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HORSHAM DISTRICT COUNCIL **6 SEPTEMBER 2017**

Present: Councillors: Roger Clarke (Chairman), Peter Burgess (Vice-Chairman), Andrew Baldwin, Toni Bradnum, Karen Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, David Coldwell, Roy Cornell, Leonard Crosbie, Ray Dawe, Brian Donnelly, Billy Greening, Tony Hogben, David Jenkins, Nigel Jupp, Liz Kitchen, Adrian Lee, Gordon Lindsay, Paul Marshall, Christian Mitchell, Mike Morgan, Godfrey Newman, Brian O'Connell, Kate Rowbottom, Jim Sanson, David Skipp, Simon Torn, Claire Vickers, Michael Willett and Tricia Youtan

Apologies: Councillors: John Bailey, John Blackall, Alan Britten, John Chidlow, Christine Costin, Jonathan Dancer, Matthew French, Tim Lloyd, Josh Murphy, Connor Relleen, Stuart Ritchie and Ben Staines

CO/26 **MINUTES**

The minutes of the meetings of the Council held on 21st June and 5th July 2017 were approved as correct records and signed by the Chairman.

CO/27 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillors Andrew Baldwin, Liz Kitchen, Paul Marshall and Christian Mitchell all declared personal interests in the notice of motion in support of a new Horsham Parkway railway station, by virtue of them also being Members of West Sussex County Council.

Ann-Maria Brown also declared an interest in the notice of motion as she was an officer of Crawley Borough Council and had been in attendance at a meeting of that Council when a motion supporting a new railway station at Kilnwood Vale had been considered. She indicated that she would withdraw from the meeting for the consideration of this item.

CO/28 **ANNOUNCEMENTS**

The Chairman advised Members that he had, the day before, attended a ceremony for the presentation of the Queen's Award for Enterprise to Mindtools of West Grinstead.

The Cabinet Member for Waste, Recycling and Cleansing commented on a recent report by the Local Government Ombudsman which highlighted an increase in the number of complaints it had upheld in respect of council waste and recycling services across England in the last year. The report highlighted that many of its upheld complaints related to councils who had outsourced their waste services.

The Cabinet Member for Housing and Public Protection reported that she and the Chairman would be attending the opening ceremony for Burstow Court, the new temporary accommodation development in the Bishopric, on Thursday 7th September.

The Cabinet Member for Finance and Assets reminded Members that there would be a joint meeting of the Finance and Assets and Local economy Policy development Advisory Groups on 11th September and of items on the Forward Plan including business rates relief and the Gigabit West Sussex project.

CO/29 **QUESTIONS FROM THE PUBLIC**

Mrs Sheila White asked the following question:

With regard to these so-called minor application categories, research by your residents (and supplied to the Planning Director, Dr Lyons) has unsurprisingly shown that the number of such cases "called for Committee determination" by either residents, Parish Councils or Councillors is extremely small. Since 2010 the average has been one case per year.

Please explain, therefore, why you feel it is necessary to remove that right, which is clearly only judiciously used when, rarely, such an application is causing concern. This "right" has obviously no relevance to the purported objective of the changes, so why are you restricting it?

Councillor Michael Willett, the Chairman of the Governance Committee replied as follows:

I would like to thank Mrs White for her question.

As the Local Planning Authority, we are obliged to ensure that we make the best possible decision in each and every case and that we do so in a timely manner. Given the volume of planning applications and related submissions that we receive it is vitally important that every aspect of our planning administration and decision making is as efficient and effective as possible. A key part of this is to ensure that the more routine and less controversial matters are dealt with by the Director under a scheme of delegation that has been approved by Council. This, in turn, allows the planning committees to concentrate on cases of wider and greater significance.

It is also important to stress that whoever is making the decision on a planning application – whether that is the Director or a Planning Committee – letters of representation from neighbours and others are carefully considered and taken into account.

The changes to the scheme of delegation that the Governance Committee debated and agreed to recommend to Council today were framed with those points very much in mind.

Turning to the specifics of this question, it is important to recognise that the categories referred to all concern developments of a very minor nature which are not normally controversial. Indeed the rarity of requests to refer these matters up to committee in the past underlines that point.

Failure to make decisions in a timely manner has consequences. Some years ago we came close to being placed into special measures because the speed of our decision making was not meeting the standards required by Government. We have come a long way since then thanks to a lot of hard work by the Director and his team. We need to ensure that we continue to run a tight ship and do not risk introducing unnecessary delays.

In addition to the special measures risk, we could also run the risk of non-determination appeals and if the scheme of delegation enabled prior approval and prior notification submissions to be referred to committee for decision we would face the very real prospect of running out of time to determine them. In those circumstances the law states that the applicant would benefit from a deemed approval – thereby removing our control and influence over such proposals.

The changes proposed by the Governance Committee strike the right balance by ensuring we continue to subject the most significant developments to full public scrutiny in decision making at our planning committees, whilst also making sure we do not unnecessarily and unreasonably delay decisions that can and should be made under delegated authority by the Director.

Mrs White asked a supplementary question as to whether Members were worried about the public's perception if minor applications that caused concern were not allowed to be heard by elected Councillors at planning committees but were instead determined by officers, particularly with regard to the Council's own applications.

Councillor Willett indicated that he had nothing further to add.

CO/30 **RECOMMENDATION FROM GOVERNANCE COMMITTEE OF 16TH AUGUST 2017**

Two members of the public addressed the Council in objection to the recommendation regarding proposed changes to the Constitution relating to the delegation of certain planning functions.

The Council received the minutes of the meeting of the Governance Committee held on 16th August 2017 and Councillor Michael Willett, the Chairman of the Committee, moved the recommendation contained in Minute GO/18 – Changes to the Constitution of Horsham District Council. Councillor David Coldwell seconded the proposal.

Members debated the proposal, with particular reference to the proposed exceptions to Part 3, Paragraph 3.2.2 (c) 5 in respect of the ability of Members to refer applications to planning committee for determination.

It was moved by Councillor Brian O'Connell and seconded by Councillor Peter Burgess that the proposed changes be amended by the removal of exception clauses v (Applications for works to trees in a Conservation Area) and vi (Applications for works to trees covered by a Tree Preservation Order) from Part 3, Paragraph 3.2.2 (c) 5. On being put, the amendment was declared CARRIED.

It was then moved by Councillor Tony Hogben and seconded by Councillor Nigel Jupp that Part 3, Paragraph 3.2.2 (c) 5 of the Constitution, as amended by the above motion, be further amended by the removal of exception clause viii (Applications for a non-material amendment). On being put, this amendment was declared LOST.

The substantive motion was then put and it was

RESOLVED

That the amendments to the Constitution, as set out in the Appendix to these minutes, be approved.

REASON

To comply with Article 13, Review and Revision of the Constitution.

CO/31 **PAY POLICY STATEMENT 2017/18**

The Chief Executive reported that the Localism Act 2011 required local authorities to prepare and publish a Pay Policy Statement annually.

The Pay Policy Statement for 2017/18 had been updated in order to comply with the requirements of the Act and to incorporate changes to pay bandings as a result of increases in the Living Wage (Foundation), the National Living Wage and the various bands of the National Minimum Wage (applicable to casual employees below the age of 25 in some grades only).

The statement set out the Council's policies relating to: Chief Officer remuneration; remuneration of the lowest paid employees; and the relationship between Chief Officers' remuneration and that of other employees.

The publication of this information was a statutory requirement, ensuring transparency and, once approved, the Pay Policy Statement for 2017/18 would be published on the Council's website.

RESOLVED

That the Pay Policy Statement 2017/18 be approved for publication.

REASON

To comply with the requirements of the Localism Act 2011.

CO/32 **NOTICE OF MOTION**

(Councillors Andrew Baldwin, Liz Kitchen, Paul Marshall and Christian Mitchell all declared personal interests in this item, by virtue of them also being Members of West Sussex County Council.

Ann-Maria Brown, Interim Monitoring Officer declared an interest in this item as she was an officer of Crawley Borough Council and had been in attendance at a meeting of that Council when a motion supporting a new railway station at Kilnwood Vale had been considered. She withdrew from the meeting for the consideration of the item.)

A member of the public addressed the Council in opposition to the notice of motion.

The following Motion, of which notice had been given in accordance with Rule 4a.26 of the Council's Constitution, was then moved by Councillor Claire Vickers and seconded by Councillor Paul Clarke:

"Motion in support of a new Horsham Parkway railway station at land north of Horsham and the maintenance of rail services at Littlehaven Halt".

Background Summary

1. Two new rail stations are proposed between Littlehaven and Ifield stations, on the railway line between Horsham and Crawley. Both proposed stations are within Horsham District. One is at Kilnwood Vale adjacent to the district's boundary with Crawley and the other is a "Parkway" station on the Land North of Horsham development. Business cases have been submitted to the Department for Transport (DfT) by the developers of both these sites. The DfT has however indicated that only one new station could be allowed and this would require the closure of Faygate station. The final decision lies with Network Rail and the DfT.
2. On 19 July 2017, Crawley Borough Council (CBC) passed a notice of motion to adopt a formal position of support for the construction of a new railway station at Kilnwood Vale. CBC agreed to write to Network Rail to make a formal submission in support of Kilnwood Vale and to WSCC requesting that it also adopts a position of support for this site.
3. Both developments are located within Horsham District and so the Council is informing the DfT, before it makes a decision, which option it believes would bring the greater benefits.
4. Where to locate something as important to the population and the district as a new railway station is very much a decision that has long term implications. It is clearly important therefore to look at a minimum 7-10 year

and beyond horizon and try to judge the long term difference the geographical position of a new station would make based on a number of factors a) the future predicted homes numbers and businesses within reasonable distance likely to use a station b) ease of access c) parking availability d) the effect on existing rail station provision.

a) The immediate potential catchment would be:

For Horsham Parkway

Land West of Horsham, Broadbridge Heath, Southwater, land North of Horsham (both residential & business park), existing residents in northern Horsham and along the A264 to the west of Crawley.

For Kilnwood Vale

The Kilnwood Vale development itself, existing and future residents in western Crawley and north Horsham.

b) Ease of access:

Both stations would be reached from the A264. Horsham Parkway access would be located immediately off the road close to its roundabout junction with A24 and attract commuters off the A264 at an earlier point than Kilnwood Vale which is approximately 4 miles further along the road and where access to a station would be through roads that serve residential areas.

c) Parking availability

Parkway would have 600 places and Kilnwood Vale 200 places.

d) Existing stations

In June 2014 Network Rail completed a project costing £4.5m improving Littlehaven Halt station and extending the platforms allowing longer 8 carriage trains to stop there. Network Rail will want to realise the value of such a large investment and not damage it by reducing services. Usage numbers for Littlehaven (entry/exit) were 33,817 in 2015; 34,604 for 2014 and 35,746 for 2013. There are however significant parking problems at Littlehaven, particularly along Rusper Rd, which in the absence of a new Parkway station would be greatly exacerbated. A Parkway station is likely to reduce pressure on the current limited parking places at Littlehaven, Christ's Hospital and Horsham town station and reduce peak time traffic going through the town.

Further details:

1. A new station at either proposed location would mean the closure of Faygate station. Faygate is a village approximately 4 miles north east of Horsham town and 3.5 miles south west of Crawley, to the immediate north of the A264. It has a population of around 1,200 people. Faygate station is on the Arun Valley Line, which links London (Victoria) with Portsmouth. It has five direct services to London Victoria on a weekday, although passengers are able to change at Horsham or Gatwick Airport for a more regular service to London Victoria, and for services to London Bridge. The Annual Usage Figures from National Rail

indicate that in 2015 there were a total of 1,617 entry/exits at Faygate station (an average of 32 per week).

