



Public Document Pack

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7 July 2022

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 13 July 2022 at 6.00 pm** in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

James Hassett
Chief Executive

AGENDA – SUPPLEMENT PACK TWO – PUBLIC QUESTION TIME AND GENERAL QUESTIONS FROM MEMBERS

3. PUBLIC QUESTION TIME (Pages 1 - 6)
To receive questions from the public (for a period of up to 15 minutes)
9. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE] (Pages 7 - 12)
To consider general questions from Members already submitted in accordance with Council Procedure Rule 14.3 [as attached].

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FULL COUNCIL – 13 JULY 2022

AGENDA ITEM 3 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIR OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING

1. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
2. From Mr Pivett to the Chair of the Planning Committee, Councillor Chapman
3. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
4. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

Note, the Chair will:

- invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- explain that the questions received will be answered by the Chair of the Council
- confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question;
- state that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.

At the meeting, the Chair changed the order of the questions to be asked as outlined below:

QUESTION ONE

From Mr Pivett to the Chair of the Planning Committee, Councillor Chapman

Question

Is Arun District Council or its Officers going to pursue enforcement action against Bellway Homes or its contractors for blatantly abusing both Public Bank Holidays and the subsequent environmental health hazards that were endured at Hook Lane in Pagham by residents, contrary to Planning and Environmental Law over the Jubilee 4 day celebrations.

Response

The Planning Department were first made aware of concerns from local residents just before the June Bank Holiday weekend and made immediate contact with the site manager. During these discussions, the Council were advised that minor site preparatory works were taking place. On the basis of these discussions a meeting was arranged with the site manager for Monday 6 June 2022.

However, it appears that despite these discussions further more intensive works took place over the that weekend which the Council were made aware of on Monday 6 June 2022. A site visit was carried out on the afternoon of the 6 June to ascertain what works were taking place on site.

Following the site visit and a review of the planning approval, officers contacted the developers and advised that development had commenced in breach of pre-commencement conditions. Therefore, the Council requested that all works ceased immediately on the site until such time as the outstanding pre-commencement conditions were fully discharged. The developers were also advised that should development continue on site prior to the discharge of the pre-commencement conditions, then formal enforcement action would be taken through the service of a Temporary Stop Notice. Following the Council's communication with the developers we have continued to monitor the site and can confirm that no further works have taken place on site.

The complaints relating to noise and dust have also been raised with the Council's Environmental Health Team who have undertaken site visits and served a Notice under the Control of Pollution Act (COPA). This notice required that any noisy works on site should only take place between the hours of 0800-1800 Monday – Friday; 0800-1300 Saturdays; and at no time on Sundays or Bank Holidays. However, during the site visit by the Council's Environmental Health Officer, they did not identify any dust impact and as such this was not included within the scope of the COPA notice.

Given the outstanding pre-commencement conditions the position of the Council remains that no development should be taking place at this time. Should development re-commence I would encourage local residents to contact the Planning Department immediately.

Supplementary Question

The answers provided fail to take into consideration what happened in Hook Lane and it appears that no punitive action will be taken against the developers to remind them of their obligations. Environmental Health had advised residents of Hook Lane that fines of up to £50k could be imposed on developers over what actually took place. I do not believe that anyone here realises the severity of the

dust issues that took place and made sure that most celebrations for the Jubilee were ruined, celebrations that were a once in a lifetime opportunity to enjoy. I feel that the Council should be taking punitive action along with the residents of Hook Lane to address this with financial punishment applied to such companies to remind them of their obligations.

Supplementary Response

I can understand Mr Pivett's case, however, we have to be extremely careful when talking about taking civil action to raise a fine in such matters. Anything I say here could be taken as prejudicial to that action I believe, and I ask the Monitoring Officer, to confirm that that would be the case.

The Chair confirmed that the Monitoring Officer confirmed that this would be the case.

QUESTION TWO

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Response

What is the current legal status of the access to the site, known as, 'Land West of Fontwell Avenue?' (AL/121/16/PL) Does it now benefit from the 4-year rule and is it going to stay as it is now for ever? (In this case the 2-year rule for operational use.)

Response

Planning application AL/121/16/PL was approved subject to conditions on 1/2/2018. A further application to vary some of the conditions (2, 10, 11 and 12) was subsequently submitted under reference AL/116/18/PL. This was approved on 22/03/2019. Condition 10 of the original permission was amended by AL/116/18/PL and requires visibility splays to be provided and maintained.

