

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Application no: **06/2018/0859**



Agent:

Miss Lydia Harper,
PWA Planning
2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

Applicant:

Midas Land Ltd
141 Adelphi Street
Preston
PR1 7BH

Decision date: 15-Jan-2019

Valid date: 02-Aug-2018

Development proposed:

Erection of three storey retirement apartments building (Class C2), and two storey office (Class B1) and retail units (Class A1) building, following demolition of existing restaurant building (Class A3) with associated landscaping and car parking and new access off Woodplumpton Lane

at:

A Touch Of Spice - 521 Garstang Road, Preston, PR3 5JA

Preston City Council hereby give notice that **PERMISSION HAS BEEN REFUSED** for the carrying out of the above development for the following reasons:

1. The proposed development by virtue of its size, scale, massing and design would be out of keeping with the character of Broughton Village and therefore would be contrary to Policy 17 of the Adopted Central Lancashire Core Strategy, Policy EN9 of the Adopted Preston Local Plan, the Central Lancashire Design Guide Supplementary Planning Document and the National Planning Policy Framework.

INFORMATIVE:

You are advised that as of 30th September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.preston.gov.uk/CIL

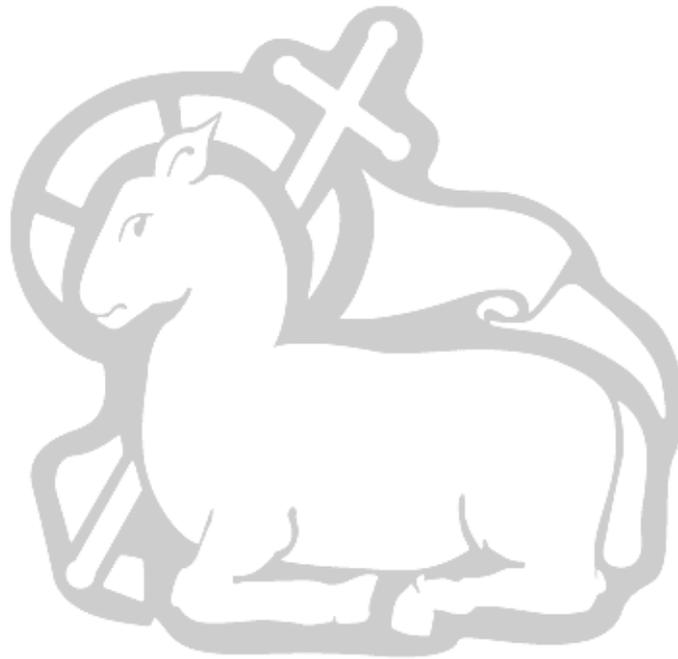
C M Hayward

Director of Development

Development Directorate
Preston City Council
Town Hall
Lancaster Road
Preston
PR1 2RL

Compliance with paragraph 38 of the National Planning Policy Framework

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Preston
City Council

NOTE:

Appeals to The Secretary Of State

Planning Applications

You have the right to appeal against the Local Planning Authority's refusal of planning permission or grant of permission subject to conditions. You may appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. For further information on how to make an appeal please visit the Planning Portal website www.planningportal.co.uk

If you want to appeal, then you must do so within six months of the date of the enclosed notice. Please note, only the applicant possesses the right to appeal.

If your application is for a minor commercial development (shop front), you must appeal within 12 weeks.

If your application is for a householder development, you must appeal within 12 weeks.

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 which it imposed.

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

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

Purchase Notices

Planning Applications

If either the local planning authority or the Secretary of State for Communities and Local Government 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 can he render the land capable of 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 City Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.