2. Horsham Parkway station would be located within the land north of Horsham development, allocated in the Horsham District Planning Framework 2015. The scheme would comprise a two-platform railway station capable of accommodating 12-carriage trains with footbridge and passenger lifts on the Horsham to Crawley line, a bus interchange, short stay car park/drop off area and a 600-space Parkway facility. The Council has granted outline planning permission for the whole development, including the station, subject to the completion of a s106 agreement (which is currently being negotiated and is expected to be completed shortly).

Kilnwood Vale Station would be situated inside the Kilnwood Vale development west of Crawley (but within Horsham District). This strategic development site was identified in the Horsham District Core Strategy 2007 and allocated in the West of Bewbush Joint Area Action Plan in 2009. The Kilnwood Vale development is being built in phases with outline permission including a new station but no specific details of this have been issued.

Network Rail has agreed with the assumptions made in the Strategic Outline Business Case (SOBC) for the Parkway station. The SOBC shows that around 645,000 trips each year would be made to/from the Parkway station based on a projected 2 per hour each way (4 at peak times) service. This compares with 386,000 trips at Kilnwood Vale if the platform length and the service level was the same.

Council notes that the North Horsham Parkway Station would:

- Help promote economic growth in Horsham and the surrounding area and support the success and pace of delivery of the 0.5 million sq.ft. business park, which has the potential to create around 4000 jobs;
- be an attractive facility for residents of the 2,750 homes allocated on the site, which will increase the desirability of the development and speed up delivery;
- provide 600 car parking spaces which will relieve pressures on parking at Horsham station and Littlehaven, where car parking is currently at capacity with little to no land available for expansion;
- increase car parking for rail access for both existing residents of the District and to help meet the needs of the other committed and planned developments in and around Horsham;
- give many more commuters an alternative sustainable mode of transport other than by car for journeys to Crawley, Gatwick, and the Sussex Coast thereby taking pressure off the road network;
- reduce traffic congestion on access roads into Horsham as it will be easier to access the station at north Horsham by car, straight off the main road;
- allow WSCC to look at limiting the on-street parking on Rusper Road and surrounding streets, currently caused by commuters using Littlehaven Station;

- free space on Rusper Road currently used as commuter parking and would allow the delivery of this section of the Crawley-Horsham strategic cycle route;
- free up car parking within the town centre for other users and provide additional economic benefit, rather than being used by commuters to park all day; and
- allow the closure of the level crossing at Wimlands Road with the provision of a new access road.

Conclusion:

The combination of a) North Horsham's 2,750 houses, business park and 600 space car park b) the current lack of commuter parking close to Horsham, Littlehaven Halt and Christ's Hospital stations is likely to get worse as more housing developments are built and c) Parkway's location adjacent to the residential areas from Southwater northwards up the A24 as well as near the A264, would make a new station at Parkway a far better business opportunity than Kilnwood Vale for Network Rail and bring the greatest benefit to the public and the district.

I therefore move that the Council resolves:

1. To adopt a formal position of support in favour of the construction of a new Horsham Parkway railway station at land north of Horsham for the reasons given above.
2. To write to Network Rail and make formal submissions in support of a new Horsham Parkway railway station at land north of Horsham and seeking reassurances about the protection of services to and from Littlehaven.
3. To write to the Leader of West Sussex County Council seeking the County Council's support for a new Horsham Parkway railway station at land north of Horsham."

Members debated the motion with particular reference to the merits of either a new Horsham Parkway station or a new station at Kilnwood Vale and the need to protect the existing services at Littlehaven Station.

Councillor Claire Vickers, with the consent of the seconder Councillor Paul Clarke and the meeting, indicated that she wished to alter the motion by inserting the word "existing" before "services" in the second part of the proposed resolution. This therefore became the substantive motion.

In accordance with Rule 4a.31 (d) of the Council's Constitution, it was requested that the voting in respect of the motion should be recorded.

