

FULL COUNCIL MEETING – 6 NOVEMBER 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 Burt to the Chair of the Planning Committee, Councillor McDougall
2. From Mr Chester to the Chair of the Policy & Finance Committee, Councillor Lury
3. From Mr Chester to the Chair of the Policy & Finance Committee, Councillor Lury
4. From Mrs Smith to the Chair of the Planning Committee, Councillor McDougall
5. From Mrs Smith to the Chair of the Planning Committee, Councillor McDougall

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 Burt to the Chair of the Planning Committee, Councillor McDougall

Question

The Council has extensive powers to persuade owners of empty and / or derelict properties to improve them and return them to productive use, and even more so if they are in Conservation Areas where they have additional tools at their disposal.

Could the Council's Economy Committee consider adding to its work programme the three derelict hotels along Bognor Regis Seafront: the Montrose Hotel in Kings Parade, Ancient Mariner at West Street and Belle Vue at Waterloo Square, the latter two being in the The Steyne Conservation Area? Not only can derelict properties encourage anti-social behaviour but given their prominence, they are detracting from other good works being done and present an appalling welcome to visitors to our town and district.

It would be reassuring for residents to know that the Council is using every tool in its armoury to bring about improvement.

Response

When addressing the issue of derelict properties, from a Planning Compliance point of view, we would investigate under s215 of the Town and Country Planning Act (known as Untidy Land legislation). The site would be visited, and the amenity assessed by its condition (i.e. the state of disrepair) and the impact on the surrounding area along with any other practical considerations (such as whether it is imminently due for demolition etc.).

From a Planning point of view, the Planning Compliance options available in these circumstances are not necessarily extensive and there is no automatic mechanism to return properties to a productive use.

Residential empty or derelict homes are also actively worked on by the Empty Homes Officer. There are several enforcement tools available to them which are used in circumstances where formal assessments of the property and grounds have been undertaken and informal negotiations with the owners have not come to fruition. The two adjacent properties referred to in the question are known to the team and extensive, close working with the neighbours and owners have been undertaken which has resulted positively. The owners are pro-actively working to improve the conditions of the site and where these steps are being taking there is little use for enforcement action needed.

Regarding the x3 sites mentioned (Montrose Hotel, Ancient Mariner, and Belle Vue) there have been Untidy Land investigations carried out here which, often, can be the starting point for other areas of the Council assisting (such as Empty Homes). The Untidy Land investigations have not resulted in any form of formal notice and (in 2 of the cases) they are currently secure (in terms of being boarded up) with the other currently having internal work carried-out (Belle Vue). Their current state is such that it is felt a formal Untidy Land Notice would not currently assist.

Application AW/268/24/DEM was made valid on 31 October 2024. It is a prior notification under Schedule 2, Part 11, Class B for the demolition of the former Montrose Hotel. The decision on this application is entirely dependent on compliance (or not) with the above section of the Town and Country Planning (General Permitted Development) Order and no consideration of the merits of the proposal are allowed. A decision is due by 27 November 2024.

In terms of your question, Empty Homes and Untidy Land options are considered in these cases, having consideration for what the most effective route for eventually securing a form of appropriate development at a location.

QUESTION TWO

From Mr Chester to the Chair of the Policy & Finance Committee, Councillor Lury

Question

What is the total estimated annual revenue cost of the two top ups of £3 million, one agreed in 2022 and the other recommended tonight, to the grant for the Alexandra Theatre refurbishment project and for how many years will these repayment costs be payable?

Response

The total capital funding to be provided by the Council equates to £6 million and of that amount, we plan to use £200k of capital receipts, with the remaining £5.8 million to be funded from borrowing over a period of 50 years. The estimated repayments equate to £338k per annum but there are several factors that we expect will significantly reduce the actual cost.

Firstly, the Council currently has £1.1 million in capital receipts and could decide to use them or other future receipts to reduce the amount borrowed.

Secondly, the amount borrowed is based on an interest rate of 5.46% however, it is highly unlikely that the Council will require any borrowing in the near term. Based on advice from our treasury management experts, our medium-term interest rate forecasts anticipate a fall of between 1% and 2%. This would significantly reduce the annual repayment costs. Furthermore, the Council's approved capital programme is sent to the Public Works Loans Board each year, and this entitles us to a discount of 0.2% on all prevailing PWLB lending rates.

Finally, these figures are approximations but in reality, it is unlikely that the Council would seek to borrow £5.8 million over 50 years. The reason for this is because we use our reserves and cashflow balances to fund expenditure until we need to use those monies for their designated purpose. Furthermore, we would not necessarily take out a 50-year loan but instead would borrow over a shorter term and then re-finance at a lower rate of interest.

The Council has in place robust treasury management practices and policies, which are reported quarterly to the Audit & Governance Committee. The reports are very detailed and include a review of the Council's borrowing activity and affordability of its capital investment plans. To date, the Council has taken out **NO** new borrowing to finance its general fund capital programme.

