



Public Document Pack

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21 December 2020

CABINET

A virtual meeting of the Cabinet will be held on **Monday 11 January 2021 at 5.00 pm** and you are requested to attend.

Members: Councillors Dr Walsh (Chairman), Oppler (Vice-Chair), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>

*Any members of the public wishing to address the Cabinet meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Wednesday, 23 December 2020** in line with current Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

For further information on the items to be discussed, please contact: committees@arun.gov.uk

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. DECLARATIONS OF INTEREST

Members and officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on the agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest
- d) if it is a pecuniary or prejudicial interest, whether they will be exercising their right to speak under Question Time

3. QUESTION TIME

- a) Questions from the public (for a period of up to 15 minutes).
- b) Questions from Members with prejudicial interests (for a period up to 15 minutes).

4. URGENT BUSINESS

The Cabinet may consider items of an urgent nature on functions falling within their responsibilities where special circumstances apply. Where the item relates to a key decision, the agreement of the Chairman of the Overview Select Committee must have been sought on both the subject of the decision and the reasons for the urgency. Such decisions shall not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of the Council's Constitution.

5. MINUTES

(Pages 1 - 12)

To approve as a correct record the Minutes of the Cabinet meeting held on 14 December 2020 (as attached).

6. BUDGET VARIATION REPORTS

To consider any reports from the Head of Corporate Support.

7. HOUSING REVENUE ACCOUNT BUSINESS PLAN UPDATE -

(Pages 13 - 20)

This report provides the annual update on the baseline position for the Housing Revenue Account Business Plan (HRABP) projections.

The HRABP forecasts income, expenditure, investment and borrowing in respect of Council housing over a 30 year period.

The update has been produced by our retained expert consultant; Housing Finance Associates and is based entirely on inputs that have been provided by the Council.

8. WEST SUSSEX JOURNEY TO WORK PROGRAMME - END OF YEAR REPORT - MIRIAM NICHOLLS (Pages 21 - 26)

The report provides a background to The Journey to Work Project and summarises its achievements over the past year and its future.

9. SUPPLEMENTARY ESTIMATE TO COVER COSTS AWARDED AGAINST THE COUNCIL IN APPEALS - Y/103/18/PL AND EP/148/20/PL (Pages 27 - 66)

Planning permission was refused for applications Y/103/18/PL and EP/148/20/PL. Both decisions were taken by the Development Control Committee (DCC) and were contrary to the advice of officers. In deciding the subsequent appeals, the Inspector has concluded that the Council acted unreasonably in refusing planning permission and has awarded costs against the Council.

This award follows an award of costs for BE/69/19/OUT in May 2020 (a decision also taken at Development Control contrary to the officer recommendation). This award of costs (£11,400) was paid out of the Department's budget. A Supplementary Estimate is now sought to pay these further costs as the Department budget is unable to accommodate these significant additional payments.

10. VARIATION TO PARKING CHARGES (Pages 67 - 76)

The Councils Medium Financial Strategy assumes that income from all charges should be reviewed. This therefore requires certain parking charges for 2021/22 to be varied to find the additional income. The purpose of this report is not to make the decision on the charges, but to ask for approval to commence the consultation.

In addition, this report reviews other car parks initiatives and services improvements.

11. CORPORATE PLAN AND SERVICE DELIVERY PLAN (Pages 77 - 84)

This report sets out the Q2 performance outturn for the Corporate Plan and Service Delivery Plan performance indicators for the period 1 July 2020 to 30 September 2020.

ITEMS PUT FORWARD BY THE OVERVIEW SELECT COMMITTEE AND WORKING GROUPS

12. ENVIRONMENT & LEISURE WORKING GROUP - 10 DECEMBER 2020 (Pages 85 - 94)

The Minutes from the meeting of the Environment & Leisure Working Group held on 10 December 2020 are attached and contain the following recommendations for Cabinet to consider:

- Minute 20 [Safer Arun Partnership] – to view the Officer's report – please click on this link - [Report](#) and [Appendix](#)
- Minute 21 [Tree Planting Strategy] – to view the Officer's report – please click on this link - [Report](#)

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – Filming Policy [The Policy](#)

Public Document Pack Agenda Item 5

Subject to approval at the next Cabinet meeting

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CABINET

14 December 2020 at 5.00 pm

Present: Councillors Dr Walsh (Chairman), Oppler (Vice-Chairman), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

Councillors Bennett, Bicknell, Bower, Charles, Clayden, Dendle, English, Gunner, Mrs Pendleton and Roberts were also in attendance for all or part of the meeting.

371. WELCOME

The Chairman welcomed Members, members of the public and Officers to what was the eighth virtual meeting of Cabinet. He provided a brief summary of how the meeting would be conducted and the protocol that would be followed and how any break in the proceedings due to technical difficulties would be managed.

372. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

373. QUESTION TIME

The Chairman confirmed that no questions had been submitted for this meeting.

374. URGENT BUSINESS - LITTLEHAMPTON HARBOUR BOARD

The Chairman confirmed that there was one urgent item to consider and he invited the Interim Monitoring Officer to introduce it.

It was explained that an extraordinary situation had occurred earlier in the day where the Littlehampton Harbour Board had sought to exclude an Arun representative from attending its meeting held that morning as that Outside Body appointment had not been made by Full Council. This had been due to an extraordinarily bad reading of the Council's Constitution where it had been thought that only Full Council had authority to appoint its representatives to the Board. The Interim Monitoring Officer confirmed that this was an Executive function not a Full Council function and that following his intervention as Monitoring Officer in explaining how the Council's Constitution should be read, only then had the Board allowed the Council's representative to attend the meeting, by which time he had missed a significant part of that meeting.

The Interim Monitoring Officer confirmed that the purpose of raising this matter urgently was to ask Cabinet to confirm that the Council's representative filling what had been a vacant seat on the Littlehampton Harbour Board was Councillor Dr Walsh and that this appointment was being validly made as an Executive confirmation and not a Full Council confirmation.

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The Cabinet then

RESOLVED

That it be noted that Councillor Dr Walsh be confirmed as this Council's nominated Outside Body representative on the Littlehampton Harbour Board, filling the current vacant seat.

The Cabinet confirmed its decision as per Decision Notice C/036/14122020, a copy of which is attached to the signed copy of the Minutes.

375. MINUTES

The minutes from the meeting of Cabinet held on 16 November 2020 were approved as a correct by Cabinet. The Chairman confirmed that these would be signed at the earliest opportunity to him.

376. BUDGET VARIATION REPORTS

There were no matters discussed.

377. FINANCIAL SUPPORT TO LEISURE OPERATING CONTRACT

The Cabinet Member for Community Wellbeing, Councillor Mrs Yeates, introduced this item and stated that Members were aware that as a Council, Arun had been providing support for the Leisure Operating Contract since 21 March 2020, when Freedom Leisure had been required to close the doors to the leisure centres in response to the pandemic.

On 25 July 2020, the Government relaxed its lockdown restrictions and Freedom Leisure reopened their facilities. Over the proceeding months, Freedom Leisure had recorded a steady growth in the number of residents who had welcomed a return to activity with this being supported by communications highlighting that processes had been put into place to ensure that the Centres were Covid secure.

The Centres had been required to close again on 5 November 2020, but Councillor Mrs Yeates confirmed that, following her visit to the Littlehampton Wave at precisely 1-minute past midnight on 2 December 2020, that the appetite for residents to use the facilities appeared to be undiminished.

Councillor Mrs Yeates then invited the Group Head of Community Wellbeing to update Cabinet on the reconciliation of the first two quarters and announcements on Government support.

He was pleased to report that the attendance trend had continued in the months where data was available and even though December was a notoriously quiet month in leisure centres, the footfall so far was better than some had anticipated. It appeared that people had taken the opportunity to exercise outside of their homes in a warm and safe place and he had witnessed large queues of parents and children waiting to access swimming lessons which was very reassuring.

The Group Head of Community Wellbeing confirmed that since his last report to Cabinet in September 2020, the Government had announced a £100M National Leisure Relief Fund specifically to support local authority leisure facilities. The Council was waiting to receive the criteria for applications but what was known was that this would require the Council to substantiate the support costs with input from Freedom Leisure. This had been anticipated and Freedom Leisure had confirmed that it would be happy to assist. It was explained that this new Fund was in addition to the Income Compensation Scheme which was allowing the Council to claim approximately £570,000 of the £800,000 it had budgeted in lost income from the contract.

Noted in the report was the improvement in both the number of activities available at the centres and the number of people attending. The second four-week period saw footfall increase by 5,800 people. Also, since the last report the first and second quarters had been reconciled. Members were referred to Table Three in the report that quarter 1 had been better than forecast by over £5,000 and quarter 2 by over £139,000. However, Quarter 2 had been affected by the Centres opening later than expected and this would impact on Quarter 3, as would the second lockdown which started on 5 November 2020.

Despite this, it was encouraging to note that in September 2020, Freedom Leisure recorded its first month whereby its income had been greater than expenditure, illustrating the bounce back in customer confidence the Council had hoped to see.

The projected relief required for Quarter 4 was £177,740. This continued to demonstrate a downward trend for support despite the recent lockdown. It was anticipated that this sum would be subject to a claim from the National Leisure Support Relief Fund. On a positive note, it was unlikely that the Centres would need to close if Arun moved from Tier 2 to Tier 3, but some activities would need to be modified and classes stopped, however, children's activities were unlikely to be affected.

Finally, the Group Head of Community Wellbeing stated that he hoped that the Cabinet would be encouraged by news of both of the Government's support schemes, but also to learn how residents had responded to the Centres opening. It was also hoped that members felt assured that Freedom Leisure was doing all it could to promote confidence to use the facilities and were working with staff to ensure that the level of relief provided was appropriate and justified.

In response, the Cabinet praised the support shown by the public in continuing to use the facilities which illustrated how important they were in assisting the wellbeing of the community and so it was vital to continue to financially support Freedom Leisure and for the Council to ensure that facilities remained open.

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Requests were made to receive attendance figures for the four weeks from the end of September 2020 and whether comparison figures could be provided covering December this year in comparison to December last year as there were Councillors who were interested to see how the public were responding in this unique situation. The Group Head of Community Wellbeing confirmed that he would provide and share these figures outside of the meeting.

The Cabinet

RESOLVED

Approval be given to the Council making a bid to the National Leisure Relief Fund towards the operating support costs paid to Freedom Leisure.

The Cabinet

RECOMMEND TO FULL COUNCIL

Approval be given to a supplementary estimate for a sum of up to £177,740 (Band D equivalent of £2.86) to support the Council's leisure operating contract from January to March 2021 (Quarter 4).

The Cabinet confirmed its decision as per Decision Notice C/037/14122020, a copy of which is attached to the signed copy of the Minutes.

378. THE COUNCIL'S RESPONSE TO THE COVID-19 PANDEMIC SITUATION

The Chairman introduced this report confirming that this provided a formal update on progress on Covid-19 related issues since the last meeting of Cabinet held on 16 November 2020. It continued to be based on the weekly updates that he and the chief Executive provided to Councillors and partner organisations.

Since the last meeting, the local Tier setting had occurred with the Arun District being placed in tier 2, linked to the geography of West and East Sussex County Councils, and Brighton and Hove. Councillor Dr Walsh outlined his thanks to the Officer team, not only for these updates, but all the diligent work they continued to undertake on a daily basis to (a) ensure the Arun area was kept as safe as possible and (b) that the Clinically Vulnerable continued to receive support, by assisting WSCC, and, (c) by supporting local businesses and individuals by allocating Government grants as quickly and efficiently as possible, within the guidelines provided. The Chairman confirmed that he recognised that Officers continued to work hard to juggle all the various demands on their time during this difficult period. He also thanked the public for their hand in abiding by the restriction rulings which had ensured that the District of Arun remained relatively free from Covid-19.

The Cabinet

RESOLVED

That the actions taken to date be noted.

The Cabinet confirmed its decision as per Decision Notice C/038/14122020, a copy of which is attached to the signed copy of the Minutes.

379. THE GREATER BRIGHTON ECONOMIC BOARD - DRAFT COVID-19 SUSTAINABLE RECOVERY PLAN

The Chairman introduced this item reminding Councillors that as the Council's nominate Outside Body representative on the Greater Brighton Economic Board, he and the Chief Executive regularly attended Board meetings. The last had been on 19 October 2020 where the very topical issue of sustainability in a COVID recovery phase had been discussed and he referred Councillors to the report that had been provided as an Appendix. All the Members of the Board had been invited to confirm their support for the 10 pledges of the Board, which had been outlined in Paragraph 1.9.

Councillor Dr Walsh had confirmed the Council's support to these pledges as they aligned with many of the Council's principles for future sustainability. It is anticipated that the Council would shortly have an Officer in place to take the Council forward on these matters. He then asked the Committee Services Manager to play a short video provided by the Board as he felt that this would be of interest to Members. The link to this video had also been set out within the report.

Various comments were made on the presentation received:

- In terms of mitigation measures Members were delighted to see carbon capturing kelp forests off the Worthing coast and felt that this was a step in the right direction in addressing climate change issues
- On rewilding, an increase in natural landscapes was supported
- All ten points were classed as a good starting point in addressing the climate emergency
- Zero omission fleets were vital
- Supportive of measures – refers to enhancing and supp of tourism crucial to local econ – diversifying what we are doing locally –
- Good actions around talent management real focused actions vital thing to focus on in view of current pandemic
- Grey water recycling was felt to be an area that this Council needed to start exploring now. It was hoped that with new strategic sites this could be examined further as water resources were becoming scares and it was acknowledged that this would become a real problem with climate change
- Energy efficiency in all housing to be built to encourage energy generation was a priority
- It was felt that the presentation had not addressed the real issue of energy generation and the generation of electricity. The use of the River Arun

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was sited as an opportunity that should be used to energy generation along with wind farms and other hydro mechanisms

- There was no mention from Government sources to use the power of the sea. As an island this was a gift to be used as waves and tidal action was a prime source of free energy all around Britain and needed to be exploited with lobbying being undertaken for the necessary research into this to be escalated.

In summing up the points made, the Chairman suggested that a comment be added to the recommendation which was that the Council would like to see greater reference in the future to electricity generation by sustainable means using tidal and hydro in the Greater Brighton area.

The Cabinet, then

RESOLVED

That the Greater Brighton Economic Board Sustainable Recovery Plan and Arun District Council's commitment to this be noted with the Council wishing to see greater reference in the future to electricity generation by sustainable means using tidal and hydro in the Greater Brighton area.

The Cabinet confirmed its decision as per Decision Notice C/039/14122020, a copy of which is attached to the signed copy of the Minutes.

380. STANDARDS COMMITTEE - 3 DECEMBER 2020

The Chairman confirmed that following the meeting of the Standards Committee held on 3 December 2020, there were two recommendations for Cabinet to consider in relation to the new Social Media Guidance for Councillors. An extract from the minutes had been published as a supplement on 14 December 2020 and emailed separately to Councillors.

The guidance had been debated at the meeting of Cabinet held on 19 October 2020 but referred back to the Standards Committee in view of a range of concerns raised by non-Cabinet Councillors about the content of the document.

The Chairman then invited Councillor Stanley to comment on this item as he had been in attendance at the Standards Committee as a substitute for Councillor Blanchard-Cooper.

Councillor Stanley confirmed that the Committee had had an open and honest debate on this item and he believed that it was accurate to say that as far as the Committee was concerned, it was necessary to have in place specific guidance on social media as this was an area that Councillors did have an issue with currently.

Councillor Stanley stated that there had been some suggestions to adjust slightly the list the of 'Do Nots' in the guidance and that such requests had been set out in the minutes circulated.

A question was asked in terms of the List of 'Do's' and 'Don'ts' in the guidance in terms of whether these were a list of suggestions or were they something that a Councillor could be held to. It was explained by the Interim Monitoring Officer that the document was only guidance and had no legal weight. Its purpose was to ask Members to be cautious and it alerted them to situations they could potentially find themselves in. It was a good practice document which was not part of the Members Code of Conduct, but it could be used to interpret this code.

The Cabinet

RESOLVED – That

(1) The new Social Media Guidance for Councillors as amended at the Standards Committee meeting, be endorsed, replacing the previous version endorsed by Cabinet on 31 May 2016; and

(2) To authorise the Acting Monitoring Officer to make any consequential changes arising from the adoption of a new Members' Code of Conduct.

The Cabinet confirmed its decision as per Decision Notice C/040/14122020, a copy of which is attached to the signed copy of the Minutes.

381. PLANNING REVIEW WORKING PARTY

The Chief Executive presented the minutes from the first meeting of the Planning Review Working Party held on 8 December 2020 so that the recommendations proposed could be considered.

The first recommendation was at Minute 4 [Terms of Reference] which sought a slight amendment to the terms of reference as agreed at Cabinet on 16 November 2020 which was to highlight that the Working Party would only examine the recommendations from the Planning Review that related to Members and not Officers.

The Cabinet

RESOLVED

That the Terms of Reference for the Working Party be:

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To consider the findings and examine the recommendations from the Planning Review (when presented) to only include those that related to Members and not Officers so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who would report to Full Council.

Cabinet was then referred to the recommendations as set out in Minute 5 [Planning Review Recommendations] as set out in the Appendix attached to the minutes listing the recommendations that had been debated by the Working Party and the Working Party's recommended action for Cabinet to consider.

It was highlighted that in relation to Recommendation 52, that in addition to the Points (3), (4) and (5) which had been suggested should be removed, that point (1) also be removed. This had been checked with Mr Hannaby who had confirmed that this already took place and could therefore be removed.

Recommendation 57 had also been amended by the Working Party to have the words (the review should be with the Town and Parish Councils) added as it was felt that they should be involved.

The Chief Executive therefore asked Cabinet if it could accept Appendix A as the process to take forward the list of recommendations debated by the Working Party.

Councillor Stanley then spoke as Chairman of the Planning Review Working Party and he confirmed that the meeting had been very constructive with everyone sharing widespread experiences. There had been lots of support around training for Members and that there needed to be better understanding of both Member and Officer roles. There had also been much support and the importance of parishes in this process acknowledged. Discussion had also taken place on how Members felt that the Advisory Groups were working and the need to remove barriers for the public to enable them to interact and comment and to encourage public interaction and engagement. It was hoped that this would be an item for discussion at the next meeting of the Working Party planned for early February 2021.

A non-cabinet Councillor then raised a concern to the amendment that had been made, but not mentioned, in terms of Recommendation 58 as it was his view that this required further investigation. Following discussion, it was agreed that this recommendation would be referred back to the Working Party for further consideration.

The Cabinet

RESOLVED – That

- (1) A further meeting of the Planning Review Working Party be convened for February 2021; and
- (2) That the list of recommendations from the Planning Review Report, as attached to the report as Appendix A, be pursued with the exception of the amendments made at the meeting – being that:
 - Recommendation 52 (i) [Amend the ‘call-in’ procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair] be removed along with points 3, 4 and 5, as set out in Appendix A; and
 - Recommendation 58 be referred back to the next meeting of the Planning Review Working Party for further consideration.

The Cabinet confirmed its decision as per Decision Notice C/041/14122020, a copy of which is attached to the signed copy of the Minutes.

382. HOUSING AND CUSTOMER SERVICES WORKING GROUP - 5 NOVEMBER 2020

Cabinet considered the minutes from the meeting of the Housing & Customer Services Working Group held on 5 November 2020 and were alerted to a range of recommendations.

The Cabinet Member for Technical Services, Councillor Stanley, confirmed that at Minute 12 [Additional and Selective Licensing Schemes for Houses in Multiple Occupation] there were two recommendations to consider. Councillor Stanley provided some background to this item by reminding Councillors that earlier in the year, Full Council had approved a motion requesting Officers explore options for introducing controls on (1) the quality of HMOs; and (2) the number of HMOs. A separate report produced by the Planning Policy team had been considered by the Development Control Committee on 25 November 2020 regarding the number of HMOs. The Committee had agreed to make a recommendation to Full Council.

What was for Cabinet to consider was a recommendation by the Housing and Customer Services Working Group which related to the quality of HMOs in the District. The private sector housing team currently undertook proactive inspections to identify and assess the significance of hazards only in those HMOs that fell within the mandatory HMO licensing regime. Simply put, the HMOs that currently required a licence were those with five or more people from more than one household sharing facilities. The cost of undertaking these inspections could be recovered by the Council by way of licence fee payable by the HMO landlord. Where significant hazards were identified, the team required landlords to make improvements.

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The private sector housing team had not undertaken proactive inspections of the private rented sector properties outside of the mandatory HMO licensing regime since 2012. The inspection programme that existed prior to that time had been ended in response to a need to make savings. HMOs were however inspected where concerns were raised by tenants. Expanding the inspection programme would increase the number of HMOs where Officers could ensure housing standards met the minimum legal requirements.

There were two potential licensing regimes that could be introduced to do this: Additional Licensing (of HMOs) and Selective Licensing (of the whole private rented sector within a specific area). Each regime allowed the resourcing of the inspection programme to be recovered by way of a licensing fee from the private sector landlords. Each licensing regime had different criteria which must be satisfied in order to introduce it. At present there was insufficient evidence that the criteria were satisfied.

Given the potential improvements that could be made to the quality of HMOs from expanding the inspection programme by introducing a licensing regime, it had been recommended by the Working Group that *[paraphrased rather than verbatim]* (1) Cabinet agree Officers continue to research and gather evidence to establish if the criteria for either is satisfied, and (2) that Cabinet asks Full Council for a supplementary estimate of 20K in order to procure data modelling services for which licensing regime is met work on exploring.”

The Cabinet

RESOLVED

That Officers continue to research and gather further evidence to help support whether additional HMO Licensing (Housing Act 2004, s.56-60) or selective licensing of the private rented sector (Housing Act 2004, s 80-84) is justified.

The Cabinet also

RECOMMEND TO FULL COUNCIL

That approval be sought for a supplementary estimate of up to £20,000 (which equates to a Band D Council Tax equivalent of £0.32) to commission the services and expertise to undertake the appropriate research and collation of data in order to support whether additional HMO Licensing or selective licensing of the private rented sector is justified.

The next recommendation for Cabinet to consider was at Minute 14 [Water Hygiene Policy and Management Plan] which was presented by the Cabinet Member for Residential Services, Councillor Mrs Gregory.

The Cabinet

RESOLVED – That

- (1) The Water Safety Policy 2020 be adopted; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services to make minor changes to the Policy and Plan.

Councillor Mrs Gregory then alerted Cabinet to the final set of recommendations at Minute 15 [Gas Safety Policy and Management Plan.

The Cabinet

RESOLVED – That

- (1) The Gas Safety Policy – October 2020 be approved; and
- (2) Delegated authority be given to the Group Head of Residential Services in conjunction with the Cabinet Member for Residential Services and the Chairman and Vice-Chairman of the Housing & Customer Services Working Group to make minor changes to the Policy.

The Cabinet confirmed its decision as per Decision Notice C/042/14122020, a copy of which is attached to the signed copy of the Minutes.

383. OVERVIEW SELECT COMMITTEE - 1 DECEMBER 2020

The Chairman then referred to an extract from the minutes of the Overview Select Committee held on 1 December 2020 that contained a recommendation for Cabinet to consider in relation to the Local Council Tax Reduction Scheme 2021/22.

Councillor Mrs Gregory presented this recommendation, as the Cabinet Member for Residential Services, and it was explained that this minute extract had been uploaded to the web as a supplement on 14 December 2020 and circulated separately to Members.

Subject to approval at the next Cabinet meeting

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The Cabinet

RECOMMEND TO FULL COUNCIL

That Option 2 [to retain the current scheme for 2021 in respect of the Council Tax Reduction Scheme but to allow for an increase in the income banding] be approved.

The Cabinet confirmed its decision as per Decision Notice C/043/14122020, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.44 pm)

**ARUN DISTRICT COUNCIL
REPORT TO AND DECISION OF CABINET
ON 11 JANUARY 2021**

SUBJECT: Housing Revenue Account Business Plan Update 2020

REPORT AUTHOR: Satnam Kaur, Group Head of Residential Services

DATE: 21 December 2021

EXTN: 37718

PORTFOLIO AREA: Residential Services

EXECUTIVE SUMMARY:

This report provides the annual update on the baseline position for the Housing Revenue Account Business Plan (HRABP) projections.

The HRABP forecasts income, expenditure, investment and borrowing in respect of Council housing over a 30 year period.

The update has been produced by our retained expert consultant; Housing Finance Associates and is based entirely on inputs that have been provided by the Council.

RECOMMENDATIONS:

Cabinet is asked to:

- Note the updated Housing Revenue Account Business Plan 2020/21

1.0 BACKGROUND:

1.1 The HRABP 2017-2027 was approved by Full Council in September 2017 and was last updated in February 2019. The primary objectives of the plan are:

1.1.1 Increasing the housing stock

1.1.2 Ensuring housing assets are fit for purpose

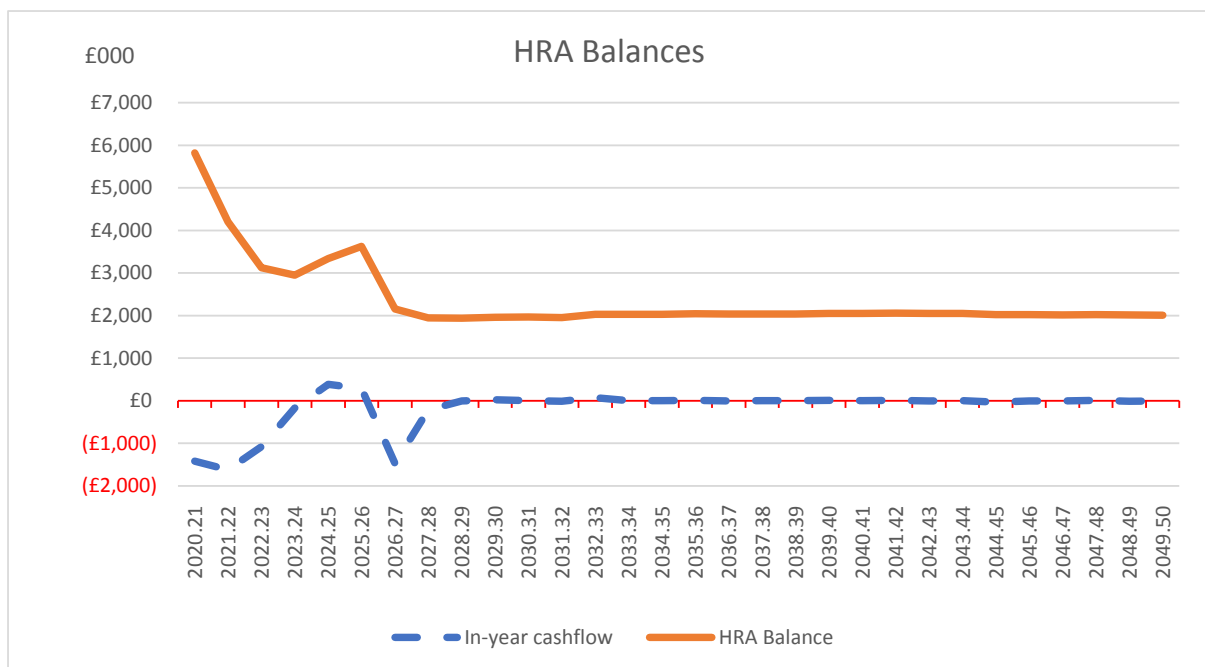
1.1.3 Maximising income and making the best use of available resources

1.2 The plan was last updated in 2019 and this report sets out the annual update. For the purposes of showing the affordability and sustainability of spending decisions, the forecast assumes that we repay the debt as quickly as possible. However, in reality the actual approach we take will be determined by the conditions that apply when loans are taken out by taking a risk-based approach.

1.3 Members should note that this iteration of the plan does not allow for growth pressures or additional costs associated with the delivery of carbon neutral homes by 2050. These will be included in future updates.

1.4 Baseline Revenue Forecast

1.4.1 The chart below shows our ability to maintain a minimum level of balances (£2 million) during the 30 year period covered by the forecast

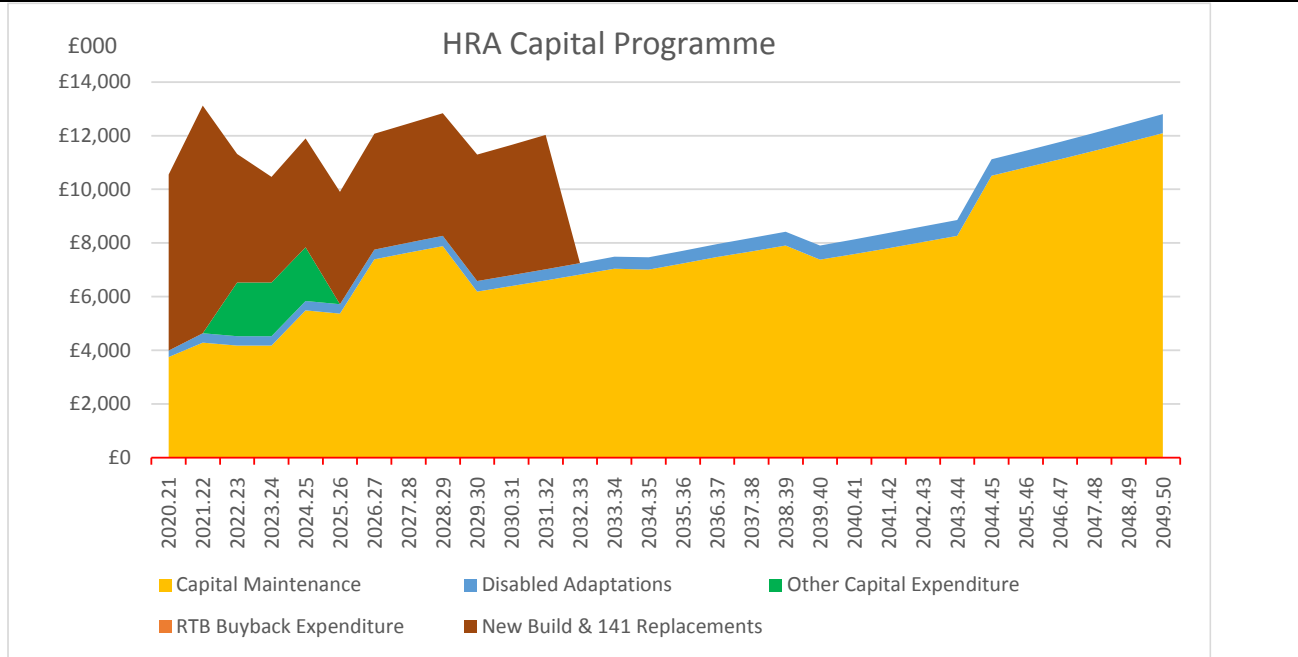


1.4.2 In this chart the blue line represents the in-year movement in HRA balances, while the orange line forecasts the accumulated balance at the end of each year.

1.4.3 We can broadly maintain our minimum HRA Balance of £2.000m throughout the forecast. During the first six years the Council utilises its balances above the minimum level to help repay debt and finance its HRA capital programme, and this reduces balances to the minimum level from year 7. Any capacity the authority has for generating additional balances during the forecast is used to finance the capital programme or to repay debt, which means that balances continue to be maintained at the minimum level for most of the rest of the planning period.

1.5 Base line capital programme

1.5.1 The next chart for the baseline shows our ability to deliver the HRA capital programme within the available resources. This chart shows the capital expenditure required each year, identifying the main types of expenditure separately:

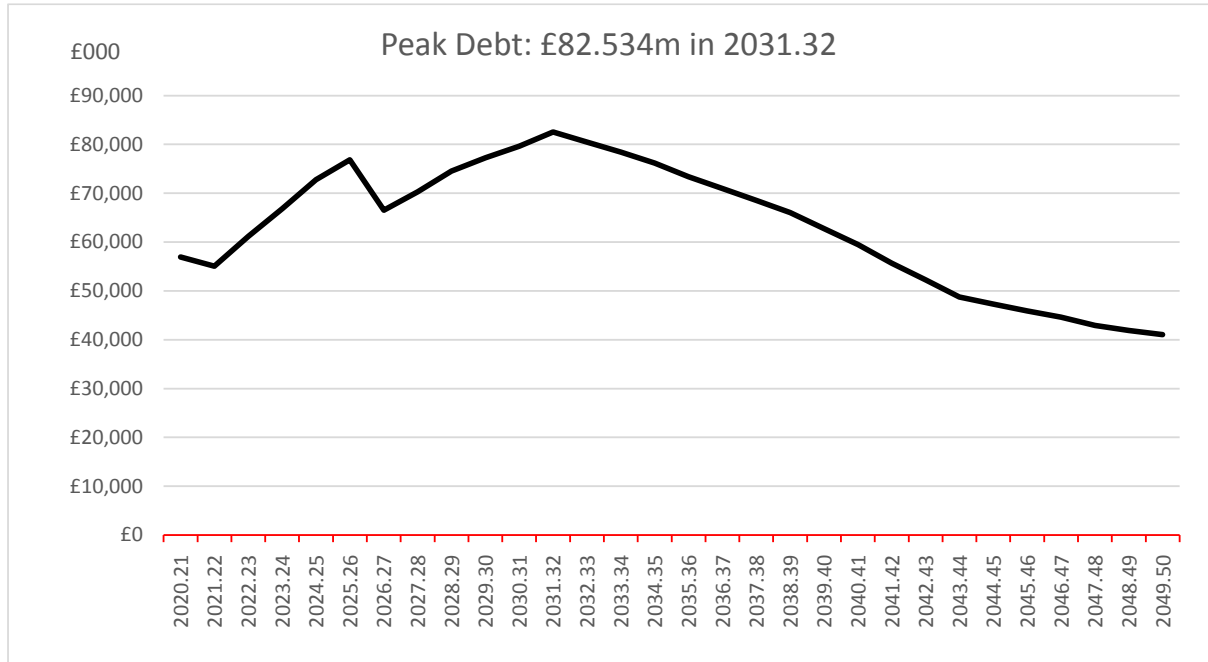


1.5.2 The baseline position allows for the addition of 230 properties between 2020/21 and 2031/32. Expenditure on these units shows as the brown area of the graph. It also includes a three-year programme for investing £6.000m in its sheltered stock, which forms the main part of the green area.

1.5.3 The Authority can finance this capital programme from the resources that are at its disposal. This means that the baseline levels of capital investment are affordable and fully financed throughout the planning period.

1.6 Base line debt profile

1.6.1 The next chart forecasts movements in the level of HRA debt during the planning period.



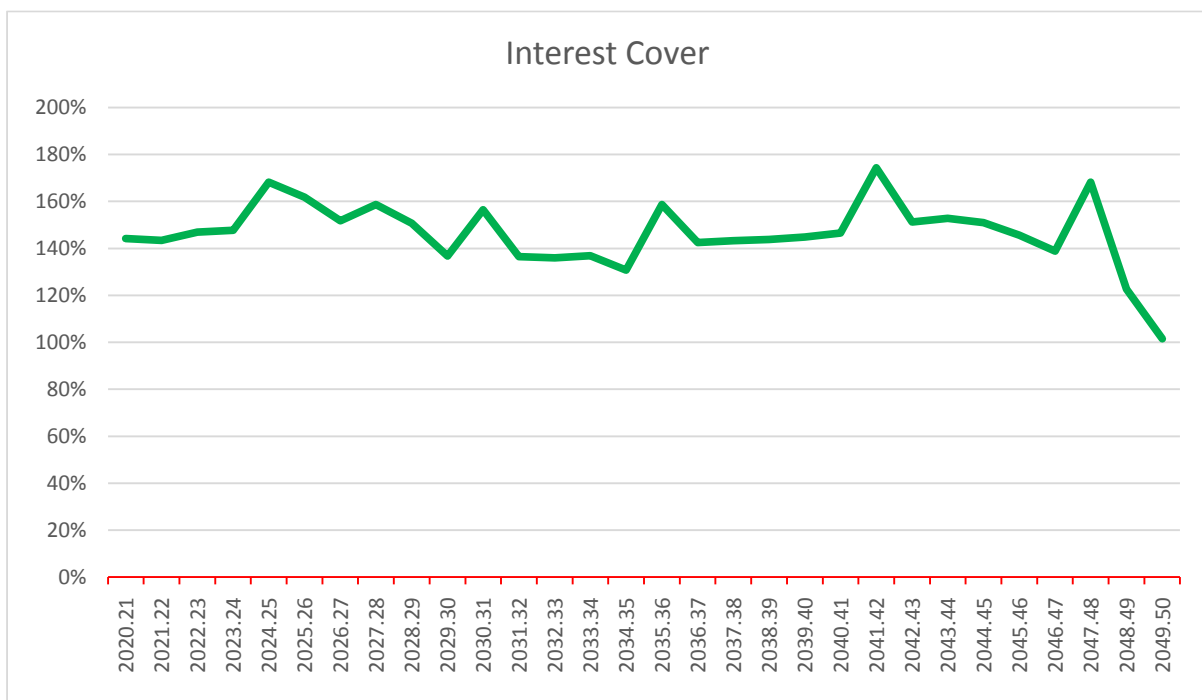
1.6.2 The resources generated by the baseline position mean that we can start to repay debt after year 2031/32. Debt peaks at £82.534m in 2031/32, but the level of investment in new stock means we have to borrow at well above the level currently indicated by our treasury management strategy statement.

1.6.3 By the end of the 30 year period debt drops from its peak level to £41.076m. Of this, £8.860m relates to existing loans, which are not due to be repaid until after 30 years, £8.045m relates to existing internal borrowing, and £24.171m is from additional borrowing undertaken to deliver the baseline capital programme.

1.6.4 On these assumptions we are able to repay most of the borrowing required over a reasonable period, suggesting that the baseline programme is affordable and sustainable.

1.7 Baseline – affordability

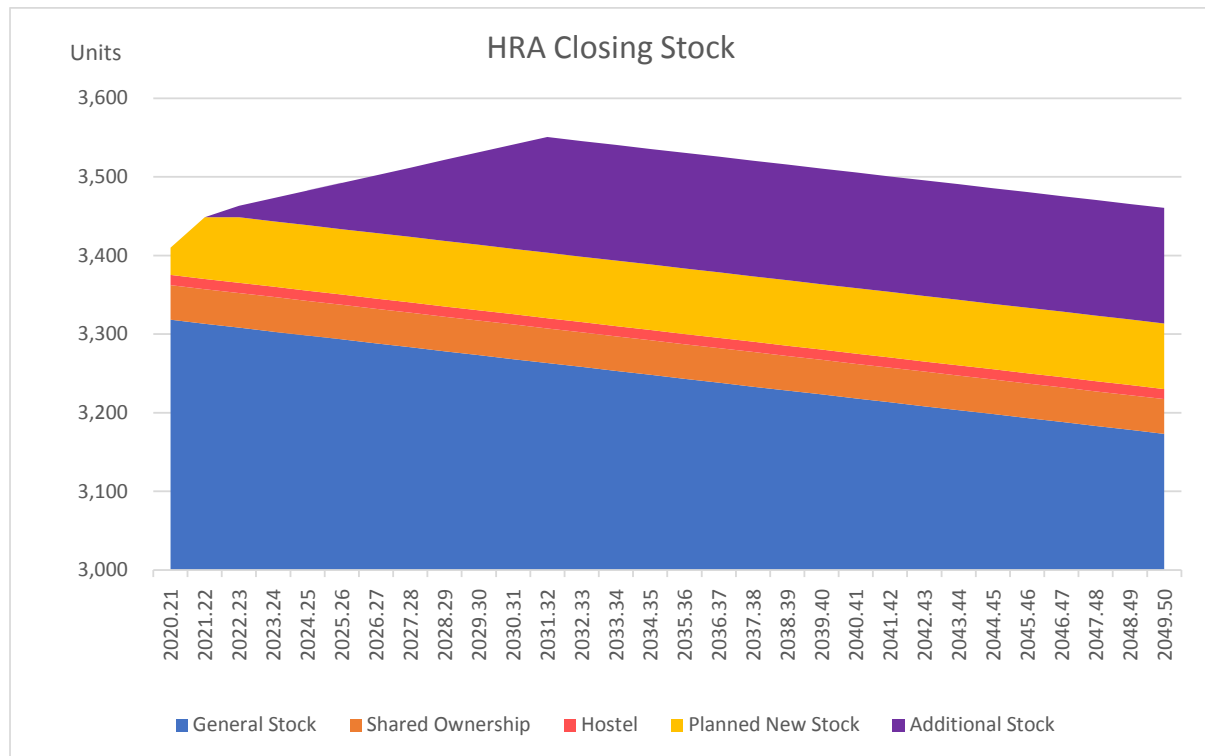
1.7.1 The ability of the authority to repay debt within a reasonable timescale, as covered in the previous section, is a key indicator of the long-term affordability of the our projections. Alongside this we have also considered the level of interest cover provided by the operating surplus on the HRA, which is shown in the chart below:



1.7.2 While we are able to utilise HRA surpluses to repay debt, the level of those operating surpluses remains within 102% to 174% of the projected charges for interest. We would expect to see the rate of cover increase towards the end of the forecast as debt is repaid, but in this case the ratio is at its lowest in the final year of the planning period – which is also the year that debt reaches its lowest point. To ensure affordability this ratio should be maintained at 125% or above.

1.8 Base Line Council Housing Stock Numbers

1.8.1 The final baseline chart shows the expected movement in stock numbers, based on current assumptions for sales, plus the development or acquisition of new units:



1.8.2 The projections allow for gains in the number of units from the assumed programme of development and acquisitions, peaking at 3,551 units in 2031/32. Thereafter the effects of continuing sales of council homes under the right to buy reduce stock levels back to 3,461 homes after 30 years.

1.9 Summary

1.9.1 The baseline position for the HRA reflects the best available information on the need to spend on council housing for the foreseeable future. The level of investment required in the existing stock of council homes, along with the Council's aspirations to develop and build new homes while regenerating sheltered stock, means that we will need to take out additional borrowing to help finance the work required. Borrowing at the levels shown in this report means that we can meet existing plans for investment and new build, while increasing stock over the medium term

1.9.2 The baseline projections indicate that the investment assumed is broadly affordable and sustainable. However, they also assume that the underlying cost base will increase in real terms. This presents a potential risk for the Council to address over the long term, to ensure that its plans continue to be affordable and sustainable.

1.9.3 There may be scope for the authority to utilise spare funding capacity to increase stock numbers and investment in council housing further, beyond the levels assumed in the baseline position.

1.9.4 The authority could improve the financial position of the HRA and reduce its reliance on debt by making additional capital resources available to the HRA capital programme (such as other receipts from the sale of homes under the right to buy, from market sales or the disposal of other council assets, or by accessing external funding streams). It could also improve the financial position by ensuring that the Council minimises operating costs for the HRA, while maximising income.		
2.0 PROPOSAL(S):		
2.1 Members note the updated HRABP 2020		
3.0 OPTIONS:		
3.1 Members note the updated HRABP 2020		
4.0 CONSULTATION:		
4.1 The new plan has been developed in consultation with the Director of Services, Group Head of Residential Services, Group Head of Corporate Support and the Cabinet Member for Residential Services.		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		NO
Relevant District Ward Councillors		NO
Other groups/persons (please specify)	YES (please see 4.1 above)	
5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	YES	
Legal		NO
Human Rights/Equality Impact Assessment		NO
Community Safety including Section 17 of Crime & Disorder Act		NO
Sustainability		NO
Asset Management/Property/Land		NO
Technology		NO
Other (please explain)		
6.0 IMPLICATIONS:		

6.1 The capital expenditure contained in the HRABP update is based on the proposed budget for 2021/22 and the indicative budget for the following two years, which have been assessed for affordability. Future years budgets will continue to be assessed for affordability in light of changing circumstances before approval by Full Council as part of the annual budget setting process.

6.1.1 Members should note that this iteration of the plan does not allow for growth pressures or additional costs associated with the delivery of carbon neutral homes by 2050 and any additional compliance costs. These will be included in future updates on our progress against the plan and any revisions required.

7.0 REASON FOR THE DECISION:

7.1 To ensure that the HRA is able to deliver the long-term investment requirements that have been identified through the updated HRABP plan forecast.

8.0 EFFECTIVE DATE OF THE DECISION: 20 January 2021

9.0 BACKGROUND PAPERS: None

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 11 JANUARY 2021

SUBJECT: Journey to Work Project

REPORT AUTHOR: Miriam Nicholls, Business Development Manager

DATE: 2nd December 2020

EXTN: 37845

PORTFOLIO AREA: Economy Group

EXECUTIVE SUMMARY: The report provides a background to The Journey to Work Project and summarises its achievements over the past year and its future.

RECOMMENDATIONS:

That Cabinet notes the contents of the report.

1. BACKGROUND:

In early 2018, the West Sussex Local Authority partnership successfully applied for Strategic Investment Funds (SIF) for the first time. The 'Journey to Work' West Sussex programme became a reality with nearly £300k provided to support the wide-ranging employment services, either already provided by the Local Authorities, or projects that had been planned. In February 2019, the West Sussex Districts and Boroughs successfully applied for a second time to SIF for £500,000 to continue to provide support to unemployed people across the County.

This report summarises the outcomes and achievements of the Journey to Work programme over the second year of delivery, a year impacted by Covid19 for the final quarter. A year that has seen the inevitable development of different ways of working.

THE PROJECT

This Council has run its own Journey to Work project since 2013 and has successfully supported hundreds of Jobcentre Plus customers into work, training and volunteering over the years. The project has traditionally been operated by contractors – Connects Media. The Council still works closely with Bognor Regis and Littlehampton Jobcentres and has the formidable Arun Business Partnership as an employer base. The delivery team has been operating remotely with customers, old and new, since lockdown was introduced and has also utilised digital media and other methods of communication and support.

The West Sussex J2W Project is overseen by a Local Authority Steering Group (District and Borough lead officers) has met three times in person before lockdown and once, virtually, since. This meeting is strategic and covers Local Authority updates, funding, budgets, programme development and promotion. The delivery group has also met three times with two subsequent online meetings. Both groups have been successful in ensuring a smooth delivery of the programme and development towards ongoing, successful collaborative working.

Targets and Achievements

As laid out in the SIF funding application, the following headline outcome targets plus additional sub-outcomes have been achieved. Each Local Authority delivers its programme in slightly different ways and therefore have been recording a variety of information and in different formats.

The table below represents data collected between July 1st, 2019 and June 30th, 2020.

Target group	Target	Adur & Worthing	Arun	Chichester	Crawley	Horsham	Mid Sussex	Total	% Achieved
Client journeys started	1000	200	115	77	258	236	81	967	96.7%
Total interventions	2000	670	455	384	1024	798	143	3474	173.7%
Job Starts (Paid work)	300	25	49	11	50	108	12	255	85.0%
Work placements unpaid (includes taster days, volunteering)		32	12	14	3	28	0	89	
CVs Reviewed / provided		81	68	59	22	129	15	374	
Job applications supported		148	32	42	11	73	13	319	
Interview advice (includes mock interviews)		63	63	37	58	37	11	269	
Money Mentoring (Adur & Worthing only)		268						268	

The budget of £500,00 was disbursed between the six local authorities as in the table below, with an additional budget amount of £40k (managed by the Programme Manager), which could be used for anything the Local Authority leads felt was appropriate to develop or enhance their local projects.

The additional budget has mostly been carried over to support ongoing Covid19 projects development, in the new project year (started 1st July 2020), including virtual job clubs and other services delivered digitally.

Local Authority	Main project funding	Additional budget
Adur and Worthing	£95,000.00	£8,333
Arun	£45,000.00	£8,333
Chichester	£80,000.00	£8,333
Crawley	£100,000.00	£8,333
Horsham	£65,000.00	£8,333
Mid Sussex	£45,000	£8,333
Programme Manager (part-time)	£20,000	
Total	£450,000	£50,000

The recovery phase of Covid19 has seen DWP meet with all Local Authorities to discuss priorities for employment support in each local authority area, with the intention of providing additional Government funding to support targeted projects, alongside the existing J2W programme. This additional resource, if forthcoming, will support targeted projects such as 18-24-year olds, BAME and older workers. The SIF-funded projects will run alongside these additional projects.

J2W projects have had to adapt considerably since Covid19 affected physical support. All projects have worked remotely, some with more success than others. However, even with restrictions in place the Local Authority delivery teams have supported more than 90 people into work since lockdown started. The projects will continue to support people remotely for the foreseeable future, but face-to-face consultation and small group activity is considered a possibility moving into 2021. This will only be undertaken when our teams are confident of safety for all customers and employees.

With possible DWP funding for many of the Local Authorities increasing the level of resource in the coming year to help with the impact of Covid19 on unemployment and the economy in general, each Local Authority will combine the existing support to those furthest from the labour market with activity that supports people who need a swift return to work. In particular, projects to support young people (18-24) are to be prioritised.

Priorities of key partners JCP have changed regularly over the years and we are always developing and adapting to accommodate these, usually to ensure continued or new funding from the DWP. However, with the suspension of DWP funding in our area last year, we delivered our support to our local JCP offices for free in most of our districts and boroughs (Mid Sussex was the only DWP funded project). With Covid19 recovery plans has come a strong hint of additional Government funding for employment support projects, with a local focus and coordination between DWP and the Local Authorities. This partnership working will form projects specifically designed to support each local economy in a targeted approach and funding will be in addition to the current SIF-funded projects.

Conclusion

In conclusion, the second year of the SIF funded West Sussex wide Journey to Work programme has been very successful, with 967 people supported with an average of 3.6 interventions per person, with at least 26% of those supported moving into paid work as a result of the projects. Based on SIF investment, each person supported has cost £517 each and job outcomes have cost £1,961 (known job outcomes only).

The third year of the programme promises to be even more successful with even more money available for each local authority to invest, increased provision through employability hubs and partnership working increasing the depth of provision. More referrals are coming from avenues other than JCP, and the programme's reputation continues to grow.

2. PROPOSAL(S):

None

3. OPTIONS:

None

4. CONSULTATION:

Has consultation been undertaken with:

YES**NO**

Relevant Town/Parish Council re: designs and objectives

x

Relevant District Ward Cllrs re: designs and objectives

x

Other groups/persons (please specify) Members all 3 tiers, Traders, Coastal Communities Team, public.

x

Littlehampton Regeneration Sub Committee made aware that the bid was being submitted.

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)**YES****NO**

Financial

x

Legal

x

Human Rights/Equality Impact Assessment

x

Community Safety including Section 17 of Crime & Disorder Act

x

Sustainability

x

Asset Management/Property/Land

x

Technology

x

Other (please explain)

x**6. IMPLICATIONS:**

None

7. REASON FOR THE DECISION:

N/A

8. EFFECTIVE DATE OF THE DECISION: 11 January 2021 as this is a noting report

8. BACKGROUND PAPERS:

None

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ARUN DISTRICT COUNCIL REPORT TO CABINET ON 11 JANUARY 2021

SUBJECT: Supplementary Estimate to cover costs awarded against the Council in appeals Y/103/18/PL and EP/148/20/PL

REPORT AUTHOR: Karl Roberts (Director of Place)
DATE: 2 December 2020
EXTN: 37760
PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

Planning permission was refused for applications Y/103/18/PL and EP/148/20/PL. Both decisions were taken by the Development Control Committee (DCC) and were contrary to the advice of officers. In deciding the subsequent appeals, the Inspector has concluded that the Council acted unreasonably in refusing planning permission and has awarded costs against the Council.

