

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING & HOUSING	PLANNING COMMITTEE	18 APRIL 2018	8
CONFIRMATION OF ARTICLE 4 DIRECTION: 272-280 CLIFTON DRIVE SOUTH, ST ANNES			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

- On 8 November 2017, Planning Committee resolved to make a direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights granted by paragraph B of part 11 of schedule 2 to the Order in respect of the buildings at 272-280 (evens) Clifton Drive South, St Annes. The council used an accelerated procedure as it was considered that the development to which the direction relates would be prejudicial to the proper planning of the area or constituted a threat to the amenities of the area. Under this procedure, the direction came into force immediately upon service, but expires after six months unless the direction is confirmed.
- The direction has been the subject of public consultation and the owner of the building has been written to in order to advise of the making of the direction. No comments have been received and so Members are recommended to confirm the order.

RECOMMENDATION

- That the direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights granted by paragraph B of part 11 of schedule 2 to the order in respect of the buildings at 272-280 (evens) Clifton Drive South, St Annes shown hatched in the plan to this report be confirmed.

SUMMARY OF PREVIOUS DECISIONS

On 8 November 2017, Planning Committee resolved to:

- Make a direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights granted by paragraph B of part 11 of schedule 2 to the Order in respect of the buildings at 272-280 (evens) Clifton Drive South, St Annes.
- Make the direction with immediate effect as set out in paragraph 2 of schedule 3 to the Order.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. This report requests the committee to confirm the article 4 direction that removes certain permitted development rights in relation to the properties at 272-280 (evens) Clifton Drive South, St Annes. The permitted development rights relate to demolition.
2. The site contains the rear part of the Dalmeny Hotel which consists of three red brick buildings, two being three storey and the third two storey which front Clifton Drive South. The buildings are located outside of a conservation area and are not nationally or locally listed. The plan identifying the site is at appendix 1.
3. An outline planning application for the demolition of the three buildings and their replacement with a development of 34 apartments (16/0374) was approved in principle by the Planning Committee in March 2017. However, the application was subsequently withdrawn by the applicant prior to the completion of a Section 106 agreement and so a decision was never issued. The application as originally submitted proposed the demolition of 280 Clifton Drive South, but following negotiations with officers, that application was amended to secure the retention of 280 Clifton Drive South and the replacement of 272-278 with a new development.
4. A Prior Notification submission was lodged on 1 November 2017 seeking demolition of number 280 Clifton Drive South. Although the application was solely for the demolition of the building, a note on the submitted plan indicated an intention to leave the site open to provide a temporary car parking area for hotel guests. The Prior Notification application was subsequently refused following the making of the Article 4 Direction and 280 Clifton Drive South has now been included on the Local List of Heritage Assets.
5. The Article 4 Direction was served on the owner of the property by letter dated 15 November 2017 and a notice was published in the Lytham St Annes Express on 18 November 2017 inviting representations about the Article 4 Direction. No representations were received by the Council.
6. In its consideration of the recent planning application and the addition of 280 Clifton Drive South to the local list, Committee has acknowledged the heritage value of 280 Clifton Drive South and the importance of 272-274 Clifton Drive South to the character of the local townscape. Accordingly, and in the absence of any representations, it is considered that the Article 4 direction should be confirmed in order to prevent the demolition of this building without an application for planning permission first being made and approved.

IMPLICATIONS	
Finance	If the Council were to make an article 4 direction to withdraw permitted development rights as described in the body of this report the Council could, at some point in the future, be required to pay compensation should planning permission be refused in respect of permitted development rights that have been rescinded by the Council's actions in this regard. There is currently no approved budget for any such compensation payments should they become payable and consequently an unfunded revenue budget increase request may be made at some future date in the event of such payment being necessary.
Legal	Covered in the body of the report
Community Safety	None in relation to this report
Human Rights and Equalities	Article 8 of the European Convention rights is engaged, as it is by the wider restrictions imposed by the planning system as a whole. However, any interference with article 8 rights would be justified and proportionate because of the need to achieve the proper planning of the area.
Sustainability and Environmental Impact	None in relation to this report
Health & Safety and Risk Management	None in relation to this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	Email & Tel 01253 658460	5 April 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Prior Approval application 17/0920 Planning application 16/0374	submitted 2/11/2017 submitted 14/06/2016	Council web site www.fylde.gov.uk

Appendix 1 – Plan identifying site

Appendix 2 – Report to Planning Committee - 8 November 2017