

**NORTH HORSHAM PARISH COUNCIL
PLANNING, ENVIRONMENT AND TRANSPORT COMMITTEE
THURSDAY 24TH MAY 2018 at 7.30pm
AT ROFFEY MILLENNIUM HALL**

CLERK'S REPORT TO BE READ IN CONJUNCTION WITH THE AGENDA

3. Public Forum

The Public Forum will last for a period of up to 15 minutes during which members of the public may put questions to the Council or draw attention to relevant matters relating to the business on the agenda. Each speaker is limited to 3 minutes.

Business of the meeting will start immediately following the public forum or at 7.45pm whichever is the earlier

5. Declaration of Interests

Members are advised to consider the agenda for the meeting and determine in advance if they may have a Personal, Prejudicial or a Disclosable Pecuniary Interest in any of the agenda items. If a Member decides they do have a declarable interest, they are reminded that the interest and the nature of the interest must be declared at the commencement of the consideration of the agenda item; or when the interest becomes apparent to them. Details of the interest will be included in the Minutes.

Where a Member has a Prejudicial Interest (which is not a Disclosable Pecuniary Interest), Members are reminded that they must now withdraw from the meeting chamber after making representations or asking questions.

If the interest is a Disclosable Pecuniary Interest, Members are reminded that they must take no part in the discussions of the item at all; or participate in any voting; and must withdraw from the meeting chamber; unless they have received a dispensation.

7. Chairman's Announcements

- The Parish Council did not speak at the Horsham District Council Committee Meeting on planning application DC/17/2656, 56 Pondtail Road – Demolition of existing bungalow and erection of 1 x two story dwelling and creation of new highway access off Pondtail Road, on 1st May 2018, as the deadline for speaking at Committee was missed and there were already three speakers in opposition.
- A revised version of the response to West Sussex County Council planning application WSCC/015/18/NH was submitted on 1st May 2018. A copy is attached.
- When complaints about hedges are put forward to the HDC Planning Committee they should be kept confidential. Therefore, the appeals listed on the weekly list for 13.4.18 – 19.4.18 should not have come out to the Parish Councils. There is guidance on high hedges and the procedures associated with them at

<https://www.gov.uk/government/publications/high-hedges-complaining-to-the-council/high-hedges-complaining-to-the-council>.

- S106/18/0004 - land to the rear of 33 – 39 Holbrook School Lane, Horsham was queried at the last meeting as the application had been withdrawn. Cllr Millington had e-mails from HDC legal department relating to the matter. Advice has been received that HDC had received legal advice that the application was raised in error as this was not a planning matter. It would seem that the application was for a condition in a clause of a Section 106 agreement that had already been complied with and therefore there is nothing to discharge or vary.
- West Sussex County Council Highways has requested that an electricity cable just above head height traversing the pavement to a house in Hawkesbourne Road be removed. The situation will be monitored.
- A response to a consultation on the draft revised National Planning Policy Framework was submitted to the Planning Policy Consultation Team at the Ministry of Housing, Communities and Local Government. A copy is attached.
- A meeting of the North of Horsham development Parish Liaison Meeting took place on 23rd May 2018. Any recommendations will be brought to the next Planning, Environment and Transport Meeting.
- The Parish Council was notified of the preferred route for the A27 around Arundel by Highways England. In general terms there will be a new dual carriageway aligned south of the existing A27, with a pedestrian/cycleway following the line of the existing A27.
- The Local Plan Review Cabinet Report Documentation (Employment, Tourism and Sustainable Rural Development April 2018) has been reviewed and a response submitted to HDC. (see attached)
- Horsham District Council Enforcement Officers have visited the site for DC/18/0502 – Beau Belle Beauty, 20 Glendale Close - Conversion of existing side garage. Demolition of existing side carport and erection of single storey replacement side extension. The application has specifically been applied for use as a study, not for the business run at the site, where HDC must treat it as such. If there were to be a change of use, a planning application must be submitted. However, the applicant may swap rooms the business is being run in as this is not considered an issue with HDC.

8. Traffic Matters

- Suggested traffic calming measures for Lambs Farm Road. Proposal from residents of Lambs Farm Road to be circulated to the committee.
- Petition and photographs regarding parked cars causing nuisance in the Farhalls Crescent, Morrell Avenue, Rough Way and Lambs Farm Road area.
- Inconsiderate parking and vehicle speed at Littlehaven Infants and Northholmes

Primary School.
Information regarding Speedwatch has been circulated.

9. Excess litter

The law

Section 89 of the Environmental Protection Act 1990 (EPA1990) places a legal responsibility on certain organisations to ensure land, as far as is practicable, is kept clear of litter. Section 91 of the EPA 1990 indicates that action can be taken to deal with a long standing litter problem by applying for a Litter Abatement Order against 'duty bodies' listed in Section 89 of the Act, if they are failing in their duty to keep that land clean. (CPRE Jan 2011)

Any person can seek a Litter Abatement Order, either as an individual or representing a local voluntary or community group. Privately owned land not open to the public does not qualify for a Litter Abatement Order. This should be pursued through the relevant Council ie Horsham District Council (HDC) or West Sussex County Council(WSCC).

In order to serve a Litter Abatement Order the site must be 'relevant land' (EPA 1990 86 (6)) and under control of one of the duty bodies. The six duty bodies are:-

- Principal litter authorities – county councils, district councils.
- Designated statutory undertakers – railways, road transport(other than taxis or hire cars), inland waterways.
- Crown authorities
- Governing bodies of designated educational institutions - county or voluntary school, maintained special school and grant-maintained school.
- Local authorities in relation to any relevant highway for which they are responsible – roads maintainable at public expense are the responsibility of the relevant local authority where a section of that road runs through its boundary.
- The Secretary of State in relation to any trunk road that is a special road and any other relevant highway or road for which he/she is responsible. These are roads and motorways which are managed by the Highways Agency. They are termed 'special roads' and include motorways and major truck (A) roads.

The 1990 Act does not provide a comprehensive definition of litter or refuse, although the courts have considered the definition to be wide. The Government's Code of Practice on Litter and Refuse (CPLR) summarises general definitions used in cleaning contracts as guidance. It is suggested that a Litter Abatement Order would be triggered when there is widespread distribution of litter with minor accumulations or worse.

Step by step guidance to applying for a Litter Abatement order is available.

CPRE(2001) Litter Abatement Orders: Taking action to deal with persistent litter problems
Available from:-

<https://www.cpre.org.uk/resources/energy-and-waste/litter-and-fly-tipping/item/1916-litter-abatement->

orders

[Accessed 14.05.18].

DEFRA (2006) Code of Practice on Litter and Refuse. Available from:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221087/pb11577b-cop-litter.pdf

[Accessed 14.05.18].

There is currently a Government consultation on Reducing Litter; Proportionate Enforcement which closes on 8th June 2018 on which the Planning Committee could comment.

DEFRA (2018) Reducing Litter; Proportionate Enforcement. Available at:-

<https://consult.defra.gov.uk/environment/reducing-litter-proportionate-enforcement/>

[Accessed 14.05.18].

10. Operation Watershed

Copy of application pack attached.

11. Planning Appeals

There were no planning appeals.