The "four year rule" is a phrase which considers whether enforcement action can be taken about certain types of development carried out in breach of planning control. The "rule" means that a development that has been carried out becomes immune from enforcement action after 4 years if no enforcement action has taken place in that time.

In this case, the rule would start on the day the building was first occupied. Council records indicate that the building was occupied in April 2021. Therefore, if the access has not been constructed in accordance with the approved plans it is not yet immune from enforcement action.

A breach of condition notice (BCN) will be served unless the developer completes the approved access within a reasonable time period.

The question mentions the “2-year rule for operational use”. But to my knowledge, there is no “2-year rule” in planning.

A site visit has very recently been undertaken and the access has not been finished in accordance with the approved details. The Enforcement Team will now be contacting the developers to give them a time period in which to complete this. If it is not completed within this time, a breach of condition notice will be served.

Supplementary Question

How long will it be before this happens? They have already been living on site in caravans since the planning permission was first passed, so that is now over 5 years.

Supplementary Response

I will not take some of the points made by Mrs Smith but what I will do is to address how long this will take. This will very much depend upon the actions of the developer. If he fails to comply with these reasonable demands, things could happen very quickly, although I cannot enumerate the number of days, but things will happen very quickly as I have already pointed out in the answer. A breach of control notice will be served unless the developer completes the approved access within a reasonable time period.

QUESTION THREE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Why is Mr. Norgate, the developer of the second plot, being allowed to continue building his houses on site AL/122/17/PL, when his planning permission expired before his documents were all passed?

Response

This forms part of the larger site relating to question 1. This site is the middle plot of three.

Planning permission AL/122/17/PL for two dwellings on this plot was approved in 2018. The lawful commencement date of this permission was February 2021.

An investigation has begun to try and establish when the development commenced and if this was done lawfully. If this concludes that the development did not commence lawfully the applicant will be advised of their options.

Supplementary Question

As the Councillor has just outlined, this is the second or middle site of three. The third site was also given planning permission, but that planning permission has now expired. The other two sites, the first site and the middle site, were varied by condition to change the layout in order for heavy vehicles to turn round. It was changed by providing an extra access onto the A29. Now that that site is not going to be developed that access has gone but so has the hammer head turning space. What is the arrangement for heavy vehicles to turn round?

Supplementary Response

I respectfully decline to answer that as it does not relate to the original question that was put, it is not a supplementary question. However, I will undertake to get Mrs Smith an answer outside the process of this meeting.

QUESTION FOUR

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Adherence to Conditions on Planning Applications are legal requirements. Why is it then that certain conditions on AL/116/18/PL, (also AL/50/17/DOC and AL/21/21/NMA have not been complied with, have not been varied by application, and seem to have disappeared into the air?

Response

I can confirm that officers from the Planning Department will respond to Mrs Smith by 27 July 2022, as required by the Constitution, to confirm whether there are planning conditions that are not currently complied with or discharged on AL/116/18/PL and, if there are, what the Council intends to do about this.

Supplementary Question

Can you confirm that the situation with the first two questions I have asked will continue as it is in terms of entry and exit to the site. It is rather an immediate problem.

Supplementary Response

I have nothing further to add in this meeting.

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Q1 Councillor Coster to the Chair of the Policy & Finance Committee, Councillor Gunner

Q1 I would like to know your own personal view, as Chair of Policy and Finance, and the view of your Conservative Group who usually vote *en bloc*, Cllr Gunner, on the item in the 17 March 2022 Housing and Wellbeing meeting re the approval of the increased budget for the proposed new Integrated Housing Management system. For the record ALL the committee members who are in your group – five of them - voted in favour of a budget increase from £600,000 to £1.2 million. But what about you Cllr Gunner, as Chair of Policy and Finance, are you in favour of the scheme and its budget increase, and are ALL the members of your group in favour of it? And if you personally are in favour of it please tell me your reasons why. But if you and/or your group are not in favour of it, what action will you take?

Please don't tell me you don't know, or say you are only the Leader and it is the committee that decides. It's your job to know, and you are paid public money to know, £6038 as Leader, not to mention £5004 as Policy and Finance Committee Chair and £1651 as Economy Committee Vice Chair, all of them special responsibility allowances, plus £5631 basic allowance - £18,324 in total. So, failing to provide a proper answer to the question is not an option, and I should be grateful for a clear answer now.

