING

THERE IS NO RIGHT OF APPEAL 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 £1,000 for a first offence and for any subsequent offence. If you are in any doubt what this Notice requires you to do, you should get in touch immediately with Mr. J.A.W. Hardy, Senior Planning Enforcement Officer, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HE (Tel: 01823 356466).

If you 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. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE