

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	29 JULY 2015	7

LYTHAM QUAYS: ARTICLE 4 DIRECTION

PUBLIC ITEM

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

SUMMARY

An article 4 direction was made under the committee's authority in April this year to prohibit the erection of fences etc. in certain parts of Lytham Quays. It will lapse if not confirmed. One representation has been received opposing confirmation. The committee is asked to decide whether to confirm the direction.

RECOMMENDATION

To confirm the article 4 direction made by the council on 7 April 2015 relating to land at Lytham.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	

SUMMARY OF PREVIOUS DECISIONS

Development Management Committee, 29 October 2014: Authorised the making of a direction under article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to remove certain permitted development rights at Lytham Quays and to make the direction with immediate effect as set out in article 6 of the order.

REPORT

1. The council made an article 4 direction covering certain land at Lytham Quays, Lytham on 9 April this year. The direction removed permitted development rights to erect, improve or alter gates, fences, walls, or other means of enclosure. It had been authorised by the Development

Management Committee at its meeting on 29 October 2014. The report to that meeting¹, attached as appendix 1, gives further information. The direction itself is attached as appendix 2.

2. The direction came into effect immediately², but will lapse from 9 October unless the council confirms it.
3. Officers gave notice of the making of the direction as required by legislation. The notice invited representations to be made by 31 May. One representation was received, from two residents of Victory Boulevard. The committee must take it into account in deciding whether to confirm the direction. The representation is reproduced as appendix 3.
4. Members are asked to decide whether to confirm the direction.

IMPLICATIONS	
Finance	If the Council confirms the 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.
Legal	Covered in the body of the report
Community Safety	There are no matters arising directly from 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	There are no matters arising directly from this report.
Health & Safety and Risk Management	There are no matters arising directly from this report.

LEAD AUTHOR	TEL	DATE	DOC ID
Ian Curtis	01253 658506	30 June 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Committee Minutes	29 October 2014	Council website

Attached documents

1. Development Management Report dated 29 October 2014.
2. Direction under Article 4(1)
3. Representation

¹ The report attached is a late draft of the final October report, as the final version could not be located.

² The order took effect immediately because it was made under an accelerated procedure, which is available where the council consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.