This award follows an award of costs for BE/69/19/OUT in May 2020 (a decision also taken at DCC contrary to the officer recommendation). This award of costs (£11,400) was paid out of the Departments budget. A Supplementary Estimate is now sought to pay these further costs as the Department budget is unable to accommodate these significant additional payments.

RECOMMENDATION:

Cabinet is asked to make the following recommendation to Full Council:

- 1) To approve a supplementary estimate of a maximum of £33,000 to settle the awards of costs in respect of applications Y/103/18/PL and EP/148/20/PL. This equates to a band D equivalent Council Tax of £0.53.

1.0 BACKGROUND

- 1.1 Attached at Appendix A, B and C are three recent awards of costs against the Council. The award of cost referred to at Appendix A has already been settled from the departmental budget, but the budget is insufficient to cover items at Appendix B and C as well, hence, the need for this supplementary estimate.
- 1.2 In respect of Y/103/18/PL it is worth noting that whilst Members gave evidence on their own experiences of the highway network with the Inspector noting that *'The Council has gone to some length to provide evidence of those with local knowledge who have sought to challenge the evidence submitted by the appellant.'* He went on to add *'Local knowledge is important and should be used to shape the delivery of development. However, there has*

been very little evidence submitted to demonstrate that the technical assessments of the effect of the proposal on the highway were flawed or factually wrong.’ and ‘In circumstances where the Members of the Council reach a different decision to that of the advice of the Council’s professional officers, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate this reasoning.’ He concluded that the Council had failed to do this.

1.3 In respect of EP/148/20/PL the Inspector in that case drew a similar conclusion stating: *‘Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate this reasoning. In this case, highway officers concluded that there would be adequate parking available on-street to accommodate the development, and they accepted the general findings of the Appellant’s parking survey and other evidence provided as part of the application. As such, the opinion of the professional officers, based on the evidence put forward, was that there would not be harm to highway safety as a result of the development.’* The Inspector went on to state:-

‘However, little evidence has been put forward to support the reason for refusal which has been determined based on local knowledge. Whilst I accept that the site is near to a local school, no technical evidence has been submitted to demonstrate that the additional level of on-street parking would be detrimental to highway safety in this regard. Accordingly, alleged harm to highway safety has not been substantiated in this instance.’

1.4 The learning here is that the Council should be very wary of refusing an application supported by technical evidence unless there is technical evidence to support the Council’s position.

2. PROPOSAL(S):

2.1 To agree a supplementary estimate of a maximum of £33,000 for the costs awarded against the Council in respect of these two appeals. The actual cost may be less as the Council seeks to interrogate the cost submissions.

3.0 OPTIONS:

1. To accept the officer recommendation; or
2. To refuse the officer recommendation

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)

	YES	NO
Financial	✓	
Legal		✓
Human Rights/Equality Impact Assessment		✓

Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

The total sum involved represents approximately 0.5% of the Council's share of Council Tax. The maximum the Council can raise in any year currently is 2%.

7.0 REASON FOR THE DECISION:

The Council is required to settle the award of costs.

8.0 EFFECTIVE DATE OF THE DECISION: Full Council – 17 March 2021

8.0 BACKGROUND PAPERS:

Appendix A – Appeal and Costs Decision for BE/69/19/OUT

Appendix B – Appeal and Costs Decision for Y/103/18/PL

Appendix C – Appeal and Costs Decision for EP/148/20/PL

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Appeal Decision

Site visit made on 10 February 2020

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2020

Appeal Ref: **W/4000456**

The Cottage, Shripney Road, Bognor Regis PO22 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Castle Property Developments against the decision of Arun District Council.
 - The application Ref BE/69/19/OUT, dated 23 May 2019, was refused by notice dated 10 October 2019.
 - The development proposed is Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings at The Cottage, Shripney Road, Bognor Regis PO22 9PA in accordance with the terms of the application, Ref BE/69/19/OUT, dated 23 May 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Castle Property Developments against Arun District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the application was amended by the council, whilst that description adequately reflects the nature of the proposal I have amended it slightly to make it concise. I am satisfied that this amendment would not prejudice either of the parties.
4. The appeal relates to a scheme for outline permission with access only to be considered at this stage. All other matters have been reserved for determination at a later date. Plans providing details of any of the reserved matters have been treated as illustrative plans for the purposes of my decision.

Main Issues

5. The main issues are;
- (i) Whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of housing development;
 - (ii) whether the site would be served by an adequate access;
 - (iii) whether the proposal would provide adequate levels of parking; and
 - (iv) whether the proposal would result in an overdevelopment of the site.

Reasons

Location

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The appeal site is outside of the built up area boundary and development is only permitted in these cases following specific criteria set out in Policy C SP1. The proposal would not meet those criteria and would therefore conflict in principle with Policies C SP1 and SD SP2 of the Arun Local Plan (adopted 2018) (the Local Plan).
7. The Bersted Neighbourhood Development Plan (the Neighbourhood Plan) includes a built-up area boundary drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part). There is no separate built up area boundary drawn around the settlement of Shripney. The site lies some distance outside of the built-up area boundary of Bognor Regis and the appeal site, for the purposes of the Neighbourhood Plan, is classified as countryside. Policy ES7 of the Neighbourhood Plan states that development outside of the built-up area boundary will not be supported and as such the proposal would conflict with policy ES7 of the Neighbourhood Plan.
8. Planning permission was granted in 2018 for a total of 20 units on the site (Ref BE/63/17/OUT) (the extant permission). I have limited evidence to suggest that it could not be implemented, and I attach some weight to it. As such I attach weight to the position that, despite the conflict with the Local Plan and Neighbourhood Plan, the principle of development on this site has been established.
9. There are bus stops immediately adjacent to the site providing access to schools and other services, with some food and retail offers available on foot. As such I find that the proposal would encourage alternative forms of transport to the private vehicle. The proposal would provide a moderate contribution to the council's supply of housing land, and an element of affordable housing which are benefits. The increase in residents would provide economic stimuli for the local economy which would also be a benefit of the scheme.
10. I consider that the proposal before me would provide a range of benefits that would outweigh the conflict with the policies in the Local Plan and Neighbourhood Plan. The proposal would comply with Policy D SP1 of the Local Plan which is clear that a positive approach to development should be taken that reflects the presumption in favour of sustainable development.

Access

11. The current access to the site would be stopped up and a replacement 4.8m wide access constructed approximately 30m to the south of the existing. This would provide visibility splays of 71m to the north and 120m to the south. A new footway access would be provided within the central reservation between Shripney Road and the service road to assist people crossing the road.
12. The access was previously accepted for the extant permission, and I have no evidence to lead me to a different conclusion. The uplift of 11 dwellings is estimated to generate an extra 2 two-way vehicle trips in the AM peak hour and 6 in the PM peak hour. Accordingly I do not consider that the proposal for an extra 11 dwellings from the 20 set as a baseline would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. It would therefore comply with the guidance in the National Planning Policy Framework.
13. I find that the proposal would comply with policy T SP1 of the Local Plan which seeks to ensure development provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport.

Parking

14. The proposed parking provision would not comply with Policy HDQ8 of the Neighbourhood Plan which requires a minimum of two spaces per dwelling. However, as layout is a reserved matter this could be addressed at a later stage to consider whether additional parking could be achieved.
15. Moreover, the provision would be in accordance with the West Sussex Parking Demand Calculator. As such I find that the site could provide adequate levels of parking in accordance with Policy T SP1 of the Local Plan which advises that development will be supported where it incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Overdevelopment

16. Submission of layouts, whether labelled as indicative or not, are commonly utilised to demonstrate to the decision maker that the level of proposed development can be likely be accommodated within the site with final designs requiring submission at reserved matters stage. It is clear, from the evidence before me, that the Council have consistently throughout the application process treated the plans as indicative. The delegated report makes several references the indicative nature of the plans and states that detail of layout, landscaping, scale and appearance have been reserved and are not subject to the outline planning application. I find that the proposed plans, in so far as layout is concerned, should clearly be considered as indicative.
17. The proposal is for up to 31 dwellings, whilst this would introduce a higher density on the site, the built form would reflect the large building on the adjacent site in use as a Premier Inn. The extant permission would allow 20 units on the appeal site. Whilst this proposal would result in an additional level of housing it would not result in a significantly larger footprint than the extant permission. The density would increase, this is reflect in the National Planning Policy Framework which advises that

18. The plans are illustrative only, and an alternative layout could be agreed to accommodate the scheme should that be considered suitable. I am satisfied that the proposed level of accommodation could be facilitated by this large site. The exact layout of the scheme would be agreed at reserved matters stage, it is not before me for determination.
19. In terms of the surrounding landscape, the hedgerow boundaries and existing trees could be included within a scheme to reinforce the natural elements of these boundaries to further reflect the wider landscape, and I am satisfied that the proposed residential development of this site could be achieved without adversely affecting the character of the local townscape or the wider landscape.
20. It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle the illustrative plans identify that the development could be located to ensure that adequate levels of privacy and outlook would be provided for future occupiers. Amenity space could be provided through some unit specific space and public open space.
21. I find that the appeal site would be able to accommodate up to 31 dwellings and that the development could be designed and constructed with appropriate levels of landscaping, in a manner that would provide an acceptable standard of amenity for future occupiers and represent an efficient use of land.
22. It would therefore comply with Policies D SP1 and D DM1 of the Local Plan that collectively require proposals to seek efficient use of land but reflect the characteristics of the site and local area.

Planning Obligation

23. A Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of the contributions and matters set out above. The UU binds the owner to covenants with Arun District Council. During the course of the appeal the Council has adopted the Arun District Council The Community Infrastructure Levy (CIL) Charging Schedule and a number of the contributions secured via the S106 would now be collected as part of the CIL payment.
24. However, the CIL levy does not cover some of the matters dealt with by the S106. The CIL Regulations require that any planning obligation providing for contributions must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
25. Taking each matter in turn, dealing first with affordable housing. In this case the UU would secure 9 of the proposed flats at an affordable rent and this has been agreed by the Councils Housing Strategy and Enabling Officer. There is no doubt that there is a need for affordable housing in the District, and the proposal would make a modest contribution towards it.
26. On site public open space would either be provided and secure through a management plan, or in the event that the open space were to be adopted the UU secures a payment of £13.51 per square metre for future maintenance. I am satisfied that this meets the CIL tests and that monies have not already been collected by the Council for this infrastructure project.

27. I am satisfied that the provisions of the submitted UU would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework in respect of affordable housing and the provision of on site public open space. However, the S106 is not necessary to secure contributions towards the following; education, libraries, healthcare, off site local play and fire and Rescue.

Conclusion and Conditions

28. I have found that the proposal would conflict in principle with regards to its location. However, I have found that there are material considerations that would outweigh this conflict and that the proposal would comply with the development plan in respect of a number of policies. Accordingly I find that the appeal should succeed.

29. The Council have requested conditions which I have considered against the advice contained in the Planning Practice Guidance and amended or omitted where necessary.

30. In addition to the standard time limit conditions for outline permissions I have imposed a condition listing the approved plans as this provides certainty.

31. Conditions relating to construction management and hours are necessary to protect residential amenity and in the interest of highway safety. Conditions relating to Access, road safety, the pedestrian crossing and visibility splays are necessary to ensure that the proposal does not have an adverse effect on highway safety. Conditions relating to the provision and maintenance of a scheme to avoid flooding are necessary to ensure that the site does not risk the increase of flooding on site or elsewhere. Conditions relating to energy efficient schemes and future provisions are necessary to ensure that the site is sustainable in the future. Conditions relating to the identification of and where necessary treatment of contamination is necessary to ensure that such matters are dealt with properly if found. A condition requiring compliance with the Ecological Appraisal is necessary in the interest of protecting ecology. A condition requiring compliance with the acoustic report is necessary to protect the amenity of occupiers. Details of lighting is secured by condition to protect the bio-diversity of the site. Conditions relating to landscaping are necessary to ensure that the development of the site respects the character of the area. A condition relating to housing mix is necessary to ensure that the site provides a mixture of housing types.

32. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be carried out in accordance with the following approved plans :
 - Dwg. 6656-010 Rev E "Site Location Plan";
 - Dwg. 6656-020 Rev B "Site Plan";
 - Dwg. 160818-06 Rev A "Proposed Footway Arrangement";
 - Dwg. 160818-07 Rev B "Site Visibility"; and D
 - wg. 160818-08 Rev B "Pedestrian Crossing Visibility".
- 5) The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 4.0 (pages 36 to 41) of the Preliminary Ecological Appraisal (September 2018) and section 4.0 (pages 11 to 16) of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.
- 6) The development shall be carried out in accordance with the "Acoustic Planning Report" dated 4th Sept 2018 (ref 26112-RP-AC-001) by Hilson Moran.
- 7) No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no work on Sunday or Bank Holidays.
- 8) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 9) No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 6656- 010 Rev E "Site Location Plan" and 6656-020 Rev B "Site Plan".

- 10) Development shall not commence, other than works of site survey and investigation, until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the approved improvements shall be implemented in accordance with the approved details and permanently retained thereafter.
- 11) Development shall not commence, other than works of site survey and investigation, until full details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.
- 12) Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- 13) Development shall not commence, other than works of site survey and investigation, until full details of any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
- 14) Development shall not commence, other than works of site survey and investigation, until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 15) Development shall not commence, other than works of site survey and investigation, until a Construction Environmental Management Plan has been

submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- a) An indicative programme for carrying out of the works;
 - b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) The parking of vehicles of site operatives and visitors;
 - f) Loading and unloading of plant and materials, including permitted times for deliveries;
 - g) Storage of plant and materials used in constructing the development;
 - h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
 - j) Measures to control the emission of dust and dirt during construction;
 - k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
- 16) Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall

be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

- 17) No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 18) Prior to the occupation of any part of the development, full details of any new lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site & vertical illuminance affecting immediately adjacent receptors, plans of light appliances, the height & position of fitting, illumination levels & light spillage. The lighting scheme shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) Zone E2 and also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
- 19) Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 20) Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.
- 21) Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the

charge points shall thereafter be permanently retained and maintained in good working condition.

- 22) No part of the development shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- 23) Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
- 24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
- 25) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 26) A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.
- 27) The reserved matters scheme shall include a housing mix which sets out a range of range of house types and tenures and is specific to Bersted. The scheme shall demonstrate how the development addresses the needs of current and future households in the Bersted area. The scheme shall also provide a proportion of homes to meet Lifetime Home standards (or the equivalent current standard).
- 28) The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.
- 29) The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling

before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

- 30) The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

END OF SCHEDULE

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Costs Decision

Site visit made on 10 February 2020

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 May 2020

Costs application in relation to Appeal Ref: W/4000456 The Cottage, Shripney Road, Bognor Regis PO22 9PA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Castle Property Developments for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure and access off Shripney Road (A29), all following the demolition of the existing dwelling and outbuildings at The Cottage, Shripney Road, Bognor Regis PO22 9PA.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The appellant submits that the council has acted unreasonably in that it has gone against the advice of its professional officers without good reason to do so and then failed to substantiate its objection. The appellant also asserts that the council took account of factors beyond the scope of the application before them, namely that they refused the application on grounds relating to reserved matters, when only the reserved matter of access was before them for determination.
3. Para 049 (Ref ID 16-049-20140306) of the National Planning Policy Guidance (the PPG) sets out a number of examples where a Local Planning Authority are at risk of an award of costs if they behave unreasonably with respect to the substance. These include 'preventing or delaying development which should be clearly permitted, having regard to its accordance with the development plan, national policy and any other material considerations', and 'failure to produce evidence to substantiate each reason for refusal on appeal.'
4. While the council is not duty bound to follow the advice of its professional officers, if a different decision is reached the council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. In this case the matter before the council related to access, all other matters were reserved for determination at a later date. The appeal site is outside of the built up area boundary, and therefore the scheme would conflict with policies in the local plan directing the location of development. The proposed

- level of parking would also fail to comply with the Neighbourhood Development Plan, however it would comply with the Local Plan which advises that development will be supported where it incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision. Furthermore, parking could be addressed at reserved matters stage when determining layout.
6. The advice of officers was that the access (the matter to be considered) would be suitable, and that there were material considerations weighing favour of the scheme such to conclude that permission should be granted.
 7. The application was not refused for reasons relating to access, or its location outside of the Built Up Area Boundary. The reason for refusal focused on a lack of amenity space, density and insufficient car parking.
 8. The plans showing a layout of the site were identifying as being for illustrative purposes only. It is not unusual for a scheme to identify how the number of units could be accommodated and indeed this is necessary to understand whether the site would be able to provide the level of housing (up to a total of 31). However, the matters relating to the final layout of the scheme, and the matters associated with that layout such as amenity space, would be determined through the submission of an application relating directly to those reserved matters.
 9. Whilst I accept that the council were entitled to use the plans for illustrative purposes, the plans were clearly marked and referred to as such and should not have been relied upon for the purpose of determining matters that were not before them. To my mind in this respect the council went beyond what it was able to do, and acted unreasonably in this regard.
 10. The Council's evidence explores the ability of the site to provide the level of housing proposed and asserts that this could not be done on the basis of the indicative plans and the number of units proposed. However, the Council acknowledges that as part of the application process the description was amended to read 'up to 31 No. houses and flats'. Therefore if appropriate it is possible to reduce the number of units to seek to secure compliance with the development plan in respect of those reserved matters (appearance, landscaping, layout, and scale) at the appropriate stage. I find that assertions about appearance, landscaping, layout, and scale, which were largely made on the basis of plans only to be used for illustrative purposes leads me to conclude that the council has not substantiated its reasons for refusal with any clear evidence.
 11. In the planning judgement it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposal should reasonable have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the basic guidance in the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal.
 12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Castle Property Developments, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Arun District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Ayres

INSPECTOR

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Appeal Decision

Site visit made on 22 September 2020

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal Ref: W/4000394

10 acre field north of Grevatts, Yapton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Tice of Landlink Estates Ltd against the decision of Arun District Council.
 - The application Ref Y/103/18/PL, dated 21 December 2018, was refused by notice dated 21 October 2019.
 - The development proposed is single chapel crematorium with car parking, landscape works, surface water drainage features and associated highway improvements.
-

Decision

1. The appeal is allowed and planning permission is granted for single chapel crematorium with car parking, landscape works, surface water drainage features and associated highway improvements at 10 acre field north of Grevatts, Yapton in accordance with the terms of the application, Ref Y/103/18/PL, dated 21 December 2018, subject to conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew Tice of Landlink Estates against Arun District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. All parties agree that there is an error in the council's decision notice. The first reason for refusal should be related to eastbound movements along the A259 rather than westbound movements. The second reason for refusal makes reference to eastbound movements and this should be in reference to westbound movements. I have determined the appeal on this basis and having regard to the evidence of the parties am satisfied that no party has been prejudiced by this.
4. A S106 Planning Obligation was submitted as part of the evidence and I shall return to this matter in more detail below.

