

**TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PERMISSION FOR DEVELOPMENT**

Date valid application received: 16/03/2017

Application No: P/2017/00141

Name and address of Agent

Name and address of Applicant

Planning Prospects Ltd
4 Mill Pool
Nash Lane
Belbroughton
Worcestershire
DY9 9AF

Planning Prospects Ltd
c/o Planning Prospects Ltd
United Kingdom

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **REFUSES** to permit:

**Erection of four detached buildings to form foodstore (Class A1), drive through coffee shop/restaurant (Class A1 / A3 / A5), retail and service units (four units within Class A1 / A3 / A5 on the ground floor) and leisure unit as a gymnasium on the first floor (Class D2), builders merchants with outside storage - Units 5/6/7 (Sui Generis), extension of two existing buildings to form five employment units - Units 3/4/8/9/10 (Class B1c, B2 and B8) including associated access, car parking, balancing pond and landscaping
Land Adjacent to Pirelli Factory, Derby Road, Stretton, Burton Upon Trent, DE13 0DW**

in accordance with the submitted documents and plans, for the reason(s) specified hereunder:

- 1 Local Plan Policy SP21 states that sequentially the Council will expect proposals for town centre uses to be sited within defined town centres. Applications for such uses on sites outside town centres will be subject to the sequential test. The National Planning Policy Framework Paragraph 27 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the factors stated in paragraph 26 of the NPPF, it should be refused. The application fails to satisfy the sequential test and therefore is contrary to Local Plan Policy SP21 and Paragraph 27 of the NPPF.

Informative(s)

- 1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.



Signed

Dated 16th November 2017

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Appeals to the 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.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- 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 <https://www.gov.uk/appeal-planning-inspectorate>.
- 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.

Minor Commercial Development Uses

Shops

1. Use for all or any of the following purposes—
 - (a) for the retail sale of goods other than hot food,
 - (b) as a post office,
 - (c) for the sale of tickets or as a travel agency,
 - (d) for the sale of sandwiches or other cold food for consumption off the premises,
 - (e) for hairdressing,
 - (f) for the direction of funerals,
 - (g) for the display of goods for sale,



INVESTOR IN PEOPLE

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- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet, where the sale, display or service is to visiting members of the public.

Financial and professional services

2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Restaurants and cafes

3. Use for the sale of food and drink for consumption on the premises.

Drinking establishments

4. Use as a public house, wine-bar or other drinking establishment.

Hot food takeaways

5. Use for the sale of hot food for consumption off the premises.”