QUESTION THREE

From Mr Chester to the Chair of the Policy & Finance Committee, Councillor Lury

Question

What is the likely annual rent to be paid by Arun Arts to Arun on completion of the project?

Response

There is an existing lease with Arun Arts. The current lease does not include a requirement to pay rent but does place obligations on Arun Arts for a number of cost items including maintenance, utilities and insurance. Although this lease will, through negotiation, need to be surrendered, updated and re-granted, the main heads of terms are not expected to change substantially.

QUESTION FOUR

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

Question

The land on the northern most plot of this site has been developed under AL/116/18/PL, a Variation of AL/121/16/PL relating to the substitution of the proposed site plan, first approved in 2016. The site has since then, been occupied by the developer first in caravans and then in the houses when they were built. The last 7 years have been very eventful with many problems and infringements of Planning Conditions, being recorded and acknowledged by the Council.

Background Information that will not be read out as part of the question

These include:-

Entries on the original application form which are fraudulent and permission given by the Council for more units than allowed by the Planning Inspector on appeal.

There is no formal Planning Permission for the northern access, and a refusal by the Planning Officer to request one.

No Visibility Splays have been established onto the A29, (Condition 10) There is an acknowledgement, that this has always been the case. Plans do not match the build (Condition 2) and there is now not physically room for correction.

Parking and turning spaces do not match the plans. (Condition11.)

The owner occupiers have used the site for 11 mobile homes when a legal document exists that bans their use after 2018. The last one left the site in 2023.

The variation of the original planning application which changes other conditions not requested, means that there are 2 planning applications on the same site which is not legal.

The houses were built at a lower height contrary to Condition 3 relating to Flood data requirements. The house has already flooded once.

The houses have been occupied contrary to Condition 9 which says the access must be completed first. Because the houses were occupied illegally before the development was completed, the Council granted a householder application for a double garage, sited on top of the public sewer which itself contravenes Condition 14.

After 3 years of living in the houses, contrary to Condition 9, a Breach of Condition Notice was issued, which gave the occupants 6 months to complete the access as required. That Notice ran out exactly one year ago. It stated that the owner would be liable to prosecution if the Breach of Condition Notice was not complied with.

We would like the Council to explain why it has taken a whole year to decide not to prosecute this case.

Response

A prosecution can follow the non-compliance of a Breach of Condition Notice (BCN). If successful a prosecution would not ensure that conditions are complied, merely there would be a successful prosecution. The enforcement process is, in part, about securing compliance, rather than punishing people who do not comply. Current application AL/112/24/S73 seeks the variation of condition following the approval of AL/116/18/PL relating to revised access proposal from bell mouth to vehicle crossover. The application is accompanied by detailed plans and technical information prepared by a consultancy with highway design specialism. A consultation with WSCC Highways has been undertaken so that they can assess highway safety impact including the proposed visibility splays. Application AL/112/24/S73 was made valid on 25 October 2024 and public comments are invited until 28 November 2024. A decision on the application is due to be made by 19 December 2024. Further to this there is regular on-going correspondence with a planning consultant who has been reviewing the site particularly with regard to non-compliance with the condition relating to landscaping, including the details of the surface of the access within the site. Alternative materials other than the approved block paving are being discussed with a view to securing the provision of an acceptable solution.

QUESTION FIVE

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

Question

The land on the middle plot of this site has been developed under AL/117/18/PL, a Variation of AL/121/16/PL relating to the substitution of the proposed site plan, first approved for the middle site in 2017. The site has since then, been slowly developed by the owner. The last 7 years have been very eventful with many problems. Environmental Enforcement Notices have been issued and infringements of Planning Conditions, have been recorded and acknowledged by the Council.

In particular it has taken the Planning Department 7 years to acknowledge that the build should not have begun at all, because the Northern access and the internal road should have been built first. Condition 6. The implications of this evasion of the truth, is that the development is out of time. Condition 1. It should never have started. Conditions 2, 3, 8 and 12 are also contravened and there have been many complaints made about the Environmental Enforcement Notices being violated which should never have happened in the first place.

Earlier this year, as a consequence of finally acknowledging these infringements, the Council issued a Breach of Condition Notice, which gave the owner 6 months to complete the access and internal road as required. That Notice ran out at the end of August. It stated that the owner would be liable to prosecution if the Breach of Condition Notice was not complied with.

We would like the Council to explain why they have decided not to prosecute this case.

Response

As with the above answer, planning application AL/113/24/S73 is currently under consideration for the variation of condition following the grant of AL/117/18/PL relating to condition 6 - amendments to the access arrangements. This was made valid on 25 October 2024 and a decision is due by 19 December 2024 and public comments are invited until 28 November 2024. The application seeks to vary the access as described above and the same consultations have been undertaken. A draft report seeking authorisation for prosecution has been prepared should it not be possible to resolve the remaining issues through the application and further discussion.