Main Issue

5. The main issue is the effect of the proposal on highway safety.

Reasons

6. The appeal site is some distance from the nearest settlement and aside from Grevatts Lane West (GLW) to the immediate south, the surrounding land is agricultural. The closest dwellings are to the west fronting Bilsham Road. There is a small light industrial site to the west with a second access point from GLW also west of the site. The section of GLW between the appeal site and the A259 is closed to public vehicles and used solely by agricultural traffic. The location of the proposal is governed by the extant 1902 Cremation Act which stipulates that a crematorium should not be built within 182.88 metres (200 yards) of a dwelling house nor within 45.72 metres (50 yards) of a public highway.
7. Access to the site would be from an improved junction on the A259, GLW would be widened within the highway boundary to provide a continuous width of approximately 4.8 metres. To the west of the access from the site onto GLW the carriageway width would taper to the existing carriageway width. Signage would be erected on the A259 to provide suitable warning of the junction and allow vehicles to begin to slow down accordingly, which would also warn other road users of the driver's intention. As such I am satisfied that, subject to the proposed improvements, the site would be accessed safely. In respect of concerns regarding the use of GLW as a route for general traffic, whilst I have very limited evidence to suggest that this would occur it would be possible to ensure that such movement was monitored and if necessary access along GLW from the A259 towards Bilsham Road could be restricted to ensure that the access only served the appeal site.
8. The west bound carriageway of the A259 would be widened to accommodate a right turn ghost lane so that those waiting to turn right would not hold up other traffic. The widening of the A259 carriageway to allow the creation of the ghost lane would solely utilise existing highways land on the southern side of the road. The junction onto the A259 would include a crossing point across the access to allow cyclists and pedestrians to continue along the existing shared surface route safely, therefore not creating a conflict between those accessing the site by car and those using the wider network by other modes of transport.
9. The A259 carries a high volume of traffic and I have considered the evidence submitted by the Council in respect of the Comet Corner and Oystercatcher junctions, both of which I am familiar with. These are heavily trafficked junctions which serve a variety of routes. In contrast, the access for the proposal would be indicated through the use of signage as being an access to the crematorium, and I have very limited evidence to lead me to conclude that the route would be used for the same intense traffic movements as the junctions elsewhere along the A259. As such I am satisfied that the use of the access along GLW would not be as intense as other junctions. Whilst the A259 has a 60mph speed limit at the point of the new junction, the visibility along the A259 is not hindered at this point, and drivers would be able to time their vehicle manoeuvres accordingly.
10. Moreover, the crematorium operation peak hours of use are anticipated to be around lunchtime. Therefore, the majority of trips would be outside of peak hours and would not significantly increase the volume of traffic at peak times which would be advantageous to both users of the crematorium and the wider transport network.

11. I find that the proposal would not conflict with policy TSP1 of the Arun local plan and would not cause severe harm to pedestrians, cyclists or motorists using the A259. The proposal would comply with paragraph 109 of the National Planning Policy Framework as the impact on highway safety would not be unacceptable, nor would the residual cumulative impacts on the road network be severe.

Planning Obligation

12. A Planning Obligation under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provisions of contributions and regulatory issues (the Planning Obligation).
13. The Planning Obligation would secure a financial contribution of £7500 towards the cost of a Traffic Regulation Order which would be required if the necessary trigger of vehicle movements travelling west along GLW was exceeded. This contribution would be used to cover the installation of lockable bollards adjacent to the crematorium access on GLW and also in place of the existing gate on GLW to the west of the site. An additional contribution of £975 would be made to pay for the bollards.
14. The Planning Obligation would require the removal of the crematorium building by the year 2110 if a future flood risk assessment (FRA) confirmed that the site would be at a high risk of flooding.
15. The Planning Obligation would require the applicant to enter into a S.278 Agreement with West Sussex County Council Highways which would include a provision for new traffic warning signs.
16. Having found that the proposal would be suitable subject to mitigation measures, I am satisfied that the contributions and obligations secured are directly related to the development, necessary to make it acceptable in planning terms, and fairly and reasonably related in scale and kind to the development. As such the Planning Obligation would comply with the tests set out in the Community Infrastructure Levy Regulations.

Other matters

17. The evidence leads me to conclude that there are no alternative sites to the appeal site that are at a lower flood risk, outside the strategic gap and compliant with the 1902 Crematorium Act locational criteria. I am satisfied that the need for the facility would outweigh the need for the future retention of this 2.47 hectares parcel of grade 2 agricultural land and the remaining availability of good quality agricultural land in the vicinity and wider area leads me to conclude that the loss of 4.75 ha is not significant.
18. The development is of sufficient distance away from nearby heritage assets such that it would not affect the assets or their settings, and as such the setting of the heritage assets would be maintained. The proposal has been designed so as not be out of character with the built form of nearby structures or the character of the surrounding landscape. As such it would not result in material harm to the rural character of the locality and the landscaping would, in time, screen the site from view and enhance the wider landscape.

19. I am satisfied that due to the distance to the nearest residential property the proposal would not result in harm to the living conditions of occupiers in respect of overlooking, loss of light or loss of outlook.
20. I find that the scheme has been sensitively designed to mitigate and enhance ecology and biodiversity, taking into account the recommendations of various ecological surveys. Nature conservation interests in terms of the landscaping proposals on site could be safeguarded by the imposition of appropriate planning conditions. I therefore find no harm in this regard. Matters relating to air quality, lighting and noise can be adequately addressed by way of condition.
21. I have carefully considered the points made by interested parties during the course of the application and appeal. However, I find that those matters do not, either individually or cumulatively, lead me to conclude that the appeal should fail.

Conclusion and conditions

22. I have found that the proposal would not be detrimental to highway safety and is a sustainable form of development, accordingly the proposal should succeed.
23. I have considered the Council's suggested conditions. I have specified the plans in the interest of certainty. Conditions relating to landscaping and materials are necessary in the interest of ensuring that the proposal would sit comfortably within the landscape and not result in harm to the character of the area. Conditions relating to highway matters are necessary in the interest of highway safety. A condition securing a Construction Management Plan, and conditions relating to hours of construction, parking provision, cycle storage and hours of opening are necessary to ensure that parking is provided along with encouraging alternative modes of transport, and in the interest of protecting the amenity of those living near to the site. Conditions relating to lighting, shrub clearance, ecological matters, and the provision of a buffer are necessary in the interests of protecting birds and wildlife and encouraging increased biodiversity. A condition relating to archaeological investigation is necessary due to the location of the site and the possibility of finding items of archaeological significance. Conditions relating to drainage are necessary to ensure that the site is adequately drained. A condition relating to soil investigation is necessary having regard to the agricultural nature of the site.
24. I have not included a condition relating to the provision of the toilet as this is secured through compliance with the plans and I have no evidence to demonstrate that a separate condition is necessary.
25. For the reasons above, I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans:
Dwg. 1176/1000 "OS Location Plan";
Dwg. 1176/1002 "Proposed Site Plan" (1:1250);
Dwg. 0524-DR-100 Rev PL01 "Proposed Site Plan" (1:500);
Dwg. 1176/1003 Rev A "GA Ground Floor Plan";
Dwg. 1176-1004 "GA Roof Plan";
Dwg. 1176-2000 "GA Elevations - Main Building 1 of 2";
Dwg. 1176-2001 "GA Elevations - Main Building 2 of 2";
Dwg. 1176-2002 "GA Elevations - Remembrance Court";
Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 Detailed";
Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 Detailed";
Dwg. 1176-2009 "GA Elevations - Remembrance Court Detailed";
Dwg. 1176-2003 "GA Section - Main Building";
Dwg. 1176-2004 "GA Section - Remembrance Court";
Dwg. 1176-2005 "Detailed Elevation";
Dwg. 1176-2006 "Proposed Approach View";
Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 (Detailed)";
Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 (Detailed)";
Dwg. 1176-2009 "GA Elevations - Remembrance Court (Detailed)";
Dwg. 128.001.007 Rev D "Access Road Amendments"; and
Dwg. 128.0001.001 Rev D "Site Access with Right Turn Lane from Grevatts Lane".
3. The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 5.0 and 6.0 of the Ecological Impact Assessment by Lizard Landscapes ref LLD1584 Rev 01 (26/11/18). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.
4. The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Tim O'Hare Associates LLP ref TOHA/19/6507/2/ML (22/07/19 - Issue 1). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.
5. No development other than site surveys shall be carried out until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
 - an indicative programme for carrying out of the works;
 - the anticipated number, frequency and types of vehicles used during construction;

- the method of access and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste, including permitted times for deliveries;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - measures to control the emission of dust and dirt during construction;
 - Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
 - a scheme for recycling / disposing of waste resulting from demolition and construction works.
6. No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) and no noisy working activities shall take place on Saturday afternoon, Sunday or Bank Holidays.
7. No development other than site surveys shall be carried out until the appellant has provided a 5m deep buffer zone to the hedges and watercourses along the site boundaries to be secured by temporary security fencing. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife in perpetuity.
8. No development other than site surveys shall be carried out until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
9. No development other than site surveys shall be carried out until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting,

diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

10. No development other than site surveys shall be carried out until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual for the lifetime of the development.
11. No development other than site surveys shall be carried out until the appellant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
12. No development of the crematorium building above damp proof course (DPC) level shall take place unless and until a monitoring regime to assess the impact of vehicle flows along Grevatts Lane West, west of the site access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the monitoring data shall be made available upon request to either the Local Planning Authority or the Local Highway Authority.
13. No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
14. No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.
15. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall then be carried out as approved and

- permanently adhered to unless otherwise agreed in writing with the Local Planning Authority.
16. Before the development hereby permitted is first brought into use the appellant shall enter into an agreement pursuant to Section 278 of the Highways Act 1980 with the County Council to provide for the junction improvements as shown on Drawing 128.0001.0001 REV D. The junction shall then be provided prior to first use of the crematorium and retained in perpetuity.
 17. No part of the development shall be first brought into use until such time as the vehicular access with Grevatts Lane West to serve the development, to include the proposed new road lining and road signage, has been constructed in accordance with the details shown on the drawing titled "Access Road Amendments" numbered 128.001.007 Rev D.
 18. No part of the development shall be first brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
 19. No part of the development shall be first brought into use until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle storage/parking spaces shall thereafter be permanently retained in good working condition.
 20. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
 21. No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.
 22. No crematorium services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays.

END OF CONDITIONS



Costs Decision

Site visit made on 22 September 2020

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Costs application in relation to Appeal Ref: W/4000394 10 acre field north of Grevatts, Yapton

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Tice of Landlink Estates for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for single chapel crematorium with car parking, landscape works, surface water drainage features and associated highway improvements.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal. The PPG also advises that costs applications may relate to events that occurred before the appeal. Behaviour and actions by the parties at the time of the planning application can therefore be taken into account when considering whether or not costs should be awarded.
3. Paragraph 049 of the Planning Practice Guidance advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. The Appellant submits that the Council has acted unreasonably both procedurally and substantively in that Members did not properly regard the expert evidence of the professional advisors. As such the appellant contends that Members of the Committee assessed the proposal based on considerations that were not material, namely: perceived harms from the use of the site, and that these perceived harms were not substantiated in evidence.
5. It is clear that some of the Members who had heard the representations at the first Committee were not in attendance for the second Committee when a decision was made. However, those Members would have had access to the

recording of the first Committee, and would have knowledge of the site and the issues surrounding the application. The Council is not duty bound to follow the advice of its professional officers, and in this case the Members appeared to have placed significant weight on their own experience of the highway network, and the experiences of local residents incoming to a decision to refuse the application.

6. In circumstances where the Members of the Council reach a different decision to that of the advice of the Council's professional officers, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate this reasoning.
7. The reasons for refusal relate solely to the effect of the proposal on highway safety. I note that the Council's defence in respect of this application for costs sought to highlight that the proposal would be a departure from the development plan. Whilst that may be the case, this was not raised as a reason upon which to refuse the application, and was not raised as a matter in dispute in the agreed Statement of Common Ground. As such the reason in dispute related to the effect of the proposal on the highway network. It was in relation to this reason that the appellant sought to demonstrate that the proposal would not have an adverse effect on the highway network, and it was for the Council, having gone against the advice of its professional officers, to demonstrate that the proposal would be harmful in this regard.
8. The Council has gone to some length to provide evidence of those with local knowledge who have sought to challenge the evidence submitted by the appellant. Local knowledge is important and should be used to shape the delivery of development. However, there has been very little evidence submitted to demonstrate that the technical assessments of the effect of the proposal on the highway were flawed or factually wrong. The assessments submitted by both the applicant and the Council acknowledge the existing levels of traffic on the highway and possible safety concerns, and conclude that subject to highway improvements and mitigation the development would be implemented in a manner that would not be detrimental to highway safety.
9. The Council is correct that the National Planning Policy Framework (the Framework) does not define 'severe' as referred to in paragraph 109. The Cambridge dictionary defines severe as causing great pain, difficulty, worry, damage etc. Therefore, whilst the Framework does not provide a definition I consider it reasonable to use the ordinary meaning of the word. The Council contends that Members were entitled to come to a conclusion on the meaning of the word severe and assess the scheme accordingly. However, the starting point for determining an application should be the development plan. Policy TSP1 of the Arun Local Plan advises that the Council "will ensure that development provides safe access onto the highway network, contributes to highway improvements and promotes sustainable transport".
10. I have assessed the proposal against the development plan, having regard to the technical evidence submitted and the representations from local residents, and have found that the proposal would comply with both the development plan, and national policy.
11. Therefore, I find that, having regard to the provisions of the development plan, national policy and other material considerations, the development should reasonably have been permitted. The refusal of permission therefore

constitutes unreasonable behaviour contrary to the basic guidance I the Framework and the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal.

12. Accordingly I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Landlink Estates, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Arun District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Ayres

INSPECTOR

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Appeal Decision

Site visit made on 1 July 2020

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: W/4000721

Scorton, 9 Lime Tree Close, East Preston BN16 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Marmont Developments against the decision of Arun District Council.
 - The application Ref EP/148/19/PL, dated 19 November 2019, was refused by notice dated 6 February 2020.
 - The application sought planning permission for demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping without complying with a condition attached to planning permission Ref APP/C3810/W/18/3214864, dated 13 March 2019.
 - The condition in dispute is No 2 which states that: "*The development hereby permitted shall be carried out in accordance with the following approved plans: LT.LOC. 003, LT.BLOCK. 003, LT.SL.006, LT.SV 001, LT.SC.002, LTC.PLOT4.003, LTC.PLOT5&6.003, LTC.PLOT7.003, LTC.SECTION.001, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001.*"
 - The reason given for the conditions is: "*to provide certainty.*"
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping at Scorton, 9 Lime Tree Close, East Preston BN16 1JA in accordance with the terms of the application, Ref APP/C3810/W/18/3214864, dated 13 March 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Marmont Developments against Arun District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Permission was granted at appeal for redevelopment of the site (the 2019 Permission), the appellant seeks to vary condition 2 of the 2019 Permission to allow for an increase in bedrooms.

Main Issue

4. The main issue is whether the condition is necessary or reasonable in the interest of highway safety, with particular regard to parking.

