

FULL COUNCIL MEETING – 13 MARCH 2024

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

1. From Mr Attreed to the Chair of the Economy Committee, Councillor Nash
2. From Chester to the Chair of the Planning Committee, Councillor Hamilton
3. From Mr Allen to the Chair of the Environment Committee, Councillor Wallsgrove
4. From Mr Rogers to the Chair of the Environment Committee, Councillor Wallsgrove
5. From Mr and Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton

FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

Note, the Chair will:

- invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question;
- state that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.
- Outline that if in the opinion of the Monitoring Officer the question relates to the terms of reference of a Council committee, the question is to be accepted by Full Council and be automatically referred by Full Council without discussion or debate to the relevant committee and that the questioner would have been advised of this at the time they submitted their question

QUESTION ONE

From Mr Attreed to the Chair of the Economy Committee, Councillor Nash

Question

What has happened to Littlehampton? The way it is going there will be no shops only nail bars, coffee shops and Turkish barbers etc! No clothes shops for men and ladies etc.

Response

Arun District Council has no control over what types of business are located in Littlehampton. That decision is made by the landlords and owners of the properties. Some landlords are corporate organisations who know nothing about the town and letting decisions are made based purely on income potential. Other landlords are local people who are more inclined to consider the effect any potential letting might have on the town.

The UK is one of the fastest adopters of online shopping, which has inevitably brought change to High Streets across the country, not just in Littlehampton. Many are now leisure focussed with services that cannot be obtained online becoming more prevalent. The current retail vacancy rate for Littlehampton is 14% which is in line with the national average. Under cover shopping centre vacancy rates are around 18%.

Arun District Council is providing support on a one to one basis for independent retailers with the aim of helping their businesses be sustainable and improve. In addition the Council is a key partner and contributor to Littlehampton Town Centre Action Group which is co-ordinating the efforts and actions of all agencies to bring about change which will encourage visitors and shoppers back into the town centre and new businesses to locate there.

QUESTION TWO

From Mr Chester to the Chair of the Planning Committee, Councillor Hamilton

Question

Planning application A/129/21/PL permitted by the planning inspectorate for 191 houses on Rustington Golf Centre has clear conditions requiring the surface water drainage and affordable housing schemes to be approved before development commences. The surface water scheme has yet to be approved, and the affordable housing scheme was refused, yet development is well underway. In addition, it seems that no condition was imposed requiring details of the foul water scheme to be approved by the Council. Why is development proceeding at pace without these conditions having been approved and was it an error not to impose a foul water discharge condition?

Response

We are aware that development is proceeding without the requisite planning conditions having been discharged. We have written to the applicant and reminded them of this, confirmed that any works taking place are at their own risk and that Enforcement action may follow.

In terms of affordable housing, we are in discussion with the applicant because there are currently significant issues for all developers in being able to dispose of affordable housing to Registered Social Landlords in a way that will deliver s106 compliant schemes. We are negotiating an acceptable conclusion for both parties, and we are satisfied that development can proceed while this is resolved.

I am unable to confirm why no foul water drainage scheme is required. As you know, this development was allowed at appeal, so the decision was made by the Planning Inspectorate and we are unable to find the records around suggested planning conditions to the Inspector.

We are currently reviewing the position regarding surface water drainage. The applicant has been afforded opportunities to address the concerns made through the consultation process. This has taken a very long time which is regrettable. We were assured that development would not commence until these details were agreed but the applicant did not honour that agreement because of these delays. We have reminded them of their agreement and if they choose to continue to carry out work, Enforcement Action will follow. We are currently deciding whether to determine the discharge of condition.

QUESTION THREE

From Mr Allen to the Chair of the Environment Committee, Councillor Wallsgrave [due to the nature of the works in question]

Question

Will Arun District Council (the landowner) consent to Sea Road Beach Access Limited undertaking the works Permitted by Planning Application Ref: EP/145/23/PL?

Response

Thank you for your question. Officers will be in contact to arrange a meeting to better understand the proposals and give due consideration to your request.