A1 I am in favour and I believe a cross party group of Councillors did vote in favour at that meeting and at no point was there any direction from me or Councillor Pendleton to vote in favour of this. As a council we are here to deliver public services including to our thousands of tenants in our council owned properties. The previous Liberal Democrat independent cabinet approved the scheme but now we have had a chance to look at it and as it is reported in a report going to the Housing & Wellbeing Committee next week, the original budget did not meet the aspirations of this council or its residents. The new system, which is needed, will deliver real and tangible improvements for the residents working on areas such as the speed of repairs, housing swaps and rent recovery. This is not just a technical item in terms of money, it is how we deliver what is right for the council and right for its residents and so I am happy to support it.

Supp

Q Thank you for your response and for confirming that you are in favour of the proposal. It is clear that some, or if not all, of your Conservative Group are in favour of this proposal. The figure has doubled from the original estimate of £600,000 to £1.2 m and even more with no objection from anybody, yet although you are so enthusiastic about it all you all originally voted against it. What is going on, please explain. At Full Council on 13 January when the estimated cost was £600k, all your Group present, twenty of them in a recorded vote, voted *en bloc*, what is going on?

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Supp

A I am not entirely clear what I am being asked. In terms of what is going on, I have just explained what is going on. Clearly there were concerns from the then opposition, when you were in Cabinet, some of those concerns have been realised in the report, but ultimately what we need to do is to have an IT system that delivers for residents. I mentioned in my previous answer, we supported because we want to ensure that we are delivering for residents and I understand in the coming weeks this will be going out for consultation with residents about what their concerns are and how the IT system can better deliver on those concerns.

Q2 **Councillor Coster to the Chair of the Economy Committee, Councillor Cooper**

Q2 I am pleased to note from your Economy Committee meeting on 29 March that you are addressing the matter of installing additional beach huts in the Arun District to provide much needed income for the Council. 17 are proposed at Littlehampton, I understand, although I also understand from an officer's report that we have a waiting list of over 200 people.

For 17 huts, from the officer's report it appears that the cost per hut is some £10,921, although it also indicates that they would be cheaper if ordered in greater numbers. Can you please tell me how much per hut it would be if we ordered 50 of them? Please ignore any re-design issues for the moment, and just focus on the regular basic huts.

Also, can you please tell me when those 17 huts are likely to be installed and providing income? I appreciate that there are accessibility and re-design issues to be dealt with, not to mention planning consent, but would they, say, be providing income by the beginning of the 2023 season? Or would it be later than that and, if so, when?

And finally, I am given to understand that there are many further potential sites for beach huts in the District. How many have been identified and for how many huts, what steps have been taken to exploit them, and when, as a rough estimate, could they be in place and providing income?

And please don't try to excuse yourself by saying you're only the Chairman. For that honour you receive a special responsibility allowance of £5004 on top of your regular allowance of £5631 – some £10,635 of public money, so it's your job to know the answers and to be ensuring that your committee is addressing the right issues in a proper manner. I should therefore be grateful if you would provide clear answers.

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

- A2** I thank Cllr Coster for his question. The Councillor's insistence that the question is answered by the Chair of the committee at a full Council meeting is a failure on his part to appreciate how the committee system works. This is understandable as we are still in transition.

Beach Huts comes under the terms of reference of the Economy committee. The role of the economy committee is to performance manage the work relating to the beach huts. Therefore, I will ask officers to submit a progress report to the Economy committee and to incorporate answers to your questions.

Supp

- Q** Thank you for your response Councillor Cooper and you say that your Committee does performance manage this work and so why is it taking you so long to bring this matter before your Committee and get it moving. It is a complete lack of performance which you admit this is what you and your Committee are supposed to be managing. Are you aware that this delay has cost the council over £100,000. I could explain why this is, but it is quite clear to me that the Chair will not allow me to do so. The fact remains that because you failed to bring this before the Committee, for 10 months you have failed to address the issue to get these beach huts on site within a reasonable period of time, you have failed to bring this before your Committee about the further 50 sites that are available and could have been up and running by now but now will not be up and running until 2024. That has cost the council in revenue of £100,000 and more. Why has this delay been so long to get this issue moving?