Reasons

5. The variation of the condition would result in an additional bedroom in units 4, 5, 6 and 7 and would, according to the West Sussex County Council Parking Standards (2019) (the Parking Standards) require an additional 4 spaces to be provided on site.
6. Due to the layout of development it would not be possible to accommodate the additional spaces within the site and it is feasible that the variation would lead to additional demand for on-street parking.
7. A Parking Beat Survey (the Survey) was carried out on two occasions, at night and during the day, which assessed on-street capacity on roads within the vicinity of the appeal site, namely The Street, Vicarage Lane, St Marys Drive and Lime Tree Close. The current parking stress at night is approximately 26% whilst during the day it is approximately 31%.
8. Parking within Lime Tree Close is at full capacity, however there is capacity within other surrounding roads. The additional demand caused by the development would increase the parking stress to 33% and 38% respectively. As such the increase in on-street parking due to the variation in the development would not result in nearby roads reaching capacity, even at peak times such as school drop off and pick up, and the additional demand would be accommodated without being detrimental to highway safety.
9. The proposal would not meet the level of parking as set out in the Council's adopted standards. However, I find that the level of overspill would be comfortably accommodated within the local area, and the proposal would not have a severe impact on highway safety. The proposal would comply with Policy TSP1 which requires development to take into account the impact on on-street parking. The proposal would comply with Policy 1 of the East Preston Neighbourhood Plan insofar as it would not result in unacceptable levels of on-road parking demand.

Other Matters

10. The proposed windows would have no greater impact on the living conditions of neighbouring occupiers within and outside of the site than the existing development. The design of the dwellings and the materials used sit comfortably within the area and respect the surrounding character. The proposal would not have an adverse impact on the setting of nearby listed buildings. The other matters raised by intertied parties have been taken into account, however they do not individually or cumulatively lead me to find that the appeal should be dismissed.

Conclusion

11. I conclude that the proposal would be acceptable, and the appeal is allowed.

Conditions

12. In allowing the appeal and granting planning permission I have considered the conditions imposed on the 2019 Permission. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LT.LOC.003, LTC.BLOCK.004, LT.LAND.004, LT.SV.001, LT.SC.002, LTC.PLOT4.006, LTC.PLOT5 and 6.006, LTC.PLOT7.006, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001
- 3) The first-floor windows in the north side elevations of plots 5, 6 and 7 shall at all times/be glazed with obscured glass and fixed to be permanently non-opening above 1.7m internal floor height.
- 4) No development above damp-proof course level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained and infilling with native species, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5) No development above damp-proof course level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme for provision of nest boxes including details of their size, design and positions. The boxes so approved shall be provided following the occupation of the buildings or the completion of the development.
- 6) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

- 7) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
- 8) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- 9) Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.
- 10) No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- 11) No development above damp-proof course level shall take place until details of the materials to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the buildings.
- 12) No part of the development shall be first occupied until visibility splays of 2.4 metres by 25 metres have been provided at the proposed site vehicular access onto Lime Tree Close in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- 13) No part of the development shall be first occupied until the car parking spaces on the development site and the parking spaces and pedestrian walkway have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The

parking spaces on the development site shall thereafter be retained at all times for their designated use.

- 14) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall thereafter be retained.
- 15) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

END OF SCHEDULE

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Costs Decision

Site visit made on 1 July 2020

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Costs application in relation to Appeal Ref: W/4000721 Scorton, 9 Lime Tree Close, East Preston BN16 1JA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Marmont Developments for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for planning permission for demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping without complying with a condition attached to planning permission Ref APP/C3810/W/18/3214864, dated 13 March 2019.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Appellant submits that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and failed to substantiate the objection on the grounds of harm to highway safety.
5. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate this reasoning. In this case, highway officers concluded that there would be adequate parking available on-street to accommodate the development, and they accepted the general findings of the Appellant's parking survey and other evidence provided as part of the application. As such, the opinion of the professional officers, based on the evidence put forward, was that there would not be harm to highway safety as a result of the development.

6. However, little evidence has been put forward to support the reason for refusal which has been determined based on local knowledge. Whilst I accept that the site is near to a local school, no technical evidence has been submitted to demonstrate that the additional level of on-street parking would be detrimental to highway safety in this regard. Accordingly, alleged harm to highway safety has not been substantiated in this instance.
7. It appears to me that having regard to the provisions of the development plan, National Planning Policy Framework and other material considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the basic guidance and the appellant has been faced with the unnecessary expense of lodging the appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Marmont Developments, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Arun District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Ayres

INSPECTOR

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 11 JANUARY 2021

SUBJECT: Variation to Parking Charges

REPORT AUTHOR: Calvin Baylis – Customer & Parking Services Manager

DATE: December 2020

EXTN: 37649

PORTFOLIO AREA: Neighbourhood Services

EXECUTIVE SUMMARY:

The Council's Medium Financial Strategy assumes that income from all charges should be reviewed. This therefore requires certain parking charges for 2021/22 to be varied to find the additional income. The purpose of this report is not to make the decision on the charges, but to ask for approval to commence the consultation.

In addition, this report reviews other car parks initiatives and services improvements.

RECOMMENDATIONS:

Cabinet is asked to:

- (1) Approve that the proposed charges in Appendix A are put out for consultation; and
- (2) Seek delegated authority for agreeing the increase via the Cabinet Member following consultation.

1. BACKGROUND:

- 1.1. Arun District Council owns and operates 22 Pay & Display car parks. These car parks are located in Bognor Regis, Littlehampton and Arundel.
- 1.2. The car parks are defined as short stay, long stay or seasonal depending upon their location and charging structure. The short stay and long stay car parks are within the town centre while the seasonal car parks are mainly on the seafront and have a summer and winter charging structure.
- 1.3. The Council operates a 2 free hour disc parking scheme in the Fitzleet, Hothamton and Lyon Street car parks in Bognor Regis and St Martins, Anchor Springs and Manor House car parks in Littlehampton. This is funded by the District Council, the Town Councils and the traders. Currently the scheme has been extended to 3 hours due to the pandemic to attract the public into the town centres.

1.4. The chargeable car parks all have ticket machines which accept coins. The smallest denomination that can be used is 5 pence. In 7 of our car parks the machines can also take contactless and credit and debit card payments. The Council have also partnered with a company called RingGo which allows our customers to purchase virtual tickets by using the phone or by going on to a website.

1.5. The Council participates in the Safer Parking Scheme which is operated by the British Parking Association and the Police. All 22 of our pay & display car parks and 3 free car parks plus a permit holder car park have been awarded the Safe Park mark award.

2. FINANCIAL POSITION

2.1. The Council's Financial Strategy requires discretionary charges to be increased by at least the retail price index to avoid income being eroded by inflation. This means that there was a requirement for the income in the car parks budget to increase by 2% in 20/21 and a further increase of 2% is required in 21/22.

2.2. As there has been no increase in charges for 20/21 there will be a requirement to increase the car park income by 4%.

2.3. The required increase of income equates to £62,000 in 21/22.

2.4. It is currently not possible to calculate the loss of parking income due to the pandemic or the free parking and extension to the disc scheme. Central Government are exploring methods of financial support for income losses experienced by Local Authorities as a result of Covid-19.

2.5. The support scheme that is being explored is designed to offset irrecoverable income losses that councils have been incurring so that they don't negatively impact on authority's financial sustainability in balancing budgets for the 2020/21 financial year. This is a one-off income loss scheme that will compensate councils for irrecoverable and unavoidable losses from sales, fees and charges income generated in the delivery of services in the financial year 2020/21.

2.6. The detailed guidance and criteria for eligible losses has not yet been finalized but indications are that car parking fees and charges will be covered by the scheme, which will broadly compensate for 75% of eligible fees and charges after deduction of 5% from total fees and charges (this definition is yet to be determined) and any other mitigations.

3. FACTORS AFFECTING PROPOSED INCREASES

3.1. The Parking Charges were last increased in the town centre car parks in 2016 and in the seasonal car parks in 2018.

3.2. In view of the impact of the Cov'd pandemic on the Town Centre's it is recommended that the increase in park income be found by increasing Seasonal Parking Charges.

3.3. As to be expected most income from seasonal car parks is taken during the summer season. However, the amount of income can vary greatly depending upon the weather.

3.4. Experience has shown that increases in charges in the past have not stopped the seasonal car parks from being full to capacity on a hot day during the holidays and at weekends.

4. PLANNED MAINTENANCE

4.1. The Council's off-street car parks require regular maintenance to ensure that they remain in a good and safe condition to be used by members of the public.

4.2. The Council's Parking Services Manager together with the Senior Property & Estates Surveyor has recently carried out a Survey of all the car parks within the Council's car parks portfolio.

4.3. The survey's aim was to establish what works were required to enable a priority list of work to be done. The survey covered the surface, signage, furniture and planting within the car parks.

4.4. A priority list is currently being agreed so that works can be planned over the next 2 years.

4.5. Separate to the above, works have previously been identified for the Fitzleet multi-storey car park. These include the refurbishment of the lifts which is now complete, a Fire Detection system and painting and decorating areas such as the stairwells.

4.6. In addition, various improvement works to car parks have been completed, such as landscape improvements, replacement of signs, and in the case of Mewsbrook car park the extension and complete refurbishment as work associated with the Wave Leisure Centre.

5. FUTURE DEVELOPMENTS

5.1. The Pay & Display machines in the Council's off-street car parks can be adapted to allow the option of cashless parking. This is a payment option that sits alongside cash and payment by phone. The Parking Services Manager is progressing this option and there are now contactless machines in Gloucester Road, the Regis Centre, West Green, East Green, Mewsbrook, West Beach and Crown Yard. It is envisaged that all the main car parks have a contactless option by the end of 2021.

5.2. The Council sells various types of Parking Permit and also provides parking permits to Arun District Council members and staff. Parking Services are in the process of procuring a new back office system for administering parking fines together with a permit system that will allow the Council to provide virtual permits.

This work, which includes IT, is expected to be complete this financial year.

6. FREE CAR PARKS

6.1. The Parking Services Manager has been tasked with reviewing all the free car parks both within the car parks portfolio and the parks and greenspaces portfolio to see what opportunities there might be to generate future income. This does not form part of the current discussion on parking charges, but a report will be presented to Cabinet with future options within the next 6 months.

7. CONCLUSIONS

7.1. The proposed charges are set out in Appendix A. As set out below (Item 8) a consultation process is required. Once complete it is anticipated that the new charges would be applicable from the 1ST April 2021.

7.2. The proposed increase in Seasonal parking charges, will achieve the required increase in income.

8. CONSULTATION

8.1. Under Section 32- 44 of the Road Traffic Act 1984 the Council is required to consult on any proposed variation to the parking charges.

8.2. The proposed charges will be advertised as public notices in the Littlehampton Gazette and the Bognor Regis Observer as well as being advertised on the internet. Notices will be displayed in all the car parks affected. A consultation letter together with a schedule of the proposed changes will be sent to all District Councillors and bodies as listed in Appendix B inviting comments.

8.3. The consultation period will last for 4 weeks from the date that the public notices are published. All responses received will then be collated and passed to the Cabinet Member prior to making a decision as to whether to implement the proposals.

2. PROPOSAL(S):

As shown on Appendix A

3. OPTIONS:

3.1 Approve the charges as shown on Appendix A.

3.2 Do not approve the charges shown on Appendix A and accept that the value of income from the parking charges will not increase in line with the Councils financial strategy.

4. CONSULTATION:		
As determined by Road Traffic Act 1984		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS:		
Approval of the proposed charges to meet financial requirements		
7. REASON FOR THE DECISION:		
Financial – to meet the Council’s financial strategy Legal process required to increase parking charges		
8. EFFECTIVE DATE OF THE DECISION: 20 January 2021		
9. BACKGROUND PAPERS:		
None		

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DAILY PARKING CHARGES

Parking Place	Period of Parking	Present Charge	Proposed Charge
Gloucester Road, BR West Green, Lton East Green, L'ton Sea Road, L'ton The Wall, L'ton West Beach, L'ton Banjo Road, L'ton Mewsbrook, Lton Culver Road, BR Rock Gardens, BR	Winter Tariff (Nov to Feb)		
	Up to 1 hour	£0.60	£0.70
	Up to 2 hours	£1.20	£1.40
	Over 2 hours	£2.40	£2.50
Gloucester Road, BR East Green, L'ton Sea Road, L'ton The Wall, L'ton West Beach, L'ton	Summer Tariff (Mar to Oct)		
	Up to 1 hour	£1.50	£1.60
	Up to 2 hours	£3.20	£3.30
	Over 2 hours	£7.40	Mar to June £8.00 July & August £10.00 Sept & Oct £8.00
West Green, Lton	Summer Tariff (Mar to Oct)		
	Up to 1 hour	£1.50	£1.60
	Up to 3 hour	£3.20	£3.30
	Over 3 hours	Mar to June £7.40 July & August £8.40 Sept & Oct £7.40	Mar to June £8.00 July & August £10.00 Sept & Oct £8.00
Mewsbrook, Lton	Summer Tariff		
	Up to 2 hours	(Apr to Sept) £1.00	£1.60
	Up to 4 hours	£3.00	£3.30
	Over 4 hours	£6.00	Mar to June £8.00 July & August £10.00 Sept & Oct £8.00

Appendix A

Parking Place	Period of Parking	Present Charge	Proposed Charge
Banjo Road, L'ton Culver Road, BR Rock Gardens, BR	Up to 1 hour Up to 4 hours Over 4 hours	£1.00 £3.00 £7.00	£1.10 £3.20 £8.00

APPENDIX B

All Parish & Town Councils and Parish Meetings within the Arun District						
The Secretary	Arundel Chamber of Commerce	PO Box 26	ARUNDEL	West Sussex	BN18 9QR	
The Secretary	Bognor Regis District Chamber of Commerce		3 Chapel Street	Bognor Regis	West Sussex	PO19 1BU
The Co-Ordinator	Bognor Regis Business Improvement District		2 York Road	Bognor Regis	West Sussex	PO21 1LW
The Secretary	Rustington Chamber of Commerce	c/o Granlee Secretarial Services	92 The Street	Rustington	LITTLEHAMPTON	West Sussex BN16 3NJ
	Littlehampton Traders Partnership		23-25 Beach Road	Littlehampton	West Sussex	
The Chief Inspector	Traffic Support	Sussex Police	Malling House	Lewes	East Sussex	BN7 2DT
The Secretary	Road Haulage Association	Roadway House	35 Monument Hill	Weybridge	Surrey	KT13 8RN
Head of Transport Planning Services	West Sussex County Council	County Hall	CHICHESTER	West Sussex	PO19 1RQ	
The Secretary	Freight Transport Association (SE Region)	St. John's Road	TUNBRIDGE WELLS	Kent	TN4 9UZ	

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 11 JANUARY 2021

SUBJECT: Corporate Plan and Service Delivery Plan 2018-2022 – Quarter 2 performance report for the period 1 July 2020 to 30 September 2020

REPORT AUTHOR: Jackie Follis – Group Head of Policy
DATE: 4 December 2020
EXTN: 37707

EXECUTIVE SUMMARY:

This report sets out the Q2 performance outturn for the Corporate Plan and Service Delivery Plan performance indicators for the period 1 July 2020 to 30 September 2020.

RECOMMENDATIONS:

Cabinet is requested to:

- a) Note the Council's Q2 performance against the targets for the Corporate Plan indicators as set out in this report and Appendix A which is **attached**.
- b) Note the Council's Q2 performance against the targets for the Service Delivery Plan indicators as set out in this report and Appendix B which is **attached**.
- c) Note the minutes from Overview Select Committee on 1 December 2020 and associated comments and queries.

1. BACKGROUND:

1.1 The Corporate Plan forms a series of targets that are measurable and, ideally, in the control of the Council. These are the Corporate Plan indicators. Service targets (Service Delivery Plan indicators – SDP's) lay beneath these corporate priorities to provide more detail about how the service is doing. Performance of these indicators is reported to the Corporate Management Team every quarter and to Overview Select Committee and Cabinet every six months and at year end.

1.2 Thresholds are used to establish which category of performance each indicator is within:

Not achieving target	95% or less below target
Behind target	95% - 99% below target
Achieving target	100% of target (or achieving the anticipated target for the reporting period)
Over achieving target	1% above target

1.3 Further to a request from Overview Select Committee on 1 December 2020, the Q2 data from 2019/20 has been provided in the attached Appendix A and Appendix B to give comparable data with the same point at the previous year (Q2)

Q2 CORPORATE PLAN PERFORMANCE

1.4 There are 11 Corporate Plan indicators. Six Corporate Plan indicators are measured at Q2.

Status	Number of Corporate Plan indicators in this category
Not achieving target	3
Behind target	0
Achieving target	3
Over Achieved target	0
TOTAL	6

1.4.1 Not achieving target

3 Corporate Plan indicators (CP3, CP7 and CP11) were not achieving their target at Q2. These three indicators will be monitored by the Director of Services. Full commentary for these indicators can be found within Appendix A which is **attached** to this report. Overview Select Committee (on 1 December 2020) requested additional information for CP3 (not just % information) on the Council Tax Collected. This has been provided in Appendix A.

1.4.2 Achieving target

3 Corporate Plan indicators (CP6, CP8 and CP10) were achieving their target at Q2. Full commentary for these indicators can be found within Appendix A which is **attached** to this report.

1.5 Actions

The Director of Services will ensure that the three indicators which are not achieving their target are monitored.

