Dear Sir

Town and Country Planning Act 1990

Address to which the proposal relates: Application No: 12/01425/FUL
Holly Court High Street Midsomer Norton Radstock

Description of proposal: Date registered: 13th April 2012
Change of use of part of the first floor of Holly Court (Units 13, 14, 15, 15A, 16 and 17) from A1/B1 (Shop/Business) to A3 (Restaurant).

Name of Applicant: S&C Bruce Properties

With reference to the above application for planning permission, please find enclosed a copy of the Local Planning Authority’s notification of decision. Your attention is drawn to the notes that accompany the decision notice which give guidance on matters such as making appeals, serving purchase notices and compensation issues. However, if you require further assistance on any of the above areas, please contact Planning Services.

Yours faithfullly

Lisa Bartlett
Development Manager, Planning & Transport Development
NOTIFICATION OF DECISION

Application Type: Full Application    Application No: 12/01425/FUL

Address to which the proposal relates: Holly Court High Street Midsomer Norton Radstock

Description of Proposal: Change of use of part of the first floor of Holly Court (Units 13, 14, 15, 15A, 16 and 17) from A1/B1 (Shop/Business) to A3 (Restaurant).

Application submitted by: S&C Bruce Properties

The above development is PERMITTED in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

2. The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0800 to 0000.

Reason: In the interests of the amenity of the area.

3. The use hereby permitted shall not commence until details of refuse storage in the area shown on the plan submitted on the 17th May 2012 have been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the refuse storage area has been provided in accordance with the details so approved, and the refuse storage shall thereafter be retained solely for this purpose. No refuse from the use shall be stored outside the building other than in the approved refuse store(s).

Reason: In the interests of the amenity of the area.

4. The use hereby permitted shall not commence until full details of a scheme for the installation of equipment to control the emission of fumes and odour from the premises have been submitted to, and approved in writing by, the local planning authority. The details to be submitted for the local planning authority’s approval shall include:

- the information set out in Appendix B of DEFRA’s Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems;
- a survey of the existing background noise levels at the nearest residential facade (in accordance with British Standard 4142:1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas);
- information to demonstrate that the rating level of the noise emitted from the equipment, as determined by the procedure at BS 4142 1997, will be at least 5dB(A) below the background LA90,1hr noise level, as measured at the nearest dwelling; and
- measures for the control of noise from the equipment.

Reason: In the interests of the amenity of the area and the character and appearance of the

Bath & North East Somerset Council
(PEFULZ)

Please read the notes that accompany this decision notice.
Midsomer Norton Conservation Area.

5 All equipment to control the emission of fumes and odour (including any measures for the control of noise) that are approved pursuant to condition 4 shall be installed, implemented and in full working order prior to the use commencing and shall thereafter be retained and maintained at the site. Such equipment must be used at all times when cooking activities are undertaken at the premises. The equipment installed shall be regularly maintained to ensure its continued satisfactory operation, and the cooking process shall cease to operate if at any time the extraction equipment ceases to function. A record of maintenance shall be kept at the premises and must be available for inspection by the local authority.

Reason: In the interests of the amenity of the area and the character and appearance of the Midsomer Norton Conservation Area.

6 The development hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

- Drawing numbers:
  o Site Location Plan
  o Existing and Proposed Elevations received on the 13th April 2012
  o Proposed Floor Plans HC2
  o Proposed Floor Plan HCR003
  o Existing Floor Plans HC3
  o Holly Court Bin Store Location Plan received on the 17th May 2012
  o Design and Access Statement received on the 29th March 2012

INFORMATIVES

1. Annex B of the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems can be downloaded at:


2. The application site is in the Midsomer Norton Conservation Area and the roof of the premises is prominent from the rear (south) of Holly Court. In considering proposals for any extract/ventilation system that will be required to serve the A3 use, the developer will need to take account of the impact of any such plant on the amenity of the area and the character and appearance of the Midsomer Norton Conservation Area.

REASONS FOR GRANTING APPROVAL

1. The proposed development is a town centre use that will not, subject to conditions, cause significant harm to the amenity of nearby occupiers.
2. The proposed use will preserve the character and appearance of the Conservation Area.
3. The decision to grant approval has taken account of the Development Plan and is in accordance with the policies set out below:

Bath & North East Somerset Council
(PEFULZ)

Please read the notes that accompany this decision notice.
D.2 – Design and amenity
BH.6 – Conservation areas
T.24 – Transport
T.26 – Parking
ES.12 – Noise and vibration
S.5 – Primary shopping frontages

Date of Decision: 23rd August 2012

Lisa Bartlett
Development Manager, Planning & Transport Development

IMPORTANT NOTE - The above decision refers to Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.
APPEALS TO THE FIRST SECRETARY OF STATE

• If you are aggrieved by the decision of your local planning authority to refuse permission for the
  purposed development or to grant it subject to conditions, then you can appeal to the Secretary
  of State under section 78 of the Town and Country Planning Act 1990.

• If you want to appeal against your local planning authority’s decision then you must do so within
  6 months of the date of this notice (8 weeks for Advertisement appeals).

• Appeals must be made using a form which you can get from the Planning Inspectorate at
  Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at
  www.planningportal.gov.uk/pcs.

• The Secretary of State can allow a longer period for giving notice of an appeal, but he will not
  normally be prepared to use this power unless there are special circumstances which excuse
  the delay in giving notice of appeal.

• The Secretary of State need not consider an appeal if it seems to him that the local planning
  authority could not have granted planning permission for the proposed development or could
  not have granted it without the conditions they imposed, having regard to the statutory
  requirements, to the provisions of any development order and to any directions given under a
  development order.

• In practice the Secretary of State does not refuse to consider appeals solely because the local
  planning authority based their decision on a direction given by him.

PURCHASE NOTICES

• If either the local planning authority or the Secretary of State refuses permission to develop land
  or grants it subject to conditions, the owner may claim that he can neither put the land to a
  reasonably beneficial use in its existing state nor render the land capable of a reasonably
  beneficial use by the carrying out of any development which has been or would be permitted.

• In these circumstances, the owner may serve a purchase notice on the Council (District
  Council, London Borough Council or Common Council of the City of London) in whose area
  the land is situated. This notice will require the Council to purchase his interest in the land in
  accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

• In certain circumstances compensation may be claimed from the local planning authority if
  permission or consent is refused or granted subject to conditions by the First Secretary of State
  on appeal or on reference of the application to him.

• These circumstances are set out in Section 114 and related provisions of the Town and Country
  Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas)
  Act 1990.