The voting was as follows:

FOR THE MOTION Councillors: Toni Bradnum, Karen Burgess, Peter Burgess, Jonathan Chowen, Philip Circus, Paul Clarke, Roger Clarke, David Coldwell, Roy Cornell, Ray Dawe, Brian Donnelly, Billy Greening, Tony Hogben, Nigel Jupp, Adrian Lee, Gordon Lindsay, Paul Marshall, Mike Morgan,

Brian O'Connell, Kate Rowbottom, Jim Sanson, Claire Vickers, Michael Willett, Tricia Youtan

AGAINST THE MOTION Councillors: Andrew Baldwin, Leonard Crosbie, David Jenkins, Liz Kitchen, Christian Mitchell, Godfrey Newman, David Skipp

ABSTAINED None

ABSENT Councillors: John Bailey, John Blackall, Alan Britten, John Chidlow, Christine Costin, Jonathan Dancer, Matthew French, Tim Lloyd, Josh Murphy, Connor Relleen, Stuart Ritchie, Ben Staines, Simon Torn

The motion was therefore declared **CARRIED** and it was:

RESOLVED

That the Council:

1. Adopts a formal position of support in favour of the construction of a new Horsham Parkway railway station at land north of Horsham for the reasons set out in the notice of motion.
2. Writes to Network Rail and makes formal submissions in support of a new Horsham Parkway railway station at land north of Horsham and seeking reassurances about the protection of existing services to and from Littlehaven.
3. Writes to the Leader of West Sussex County Council seeking the County Council's support for a new Horsham Parkway railway station at land north of Horsham.

CO/33 **MEMBERS' QUESTIONS ON NOTICE**

No questions had been received.

CO/34 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 8.09 pm having commenced at 6.00 pm

CHAIRMAN

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APPENDIX

PROPOSED CHANGES (NEW WORDING BOLD AND UNDERLINED) TO THE DELEGATION OF PLANNING FUNCTIONS TO THE PLANNING COMMITTEES UNDER PART 3 PARAGRAPH 3.2.2 OF THE CONSTITUTION: FUNCTIONS OF THE PLANNING COMMITTEES

- (a) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- (b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, shall be discharged by the Planning Committee (South) only.
- (c) Determination of applications as follows:
 - 1. Where the Head of Development considers the application should be presented to the Planning Committee for a decision.
 - 2. Any planning application that is defined as a departure application under the Town & Country Planning (Development Management Procedure) (England) Order 2015 where the recommendation of the Head of Development would represent **an initial** departure from the development plan **with the exception of where the initial departure has already been agreed by virtue of a previous grant of planning permission (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site which would not alter the previous material planning considerations.**
 - 3. **Planning Applications, Outline Planning Applications and Applications for Approval of Reserved Matters or Listed Building Consent made by or on behalf of the Council or on land owned by the Council or in which the Council has a legal interest with the exception of: a) Applications to vary or remove a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.**
 - 4. An application that has been made by a council member or an officer or a member of their immediate family with **the exception of: a) Applications to remove or vary a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.**
 - 5. Where a Member of the relevant Planning Committee requests it. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications **with the exception of clauses i to iv and viii below.**
 - 6. Where eight or more persons in different households or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development's recommendation **with the exception of clauses i to viii below.**
 - 7. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee **with the exception of clauses i to viii below.**

Exception clauses applying to 3-7 above:

- i. Applications for a Certificate of Lawfulness (proposed or existing)
- ii. Applications for Prior Approval (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iii. Applications for Prior Notification (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iv. Applications for the submission of details of conditions pursuant to planning permission
- v. Applications for works to trees in a Conservation Area
- vi. Applications for works to trees covered by a Tree Preservation Order
- vii. Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement
- viii. Applications for a non-material amendment

PROPOSED CHANGES (ADDITIONAL WORDING SET OUT IN BOLD AND UNDERLINED IN (B)) TO THE DELEGATION OF PLANNING FUNCTIONS TO THE DIRECTOR OF PLANNING, ECONOMIC DEVELOPMENT AND PROPERTY

3.6.2 Director of Planning, Economic Development and Property

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

b) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part 1 paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

c) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

d) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.