Supplementary Question

Officers from which department and when will they be arranging a meeting?

Supplementary Response

It will be the Planning Department that will be in contact with you.

Can you please provide a time and date?

Unfortunately, not, we will have to confirm the arrangements in writing.

Supplementary Written Response

Subsequent to receiving this Supplementary Question, Mr Allen has been contacted by a member of Arun's Property, Estates & Facilities Team and will continue to deal direct with the officer in order to address matters.

QUESTION FOUR

From Mr Rogers to the Chair of the Environment Committee, Councillor Wallsgrave

Question

Please will the Council reconsider its deeply unpopular decision to introduce parking meter machines at the currently free car parks in Middleton and Felpham?

Response

The Environment Committee at its meeting in November decided to keep the three car parks in Felpham and Middleton free of charge, but to seek changes to ensure that information on their use is obtained to inform decision making, and to ensure maximum stay times can be enforced to ensure they are not abused by long stayers to keep the car parks available for those wishing to use the local amenities. Currently the public has the opportunity to feed into the consultation and issues raised will be considered.

QUESTION FIVE

From Mr and Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton

Question

Can the Council confirm that legal proceedings have now been served to prosecute Mr Duggin on Plot 1 and can the Council confirm that a Breach of Condition Notice has been served on Mr Norgate, Plot 2 and what the timescale is.

The update which also arrived late on Wednesday pm 6th March, confirms that legal proceedings have NOT been served to prosecute Mr. Duggin Plot 1. Why? a BCN has now been served on Mr. Norgate Plot 2 and gives him another 6 months to comply making a period of 7 years before anything was done about this. The question remains, - Why has a 'Stop Notice' not been placed on Plot 2 in order to ensure that the road becomes the priority?

Response

An update was provided for you on Thursday 7 March 2024. This set out where the council was on the matters of the Breach of Condition Notice and the prosecution. I will not repeat these comments again.

The Council is unable to issue a Stop Notice against a Breach of Condition Notice. A Stop Notice must be accompanied by an Enforcement Notice. The Council have concluded that issuing a Breach of Condition Notice is the most appropriate course of action to address the breach and that a Stop Notice was not a proportionate response to any breach. Further, if a Stop Notice was to be issued, there would have to be a material harm that would be robust under any prosecution. Failure to demonstrate material harm would result in the Council being at risk of an award of compensation against it.

Supplementary Question

This Breach of Condition Notice to Mr Norgate has been denied by the Council for many years. If you look on the website, you will see that an application was made in 2017 to have this condition discharged. It was refused after six months on the web site and so you have known for over 6 years that this condition has not been complied with, yet you have denied until 7 March that such a breach existed. Why was no action taken before that?

Supplementary Response

It was confirmed that a written response would be provided.

Supplementary Written Response

Application AL/122/17/PL was approved for two dwellings in February 2018. In June 2018 application AL/67/18/PL was submitted for continuance of use without compliance with condition 6 imposed under AL/122/17/PL relating to proposed access requirements. This application was withdrawn on 22 October 2018. A subsequent application to vary conditions (including condition 6) of AL/122/17/PL was then submitted (AL/117/18/PL) and subsequently approved in April 2019. It is accepted that condition 6 of the planning permission stated that no part of the approved development should commence until the northernmost vehicular access and internal road had been constructed in accordance with drawing SPO1 Rev E. and that development was commenced not in accordance with the condition. A Breach of Condition Notice (BCN) was not served more promptly as it was felt reasonable to allow some development to take place to prevent the construction and potential subsequent damage of the internal road during the building process. Previous correspondence with you 15 June 2023 and the PQT response for February 2024 explained the reasons for the time it has taken. We regret that the officers were not in a position to assist any sooner.

As the build process is reaching a conclusion it was then considered appropriate to serve the notice. You are aware that a BCN was served on a neighbouring occupier prior to this one. Had that been complied with it would not have been necessary to serve the second notice.