Q2 SERVICE DELIVERY PLAN (SDP) PERFORMANCE

1.6 There are 23 Service Delivery Plan (SDP) indicators. 13 indicators are measured at Q2.

Status	Number of Service Delivery Plan indicators in this category
Not achieving target	2
Behind target	2
Achieving target	3
Over Achieved target	6
TOTAL	13

1.6.1 Not achieving target

2 SDP indicators (SDP17 and SDP18) were not achieving their target at Q2. These will be monitored by the Director of Services. Full commentary for these indicators can be found within Appendix B which is **attached** to this report. Overview Select Committee (on 1 December 2020) requested additional information for SDP17 (not just % information) on Housing Benefit overpayments recovered. This has been provided in Appendix B.

1.6.2 Behind target

2 SDP indicators (SDP4 and SDP5) were behind target at Q2. Both are only just behind target and are both indicators that the Council can not directly control. Full commentary for these indicators can be found within Appendix B which is **attached** to this report.

1.6.3 Achieving target

3 SDP indicators (SDP10, SDP16 and SDP22) were achieving their target at Q2. SDP10 will be monitored by all of CMT and SDP16 will be monitored by the Director of Services. Full commentary for these indicators can be found within Appendix B which is **attached** to this report.

1.6.4 Over Achieving target

6 Service Delivery Plan indicators (SDP1, SDP2, SDP3, SDP9, SDP12 and SDP19) were over achieving their target at Q2. Full commentary for these indicators can be found within Appendix B which is **attached** to this report.

1.7 Actions

CMT will ensure that the 2 SDP indicators (SDP17 and SDP18) which were not achieving their target and 2 of the 3 indicators which were achieving their target (SDP10 and SDP16) are monitored.

2. PROPOSAL(S):

- a) Note the Council's Q2 performance against the targets for the Corporate Plan indicators as set out in this report and Appendix A which is **attached**.
- b) Note the Council's Q2 performance against the targets for the Service Delivery Plan indicators as set out in this report and Appendix B which is **attached**.
- c) Note the minutes from Overview Select Committee on 1 December 2020 and associated comments and queries.

3. OPTIONS:

- i. To note the report
- ii. To request further information and/or remedial actions be undertaken

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		√
Relevant District Ward Councillors		√
Other groups/persons (please specify)		√
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:	YES	NO
Financial		√
Legal		√
Human Rights/Equality Impact Assessment		√
Community Safety including Section 17 of Crime & Disorder Act		√
Sustainability		√
Asset Management/Property/Land		√
Technology		√
Other (please explain)		√
6. IMPLICATIONS: The Council may consider whether they wish to request that actions be taken by the relevant service area for some indicators.		

7. REASON FOR THE DECISION:
 In order for Cabinet to be updated with the Q2 Performance Outturn for the Corporate Plan and Service Delivery Plan indicators for the period 1 July 2020 to 30 September 2020.

8. EFFECTIVE DATE OF THE DECISION: 20 January 2021

9. BACKGROUND PAPERS:
 None

CP number	CP Performance Indicator	Council Priority Theme	Portfolio	Cabinet Member	CMT Member	Measure Interval	Assess by	Target figure 2020	Q2 2020/21	Q2 2019/20	Q2 Commentary	Q2 status	CMT comment
CP3	Council Tax collected	Your Council Services	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6-monthly	Higher is better	98%	58.50%	59.80%	Council Tax is collected over 10 months. The 6 monthly target is 60.82%. At Q2 the Council Tax debt was £118,115,302 and the Council had collected 58.50% of this at Q2. We are slightly below target due to Covid-19. In mitigation, more households have opted to pay over 12 months as opposed to 10. However, it is difficult to predict whether we will remain on target due to the current economic condition and Covid-19, which is impacting households ability to pay, as a result of Covid. Recovery action was extremely limited as the courts were not open during lockdown and for several months after. The courts have now reopened and the first court date for non-payment of Council Tax is on 23.11.20 were we have summonsed over 1000 accounts at this hearing. Further hearings will be scheduled.	Not achieving target	No action required - to be monitored by Director of Services
CP7	Homelessness applications where homelessness is prevented	Supporting you	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6-monthly	Higher is better	70%	66%	No data at Q2 - Q4 data 2019/20 was 64%	This figure is based on the number of prevention cases closed with a positive outcome against the total amount of prevention decisions. This is slightly below target due to Covid 19 lockdown which impacted our ability to prevent homelessness through private rented sector offers.	Not achieving target	No action required - to be monitored by Director of Services
CP11	Household waste sent for reuse, recycling and composting	Your future	Neighbourhood Services	Councillor Samantha Staniforth	Philippa Dart - Director of Services	6-monthly	Higher is better	50%	44.77%	46.15%	This is made up of a dry recycling rate of 25.3% and a composting rate of 19.47%. The overall effect of the pandemic on tonnages has seen a rise in both dry recycling but also the amount of waste going in black bag waste. This mirrors the picture across West Sussex as a result of lockdown.	Not achieving target	No action required - to be monitored by Director of Services
CP6	Time taken (in days) to process Housing Benefit/Council Tax Benefit new claims	Supporting you	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6-monthly	Lower is better	8 days	5.2 days	2.4 days	On target	Achieving target	No action required
CP8	Number of new Council homes built or purchased per annum	Supporting you	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6-monthly	Higher is better	35	14	10	On track for 36 completions in total by year end	Achieving target	No action required
CP10	Total rateable business value for the Arun District	Your future	Economy	Councillor Dr James Walsh	Karl Roberts - Director of Place	6-monthly	Higher is better	£99,000,000	£98,619,356	£99m	This indicator is on target.	Achieving target	No action required

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SDP number	SDP Performance Indicator	Portfolio	Cabinet Member	CMT Member	Measure Interval	Assess by	Target figure 2020	Q1 data	Q1 Commentary	Q1 status	Q2 2020/21	Q2 2019/20	Q2 Commentary	Q2 status	CMT comment
SDP17	Housing Benefit overpayments recovered	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	Quarterly	Higher is better	110%	748.00%	Above target. Collection rates are dependent upon the level of debt raised against overpayments. All recovery action was suspended on 23 March 2020 and recommences on 13 July 2020 due to Covid 19. As a result no new invoices were raised to offset against collection rates hence the 748% return.	Over achieved	-255.00%	158.64%	All recovery action suspended due to Covid until end of August when all invoices raised between March - August raised. O/S @ 01.04.20 £1,764,000 O/S @ 30.11.20 £1,448,635	Not achieving	To be monitored by Director of Services
SDP18	Cost of emergency accommodation per annum (net)	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6 Monthly	Lower is better	£533,000	No data required	No commentary required		£485,000	592,000	Based on the 6 month outturn, we are profiling a overspend of £120k. This is due to placements being accommodated for a longer period as a result of government directive that local authorities do not ask people to leave during the first three months of Covid lockdown (April-June).	Not achieving	To be monitored by Director of Services
SDP4	Occupied retail units in Littlehampton	Economy	Councillor Dr Walsh	Karl Roberts - Director of Place	6 Monthly	Higher is better	90%	No data required	No commentary required		89%	87%	Whilst Littlehampton is facing challenges set by the Covid-19 pandemic, a few new smaller units have opened bringing the vacancy rate down by number. Some of the leases for new ventures are more flexible, with short leases/ pop-up shops now a consideration. The larger units as previously occupied by Bon Marche and Hartleys remain closed, whilst the former Natwest Bank is now operating as restaurant bar Bar Saint and the former Bunces is now occupied by Casino.	Behind Target	No action required as only just behind target and not something the Council can directly control
SDP5	Occupied retail units in Bognor Regis	Economy	Councillor Dr Walsh	Karl Roberts - Director of Place	6 Monthly	Higher is better	90%	No data required	No commentary required		86.50%	89.80%	Vacancy rates audited in September 2020 showed a small rise in vacant units since the pandemic started from 9.4% (25/266) in March to 10.9% (29 vacancies) for the core town centre and from 12.2% (49/402) in March to 13.5% (54 vacant) for the wider BID area. The closures have been predominantly national chains (Trespass, Carphone Warehouse), however there are signs that new independent service-related businesses like barbers are taking up vacant space. Less optimistically other independent outlets are known to be struggling and are likely to close. In the near future it is likely that the downturn caused by the pandemic, the cessation of furlough and the well-publicised continued demise of national chains will have a negative impact on these figures. During lockdown it was estimated by retail organisations that around 25% of retail outlets nationally may not reopen once lockdown is fully eased. Footfall has held up during the pandemic better than other similar towns but is still down on last year by 20-30%.	Behind Target	No action required as only just behind target and not something the Council can directly control
SDP	Number of stage 2 corporate complaints found to be justified or partially justified	Council Advice and Monitoring	Councillor Francis Oppler	Nigel Lynn - Chief Executive	Quarterly	Lower is better	10	3	9 x Stage 2 complaints determined in Q1 20/21: - 6 x Not Justified 3 x Partially Justified - 2 x Planning (same issue) and 1 x Housing Complaint levels are being monitored during an interim period by the Group Head of Corporate Support with both the Corporate Management Team and Group Heads. This includes reviewing trends in individual service areas and lessons learnt from both justified complaints and where the Ombudsman has found fault in the Councils actions.	Achieving target	5	7	6 x Stage 2 complaints determined in Q2 20/21: - 4 x Not Justified 2 x Partially Justified (Housing - same complainant) Complaint levels are being monitored during an interim period by the Group Head of Corporate Support with both the Corporate Management Team and Group Heads. This includes reviewing trends in individual service areas and lessons learnt from both justified complaints and where the Ombudsman has found fault in the Councils actions.	Achieving target	To be monitored by all of CMT
SDP16	Business rates collected	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	Quarterly	Higher is better	99%	24.90%	As the billing is spread over 10 months and scheduled to be collected by the end of January the target for the end of September is 59.41. Currently we are on target. This is due to the collectable debt being almost halved as a result of numerous reliefs.	Not achieving target	60.50%	57.90%	As the billing is spread over 10 months and scheduled to be collected by the end of January, the target for the end of September is 59.41%. Currently we are on target. This is due to the collectable debt being almost halved as a result of numerous reliefs introduced by central government.	Achieving target	To be monitored by Director of Services
SDP22	Number of Council properties with a valid gas safety certificate	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6 Monthly	Higher is better	100%	No data required	No commentary required		100%	100%	On target	Achieving target	No action required
SDP1	Major applications determined in 13 weeks	Planning	Councillor Martin Lury	Karl Roberts - Director of Place	Quarterly	Higher is better	80%	95%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 20 out of 21 or 95%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 7 out of 21 or 33% determined in 13 weeks. This performance is above the targets set. Whilst securing an extension of time is important in terms of complying with national performance targets, it is also important that the underlying performance improves in order to reduce overall determination times. The Area Teams are fully staffed at present (allowing for the use of temporary agency staff) and case loads are down. The Group Head of Planning has targeted performance again over the last couple of months on a one to one basis and performance is improving slowly.	Over achieved	93%	94.44%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 28 out of 30 or 93%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 11 out of 30 or 37% determined in 13 weeks. This performance is above the targets set. The Group Head has been through a process of Performance Management with all staff over a three month period and new systems have been set up to ensure performance is improved. The first stage of this was to clear all of the old applications that were slowing all performance and these have now all but gone. Performance in this quarter was a significant improvement on Q1 (+11% of applications determined within the statutory time).	Over achieving	No action required

SDP number	SDP Performance Indicator	Portfolio	Cabinet Member	CMT Member	Measure Interval	Assess by	Target figure 2020	Q1 data	Q1 Commentary	Q1 status	Q2 2020/21	Q2 2019/20	Q2 Commentary	Q2 status	CMT comment
SDP2	Minor applications determined in 8 weeks	Planning	Councillor Martin Lury	Karl Roberts - Director of Place	Quarterly	Higher is better	90%	97.00%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 72 out of 74 or 97%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 33 out of 74 or 45% determined in 8 weeks. This performance is above the targets set. Whilst securing an extension of time is important in terms of complying with national performance targets, it is also important that the underlying performance improves in order to reduce overall determination times. The Area Teams are fully staffed at present (allowing for the use of temporary agency staff) and case loads are down. The Group Head of Planning has targeted performance again over the last couple of months on a one to one basis and performance is improving slowly.	Over achieved	97%	93.55%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 126 out of 130 or 97%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 65 out of 130 or 50% determined in 8 weeks. This performance is above the targets set. The Group Head has been through a process of Performance Management with all staff over a three month period and new systems have been set up to ensure performance is improved. The first stage of this was to clear all of the old applications that were slowing all performance and these have now all but gone. Performance in this quarter was a significant improvement on Q1 (+14% of applications determined within the statutory time).	Over achieving	No action required
SDP3	Other applications determined in 8 weeks	Planning	Councillor Martin Lury	Karl Roberts - Director of Place	Quarterly	Higher is better	90%	96.00%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 156 out of 162 or 96%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 96 out of 162 or 59% determined in 8 weeks. This performance is above the targets set. Whilst securing an extension of time is important in terms of complying with national performance targets, it is also important that the underlying performance improves in order to reduce overall determination times. The Area Teams are fully staffed at present (allowing for the use of temporary agency staff) and case loads are down. The Group Head of Planning has targeted performance again over the last couple of months on a one to one basis and performance is improving slowly.	Over achieved	96%	90.87%	The Council uses 'extensions of time' agreements with applicants to ensure that decisions are made within agreed time limits. In reporting performance, government guidance allows for these agreements to be used so that decisions are issued within time. When taking the use of these agreements into consideration the Council's performance was 350 out of 365 or 96%. When not taking these agreements into consideration and just providing raw data on timescales, the Council's performance on these applications was 278 out of 365 or 76% determined in 8 weeks. This performance is above the targets set. The Group Head has been through a process of Performance Management with all staff over a three month period and new systems have been set up to ensure performance is improved. The first stage of this was to clear all of the old applications that were slowing all performance and these have now all but gone. Performance in this quarter was a significant improvement on Q1 (+31% on applications determined within the statutory times).	Over achieving	No action required
SDP9	Licence applications determined within the various statutory or service time limits	Technical Services	Councillor Matt Stanley	Karl Roberts - Director of Place	Quarterly	Higher is better	90%	95.80%	Exceeding target. A number of matters remain undetermined due to Covid. This is because officers cannot meet with taxi drivers and because premises inspections cannot be undertaken so some types of licence cannot be granted. One application received around the start of lockdown required a hearing by Licensing Subcommittee via video-conference which resulted in delay but has now been determined. Outstanding matters are 5 tattooing applications, 2 animal applications & 15 taxi matters. All other outstanding applications were determined.	Over achieved	97.30%	93.30%	Exceeding target. Current applications outstanding we have been unable to process due to Covid. Skin Piercing and Tattooing inspections have now recommenced, however we now have a backlog and 3 remain outstanding. We also have one street trading application which will be held until policy review is undertaken and a number of taxi matters require us to have face to face meetings with applicant drivers before we deem them to be fit and proper to drive.	Over achieving	No action required
SDP12	Number of missed refuse and recycling collections per 100,000 within contractual target	Neighbourhood Services	Cllr Samantha Staniforth	Philippa Dart - Director of Services	6 Monthly	Lower is better	80	No data required	No commentary required		59	47.93%	There has been a slight increase in the number of missed bins due to operational issues as a result of the pandemic and some disruption to rounds due to staffing changes. An action plan is being put in place by Biffa to improve supervision and drive service improvement.	Over achieving	No action required
SDP19	Rent collected on Council housing	Residential Services	Councillor Pauline Gregory	Philippa Dart - Director of Services	6 Monthly	Higher is better	94%	No data required	No commentary required		95.40%	96%	Robust and consistent management of rent accounts continues to be applied during these unprecedented times as a result of Covid 19. Added focus has been given to low level arrears, as early intervention is key.	Over achieving	No action required

Public Document Pack Agenda Item 12

Subject to approval at the next Environment & Leisure Working Group meeting

9

ENVIRONMENT & LEISURE WORKING GROUP

10 December 2020 at 6.00 pm

Present: Councillors Mrs Warr (Chairman), Brooks (Vice-Chair), Bicknell, Mrs Catterson, Clayden, Dixon, Gunner, Huntley and Ms Thurston

Councillors Mrs Staniforth and Mrs Yeates were also in attendance for all or part of the meeting.

Apologies: Councillors Jones and Kelly

17. DECLARATIONS OF INTEREST

There were no declarations of interest made.

18. MINUTES

The Minutes of the Environment and Leisure Working Group meeting held on 3 September 2020 were approved and agreement was given to allow the Chairman to sign the minutes as soon as practicably possible.

19. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chairman advised the Members of the Working Group that there was to be a change of order to the agenda. Agenda Item 7 – Safer Arun Partnership review would now be heard **first** tonight as we have Chief Inspector Carter in attendance for this item. So, this item will now become Agenda Item number 5 and the Place St Maur update will move to Agenda Item number 7.

20. SAFER ARUN PARTNERSHIP REVIEW

The Community Safety Officer introduced her report to the Working Group. She referred members to the strategic priorities and explained that the partnership existed with the object to reduce crime across the district and involved working closely with many other partnership groups from external organisations. She advised that Members had been provided with the full report at Appendix B and it covered how the partnership had performed against those targets. Furthermore, Appendix C covered case studies that demonstrated the wide working variety across the partnerships. She explained that the strategic intelligence was a statutory requirement and helped to decide the priorities for the partnership for the following year. She then drew members attention to section 1.4 of the report, the crime statistics, she explained that there had been a 10% total increase in crime for 2019/20 vs 2018/19. In section 1.4.2 of the report it outlined the different ways that crime was measured. She did confirm to members that the risk and likelihood of becoming a victim of crime in Arun did remain low.