Supp

- A** Responding to concerns of delay, I can tell you now that the workload that officers are under delivering what you see as minor and trivial is not the case. Our officers are under extreme workloads and that includes delivering what you would see as a minor thing such as beach huts and revenue for this council. They move forward at pace, and we support them. The pace may seem slow to you, but they are under enormous pressure. You may not like that but if you came to the understanding of where we are you would appreciate that a little but more. This is my answer.

- Q3** **Councillor Coster to the Chair of the Environment Committee, Councillor Edwards**

- Q3** Re the Place St Maur, Bognor Regis. When the improvement works on this site commenced, we were given to understand that the intention was that the completed site would be ready by Easter this year.

However, there is clearly still some way to go with this as it still looks like a building site, which is a shame for holidaymakers visiting so far. Please can you tell us all when the works will be finally completed.

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

In addition, it was understood that sufficiently powerful electrical supply would be built in to power the Christmas Ice Rink, as it was felt that our carbon neutrality policy did not fit well with encouraging the use of the Ice Rink's powerful and polluting diesel generators there. Has that supply been installed, and if not, why not?

- A3** I thank Councillor Coster for his question. The Councillor's insistence that the question is answered by me at a full Council meeting is a failure on his part to appreciate how the committee system works. This is understandable as we are still in transition.

The Place St Maur comes under the terms of reference of the Environment Committee. The role of the Environment committee is to performance manage the work relating to this project. Therefore, I will ask officers to submit a progress report to the Environment Committee and to incorporate answers to your questions.

Supp

- Q** The task for Councillor Edwards and his Committee is to performance manage the work of the Committee and this demonstrates a failure on his part to understand the term performance and the word manage. He does not seem to know when this will be completed as he has not said and cannot provide any detail at all about the electricity supply provided for the ice rink. Proper detailed answers are required for my two questions or if he cannot respond can he provide us with an explanation as to why he should continue in his post as Chair of this Committee when he plainly has so little grasp on what it should be doing.

Supp

- A** I have answered your question. Although you may not like the answer it is that the Environment Committee will receive a report from Officers detailing the answers to your question.

- Q4** **Councillor Coster to Chair of the Environment Committee, Councillor Edwards regarding the ecological considerations and to the Chair of the Planning Policy Committee, Councillor Bower regarding the planning considerations**

- Q4** Natural England has previously advised 32 LPAs that, where protected sites are in unfavourable condition due to excess nutrients, development should only go ahead if it will not cause additional pollution to sites. In March 2022, Natural England advised a further 42 Local Planning Authorities that their areas are covered by this advice.

The advice from Natural England means that new residential development must achieve 'nutrient neutrality'. It has had a significant negative impact on the number of homes granted planning permission in areas already affected.

COUNCIL MEETING – 11 MAY 2022

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

In Arun we have protected sites, notably Pagham Harbour, where the Southern Water WWTW is known to have been frequently discharging untreated effluent into the ecosystem, and there are similar problems in other parts of our District.

Have we been in touch with Natural England for their advice as to whether we should put the brakes on development where problems are known to exist? Or if we have not, what steps are we currently taking to ensure that we are achieving nutrient neutrality throughout the District, and if we have none in hand, what steps are we taking to ensure that we will be achieving nutrient neutrality as soon as possible?

A4 Councillor Edwards responded as Chair of the Environment Committee.

The Councillor will be aware that each planning application is considered on its merits and that Natural England is a statutory consultee who is expected to give advice on a site by site basis. As you will know the general advice given by Natural England is good guidance to developers to know which of their sites are likely to comply with Natural England Advice.

Supp

Q I thank for Councillor Edwards for the response, but it makes little sense as he aware NE is a statutory consultee to all planning authorities, including all those advised of the problems that exist so this is a red herring because NE is talking to all Local Authorities. With the well known waste water discharge and consequential pollution at Pagham Harbour and two other authorities are being advised by NE being Chichester District Council and the South Downs National Park, both discharge water through our district and so I am surprised that Councillor Edwards is not treating this matter with the seriousness it deserves. I am asking Councillor Edwards, in conjunction with Councillor Bower, as Chair of the Planning Policy Committee, if they will both immediately commit to getting in touch with NE for an urgent detailed assessment and commitment to an assessment of all current development sites to establish if work should stop until nutrient neutrality has been achieved.

Supp

A I have already answered your repeat question and I have nothing further to add.

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