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Fax: (01225) 394199
DX: 8047 (Bath)
Date: 13th January 2012
Our Ref: 11/03824/FUL

DPP
Development Planning Partnership
14 Windsor Place
Cardiff
CF10 3BY

Dear Sir

Town and Country Planning Act 1990

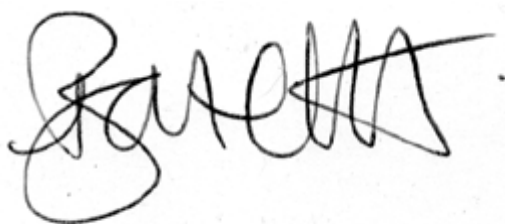
Address to which the proposal relates: Application No: **11/03824/FUL**
Tesco Old Mills Paulton Bristol

Description of proposal: Date registered: **14th October 2011**
Erection of an extension to the existing Class 1 Retail food store, re-location of petrol filling station and associated works

Name of Applicant: **Tesco Stores Limited**

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 faithfully



Lisa Bartlett
Development Manager, Planning & Transport Development

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Full Application** Application No: **11/03824/FUL**

Address to which the proposal relates: **Tesco Old Mills Paulton Bristol**

Description of Proposal: **Erection of an extension to the existing Class 1 Retail food store, re-location of petrol filling station and associated works**

Application submitted by: **Tesco Stores Limited**

The above development is **REFUSED** in accordance with the application, plans and drawings submitted by you for the reason(s) set out below:

1 Inadequate information has been submitted to enable a full and comprehensive assessment to be made of the highway implications of the proposal, contrary to policy T.24 of the Bath and North East Somerset Local Plan.

2 Insufficient information has been provided to justify the level of parking proposed which is in excess of maximum standards set down in the Bath and North East Somerset Local Plan, and therefore the proposal is contrary to policy T26 of the adopted Bath and North East Somerset Local Plan.

3 The layout of the proposed development does not provide adequately for pedestrians, cyclists and public transport to the detriment of the promotion of alternative travel and the safety of vulnerable individuals, contrary to policies T.3, T.6 and T.24 of the adopted Bath and North East Somerset Local Plan.

4 The proposed development is not in accordance with the requirements of the sequential approach to development contrary to Policy EC15 of PPS4, Bath and North East Somerset adopted Local Plan Policies S1 and S4, Joint Replacement Structure Plan Policy 40 and Regional Planning Guidance Policy EC6. This would generate unsustainable travel patterns and be harmful to the Councils retail strategy.

5 The proposed development would give rise to an unacceptable and harmful impact on the vitality and viability of Midsomer Norton town centre contrary to Policy EC17 of PPS4, Policies S1 and S4 of the Local Plan, plus policies 40 and 41 of the JRSP and Policy EC6 of RPG10

6 The proposed development is premature in light of the emerging Policy SV2 of the Draft Core Strategy which is currently under Examination and would consequently prejudice the Councils approach to retail development in the area. .

7 The proposed development would result in a loss of protected trees that are of good health and significant amenity value contrary to Policy NE4 of the adopted Bath and North East Somerset Local Plan.

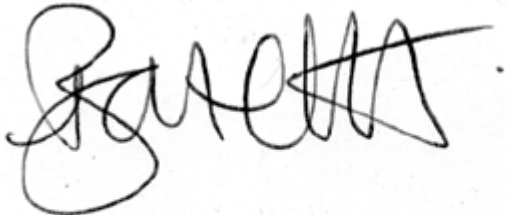
8 The proposed development would result in a loss of ecological habitat and inadequate re-provision has been proposed to adequately compensate for the loss contrary to Policy NE9 of the adopted Local Plan.

9 The proposed development would result in the loss of Grade 1 agricultural land in this case whereby there are no sustainability considerations proposed of sufficient weight to override the protection afforded to the agricultural value of the land. Consequently the development would be contrary to policy NE16 of the adopted Bath and North East Somerset Local Plan.

FOOTNOTE:

6519 P01 Rev C, 6519 P02 Rev B, 6519 P03 Rev B, 6519 P04 Rev B, 6519 P05 Rev B, 6519 P06 Rev E, 6519 P07 Rev B, 6519 P08 Rev B, 6519 P09 Rev C, 6519 P11 Rev B, 6519 P12 Rev B, 6519_P14 Rev B, LS19667

Date of Decision: 13th January 2012

A handwritten signature in black ink, appearing to read 'Lisa Bartlett', with a large, sweeping flourish at the end.

Lisa Bartlett
Development Manager, Planning & Transport Development

APPEALS TO THE FIRST SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed 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. Should your application relate to an Enforcement Notice there is a reduced time limit as described in the note below.
- 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.

NOTE:

As of the 6th April 2010 the time limit for submitting a planning appeal will be reduced where the same or substantially the same development is subject to an enforcement notice.

The new time limits are:

- 28 days from the date of the refusal or the expiry of the period which the local planning authority (LPA) had to determine the application, where the enforcement notice is served before the application is submitted;
- 28 days from the date of the refusal or the expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the decision on the application is reached or the determination period has expired; or
- 28 days from the date the enforcement notice is served, where the enforcement notice is served after the decision or expiry of the period which the LPA has to reach a decision on the application, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice.

The reduced time limit to submit a planning appeal will apply where an enforcement notice has been served no more than two years before the date on which the application is made or where it is served on or after the date of the application. It will apply regardless of whether an appeal has been lodged against the enforcement notice or not, provided the enforcement notice is not withdrawn prior to the expiry of the reduced period to submit a planning appeal.

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.