Environment & Leisure Working Group - 10.12.20

There were a number of questions then asked by Members and these have been summarised below;

- Cllr Dixon raised his concerns that overall crime had gone up significantly in the year to 31 March 2020 Pre-Corona virus. It was asked as how do we compare with other Districts in West Sussex, were we average, had we got bigger problems than other Districts or lesser problems? Chief Inspector (CI) Carter advised that the headline figures across the Sussex area including Brighton & Hove Unitary authority crime rose by just under 9%, the increase seen in Arun was slightly higher but not disproportionate. There were issues around social deprivation and probably behaviour driven by addiction i.e. stealing to feed a 'habit'. Together with the rest of the partnership we are tackling these individuals, but the challenge is what happens to the after care of these people after sentence or prison time.
- Cllr Gunner queried the figures in the report under 1.4.2 - an increase from 67 crimes to 76 was not a 10% increase it was actually a 13.5% increase. In terms of the actual strategic intelligence assessment I noted with interest it said that the five objectives for the year for 2019/2020 were serious violence, serious organised crime, community resilience, improving public confidence and tackling anti-social behaviour. How successful do you believe you have been in achieving all five of those priorities? The Community Safety Officer explained that these were very difficult areas to have sustained reductions in although it is our intention, they are very complex areas. Serious violence is made up of several different crime types some are to do with County Lines, some associated with domestic abuse. Serious violence feeds into serious & organised crime that feeds into community resilience so for a longer-term approach we need to work with the community to help educate them, so they are able to resist and defend themselves from exploitation. Crime statistics are only one way to measure what the Partnership does and can be highly variable and fluctuate in part on people's willingness to report.
- Cllr Gunner stated that reply did not answer his question. He went onto say that when you look at the reports, serious violence and serious crime have increased. Anti-social behaviour, he accepted there had been a decline in referrals from housing providers but what he did not understand was why the report and recommendations were not tougher based on the results of these statistics? What is the yard stick, measures of success? CI Carter responded that what we were talking about with the Arun Safer Partnership is how the partnership is working to tackle those issues. The reporting is down to a number of influencing factors, if we take the drug offences, the way the crime is recorded is set within rules from the Home Office. Drug offences are only recorded at the point of detection so the more active we are as a police service, in proactively targeting people who are using or dealing drugs the higher the number that will be. If we don't deal with it then it will be a lower number. Similarly, in sexual offences there had been a massive drive over the last 3 years to really support and encourage the reporting of offences many of which are historic. Cllr Gunner stated that he felt the last response showed that the Partnership had limited powers.

- Cllr Bicknell raised concerns about theft from shops and asked if more detailed information regarding the 50% increase in Arun was available? He also made comment that theft of motor vehicles was up by 30% and were any of these vehicles showing up for use in raids? CI Carter responded that a lot of shoplifting is driven by substance addiction, some was down to people who could not afford food and social deprivation. In respect of the theft of motor vehicles, a high number of these were motorbikes and scooters which were easy to steal and require minimal 'fencing' activity.
- Cllr Ms Thurston asked what connections could be made for funding for you as you had been working a lot on drug issues in Bognor? Do you think if you had more resources you could do more? And in terms of County Lines, I realise this must be a national priority, but do you think you are having enough help from Central Government to stop drugs coming into our area? The community Safety Officer responded if we had more resources our capacity to respond would be greater. One of things we were looking at doing was to provide more support for those who are vulnerable and victims of cuckooing. In respect to county lines, this had been linked to child exploitation. We get very good support from the Home Office. There is a reinvigoration of looking at a serious violence duty for safety community partnerships. We received additional funding to assist with serious violence within Arun.
- Cllr Clayden stated that the main thing that worried him was violent crime. Could our Cabinet Member for Community Wellbeing, who was also a member of the Police and Crime Panel give us feedback from the panel, what was happening to get these figures down? Cllr Yeates responded there had been a drive towards higher funding in the last year and the continuing recruitment of police officers. The figures relate to the year when this was only just beginning. We had just funded the digital shop radios in Littlehampton. The BID in Bognor run a similar thing. This year had been a hard one to judge how things were progressing. Cllr Clayden responded to say this didn't answer the question and although it was good to see the shop support radio system, the main worry was violent crime. We need to send a message back to the police commissioner that this was pre Covid and if these figures stay the same, we have a problem. CI Carter explained that violent crime included 9 different offence categories including dog bites and malicious communications. When we look at what people might commonly think of violent crime, 1368 offences were assault without injury because the legal definition of assault is an apprehension without violence you don't actually need to have any physical contact to be assaulted, legally speaking that is a battering. My starting point is that we shouldn't have any crime and we should always be challenging ourselves to find out as to why there is criminality at any level. One statistic around violent crime was the number that relates to domestic abuse, if we are talking about physical assault 41% of assaults in Arun happen behind closed doors, they are domestic abuse and if we take the bigger definition of violent crimes its drops to 36% but 36% of 5302 crimes is an awful lot and this is where a partnership has a clear role to play. The partnership and the Council as a whole, need to think about how we get in front of this abuse and reduce it. During the first lockdown we set up

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surgeries at supermarkets as people were encouraged to shop alone to be able to talk about domestic abuse without fear of their partner being with them. Cllr Clayden asked about government funding, this had resulted directly in 'Operation Safety' which was a National project trying to tackle the carrying of weapons.

- Cllr Brooks said although limitations had been put on machines in betting shops and just this week they had raised the age for scratch cards and the lottery to 18, were people stealing to fund their gambling habits? The Community Safety Officer commented that this is not something that had been raised across the Boroughs and would be dealt with by licensing. Cllr Jon Carter advised that he sits on a gambling harm group within Sussex Police who had discussed this. If people are committing crime to cover gambling debts it is hard to identify. The Gambling Commission was concerned about increases in problematic gambling therefore the new measures that had been put in place with age limits and regarding advertising.

The Chairman then, with permission of all Members from the Working Group took questions from non-Working Group Members where it was clarified that the recommendations from this report would be presented at the next Cabinet meeting in January 2021 and the n would feed into Full Council in March 2021.

The Working Group

RECOMMEND TO CABINET:

- 1) The work of the Safer Arun Partnership is endorsed and the importance of partnership working in contributing to reducing anti-social behaviour and addressing crime and disorder in Arun is recognised.
- 2) Recognition is given to the work of the Safer Arun Partnership in contributing to the delivery of the Council's strategic priority "supporting you if you need help".

21. TREE PLANTING STRATEGY

The Environmental Services and Strategy Manager covered the background of his report and explained to Members that tree planting projects have an important part to play in terms of helping to tackle climate change. He advised that the team wanted this strategy to be truly collaborative. The Tree Officer then explained the aims and objectives of the strategy to Members, he explained that it was important to leave a legacy that would be highly visible over time. The 10-year action plan over the course of 90 sites would enable the team to identify the best opportunity for tree planting. He advised that planting schemes do have a very high mortality rate and the plan was to build into the action plan a strategy to ensure high survival rates as well as ensuring that the right tree, was in the right place. In summing up he stated that careful planning and local knowledge would be invaluable to the strategy.

There were a number of questions asked by the Working Group and these are detailed below:

- Cllr Gunner commented that he hoped to see more urban and suburban tree planting and that the report did not constitute a strategy. He felt uncomfortable being asked to recommend to Cabinet a strategy that had not been seen. The Environmental Services and Strategy Manager advised that this report sought to agree the next steps for the development of a full strategy which at present is in draft form. The planting plan will be one of the key elements to the full strategy.
- Cllr Thurston asked if more information about where the first few projects would be started and how the Parish Councils would be involved? In response to Cllr Gunner, Cllr Ms Thurston said roadside trees were a West Sussex County Council (WSSCC) project and they had just released the West Sussex Tree Plan which would involve a West Sussex Tree Forum. The Environmental Services and Strategy Manager stated that if the working group required an updated report within the next 12 months that this could be done.
- Cllr Brooks asked in terms of disease, when we plant the right tree in the right place do we plant a mixture of species in case of disease or pest attacks? He also asked if the Officers could take into consideration preserving larger open areas for events. The Tree Officer explained that in terms of inappropriate placement of trees impacting on events, that this was the reason why the strategy was being created to look at the correct placement of trees. Regarding pest and disease resilience, species diversity of the stock of trees was key to the strategy.

Further discussion was had by members in relation to the recommendation in the report, a proposal to amend the wording was put by Councillor Dixon and seconded by Councillor Ms Thurston that read;

To recommend to Cabinet that Arun **the creation of** a proposed Tree Planting Strategy 2021-2031 and the full development of an associated planting plan, based on the principles outlined in this report

On debating this proposal Members were quickly in agreement that the wording for the recommendation did need strengthening, several suggestions of different wording were provided by members, it was Councillor Gunner's proposal of;

'To recommend to Cabinet that Arun endorses the principals outlined in this report which will form the basis of tree planting strategy 2021 to 2031 and an associated planting plan which will both be presented to the relevant committee before being approved'.

That was favoured by the Working Group, at this stage Councillor Dixon and Ms Thurston withdrew their original proposal.

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The Working Group

RECOMMEND TO CABINET:

- 1) To recommend to Cabinet that Arun endorses the principals outlined in this report which will form the basis of tree planting strategy 2021 to 2031 and an associated planting plan which will both be presented to the relevant committee before being approved'

22. PLACE ST MAUR

The Principal Landscape Officer introduced her report and provided the Working Group with an update on the plans for Place St Maur in Bognor Regis.

There were a number of questions raised by the Working Group these are detailed below:

- Cllr Dixon expressed his concerns that the whole project is being based around the ice rink which takes up the whole of Place St Maur, therefore leaving no opportunity for above the surface infrastructure. He asked if the Ice Rink could be moved The Esplanade meaning Place St Maur could have trees, a central feature, raised beds, above the surface water features etc. The Principal Landscape Officer advised that it was very early stages in the design and the design team were looking at Place St Maur as being a very flexible area.
- Cllr Bicknell commented that the idea of this project was to link the town, seafront and the Regis Centre. Now the Regis centre project had been delayed, if we go forward with the Place St Maur scheme, we might lose the ability to link the three areas in the future. Regarding the cooling system for the ice rink that could be put underground and therefore other retail outlets could go above and this would also reduce the noise from it. He also queried the documented project team structure within the report. The Principal Landscape Officer confirmed that the client project manager was herself, and she would be overseeing the day to day delivery of the project and reporting to the project board on a regular basis, not daily. The project board will meet every few weeks and sign off milestones, this followed the process used for the delivery of the Littlehampton Wave project.

The Chairman then, with permission of the Working Group allowed questions from non-Working Group Members, where it was raised that there was confusion as to why these updates had not also been taken to the Bognor Regis Regeneration Committee. The Director of Services advised that the route for the project had been approved by Cabinet and that this point had also already been raised at the last Full Council Meeting in November 2020, where the confirmation was again provided that the route for this project had been approved by Cabinet and that the Cabinet Member for Neighbourhood Services, Councillor Mrs Staniforth, was overseeing the scheme. Also, at this time it was supported by the Cabinet Member for Technical Services and the Chairman of the Bognor Regeneration Committee, Councillor Stanley, that he was also in support of the project updates to be reported into this Working Group.

There were also further comments on the public consultation opportunity for the project, where it was confirmed by the Principal Landscape Officer that it would be widely advertised, and the details of the consultation could be circulated to members.

In responses to comments made about the lack of regeneration committee meetings, it was also confirmed by the Committee Services Manager that there was ongoing consultation with both the Chairman of the Bognor Regis Regeneration Committee and the Littlehampton Regeneration Committee to see if there would be further meetings of both these Committees in March 2021, however no confirmation could be given at this time as the decision was yet to be made.

The Working Group noted the update.

23. CLIMATE CHANGE UPDATE

The Group Head of Community Wellbeing and Group Head of Neighbourhood Services presented an update together with a power point presentation.

There were a number of questions asked by the Working Group these are detailed below:

- Cllr Clayden said it would be useful to know how much carbon Arun, as an organisation consumes and how that has changed.
- Cllr Thurston wanted to highlight that we are in a national and global emergency and everybody, Officers, Councillors and the public need to buy into this, in a big way. We need targets and regular reports once the new Environment and Sustainability Manager joins Arun together with regular reporting available to the public against our targets.
- Cllr Brooks stated the importance of the Planning department and inconsistencies in planning allowances needed to be looked at. He also stated that he was surprised that new homes would not be connected to the gas network after 2025 and if this was the case could Planning think about new housing estates being linked together so there is an opportunity for joint heating and cooling.
- Cllr Huntley said in respect of new builds, more pressure should be put onto developers to include geothermal heat pumps, solar panels, recycling of rainwater and grey water and all kinds of carbon saving strategies.
- Cllr Bicknell said he believed that members of the Planning committee think that composite window frames are wooden, but they are in fact plastic. He stated his concern about gas supply being stopped as people will become reliant on the electric grid system. He also felt that plans should incorporate more charging points for electric vehicles.
- Cllr Thurston said that leading on from what others have said about planning that this is what she meant about being joined up across the whole Council and in planning they were looking at revisiting the Local Plan to bring in items that the Government are asking for. She also stated that the Council could also look at having more green technology within Arun to train people to fit new boilers and air source heat pumps.

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- Cllr Clayden asked why we had recently installed gas into our housing stock when really the Council should have gone for some form of heat pump and felt this was a rather retrograde step. The Director of Services clarified that the Warm Homes Grant awarded was for gas heating systems only.

The Director of Services advised that this report was for noting and therefore did not need amending. The report was to reassure Members of what the Council had been doing and what we needed to be doing for the Climate Emergency via a Carbon Audit and Carbon Budgeting. She confirmed that the Council would the public aware and do regular reports to the Committee.

The Working Group then noted this report.

24. REPORT BACK FROM CABINET/FULL COUNCIL

The Working Group noted the verbal update provided by the Chairman.

25. WORK PROGRAMME 2020/21

The Group Head of Neighbourhood Services and the Group Head of Community Wellbeing presented the Work Programme for 2020/21 to the Working Group.

- The Work Programme attached to the agenda was emailed to Members on 16 November 2021 which addressed the requests that were put forward at the last Working Group meeting.
- Programme for March meeting includes:
 - Place St Maur
 - Enforcement Contract Update
 - Flooding – Roger Spencer, Engineering Manager will be attending the meeting
 - Wellbeing Review – standing Annual item
 - Local Community Network
- At the bottom of the report it was noted that the various other reports would be coming forward under the new Committee Structure meetings including
 - Place St Maur update
 - Littlehampton Keystone Project
 - Pollution – 2 reports from Nat Slade, Group Head of Technical Services
- Cllr Gunner referred to the minutes of last meeting and stated that the updated Work Programme did not address all of the concerns he raised at the last meeting, i.e. Coast & Foreshores, Parks & Open Spaces, Dog Fouling, Pollutions, Cycling and Cllr Dixon raised Southern Water. He asked for an explanation where the responses to these suggestions were. The Group Head of Neighbourhood Services explained that it was his understanding that all suggestions had been covered. The reports on climate change, parks and open spaces included climate change and initiatives on tree planting. If there were more specific requests, then these could be looked at. Dog fouling and

enforcement are part of the East Hants project, and this report, together with Pollution will be covered by the reports from the Group Head of Technical Services. Recycling is something that we haven't specifically identified but would be coming forward at part of the Cleansing Contract Review which would be going to the Overview Select Committee in March 2021.

- Cllr Thurston requested the biodiversity plan that was passed by Full Council in late summer for a plan which was easily accessible for the public. The Director of Services advised that we are very happy to do work on any of these subjects but to produce the biodiversity work is an officer capacity issue at present.
- Cllr Dixon commented Southern Water are a statutory consultee. Every planning application they confirm the work can be done but they are discharging into Pagham harbour and being fined. Can Southern Water be added to the work programme? The Director of Services said if the Working Group wished to invite Southern Water to a future meeting then the questions can be put forward. The Committee Services Manager advised that a request for Southern Water was made by the Overview Select Committee not at this Working Group. Cllr Dixon felt a way forward was that officers give a summary of Southern Waters contributions over the last two years, the number of planning applications that they have agreed and the breaches they have made in Pagham Harbour etc. Southern Water could then be invited to discuss. The Director of Services advised that the team present are not the team to complete this work and would be a Planning Officer role. She advised that she would, explore this request with the Group Head of Technical Services and The Director of Place to see if this would be something that the team could assist with. Cllr Bicknell advised that the information regarding Southern Water discharges could be obtained from the Environment Agency.
- Cllr Gunner asked for confirmation that the Working Group would amend the Work Programme tonight to include Southern Water for the meeting in March? He also asked for the outcome of those discussions that took place on his and Cllr Staniforth suggestions six months ago. The Director of Services advised that she believed Cllr Mrs Staniforth received the response and the answer from the Group Head of Neighbourhood Services and that was what we had incorporated into the Work Programme. She then requested for Cllr Gunner to contact her outside of the meeting for any further discussion on the matter and she would do her best to assist.

It was agreed that Southern Water would be added to the work programme subject to confirmation from them accepting the invite to attend a meeting with the Working Group.

The Working Group then agreed to note the update provided.

(The meeting concluded at 10:04pm)

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