



Chailey Parish Council

www.chailey.org

A virtual meeting of Members of the Chailey Parish Council Planning & Environs Committee was held on Tuesday 1st December 2020 commencing at 7.30 pm.

Present: Cllr J Millam, (Vice Chair).
Cllrs S Avery, N Belcher, E Berry, M Cornwall, M Evans, K Jordan, M Lethem (part of meeting) P Olbrich, J Tregenza.

Public present: Mr S Mantle
Mr Matthew Hitchen, Interim Planning Policy Lead, Lewes District Council

In attendance: Mrs B Newell, Clerk to the Council.

The Chairman at the start of all virtual Full Council & Planning meetings will ask Council members to declare if there is anyone present in their homes who can see and/or hear the meeting in progress. It is the Councillors' responsibility to make this information available to the Chairman and the Clerk

20/080. Apologies for absence: Cllr Penfold

20/081. Verbal representations by members of the public: Mr Mantle, who is moving shortly to South Chailey wished to know the status of open land located close to the property he is purchasing. Due to the location of the property, the Council re-directed Mr Mantle to East Chiltington Parish.

20/082. Declarations of Interest by Councillors: None.

20/083. Items not on the agenda considered as a matter of urgency: Resident Penny Walker living at Mill House, St Georges, North Chailey has been in touch enquiring whether she needs to seek permission to move a gate from its present position to further along the land. In so doing, it would enable people to walk across the land, but they would access it from the car park further to the north rather than the present location which she finds intrusive. Cllrs Olbrich and Millam visited the site. They advised that in the first instance she check the Deeds to her land to find out whether it is Common land or not. Once ascertained, the Council will advise accordingly.

20/084. Approval of minutes: The minutes of the meeting of the Planning & Environs Committee held 3rd November 2020 were accepted as being true and accurate. Proposed by Cllr Jordan and seconded by Cllr Avery. All in favour. Minutes were signed off during the meeting by Cllr Millam.

20/085. Lewes District Council planning applications: The following planning applications were considered by Councillors and the following responses were agreed:

Planning Application	Applicant	Work requested
LW/20/0732 Response: 10.12.20	Church House, Church Lane, Chailey Green, BN8 4DA	Replace windows with doors on the rear ground floor, remove glass roof to orangery, creation of new balcony with privacy screening and other internal alterations. The Council support this application. Proposed by Cllr Olbrich, seconded by Cllr Jordan. All in favour
LW/20/0735 Response: 26.11.20 Extension requested	Chailey Moat, Church Lane, Chailey Green, BN8 4DA	Erection of steel portal framed farm barn. The Council objected to this application on the grounds that it is ugly, not aesthetically pleasing and therefore completely out of place and out of character with the historic nature of the surrounding buildings. Nor are the Council convinced that the agricultural business requirements justify a barn of that size. Proposed by Cllr Lethem seconded by Cllr Olbrich. All in favour, one against. Motion carried.

LW/20/0740 Response: 23.12.20	The Surgery, Station Road, North Chailey, BN8 4HD	Erection of a second storey for the provision of 2 x flats, conversion of existing garage, erection of two storey front extension and single storey rear extension. The Council objected to this application on the grounds that it is over development compared to the surrounding houses. There are concerns with the loss of parking space, further loss will create parking on the verge of the A272 road and in Downs View (to note, residents of Downs View raised concerns with the original application for the Surgery citing parking as an issue). The intention of the two flats above the property will affect the size of the building (over development) and will take out some of the essential parking space for patients and staff. Proposed by Cllr Olbrich to object, seconded by Cllr Tregenza, All in favour, one abstention. Motion carried.
----------------------------------	---	--

20/086.To meet with Mr Matthew Hitchen, Interim Planning Policy Lead at Lewes District Council to discuss Land Availability Assessment (LAA): The purpose of Matthew’s attendance was to explain the LAA. He also took the opportunity to discuss with the Council the Lewes Local Plan which reaches its fifth anniversary of adoption in May 2021. The Lewes Local Plan Part 1 (LPP1) was adopted in 2016. This contained strategic policies which set the strategies for development across the district. The plan at the time was a joint plan with the South Downs National Park. In 2019 SDNP adopted their own plan which superseded the LPP1 as it applies to the National Park.

Since its adoption in 2016, there have been changes to national planning policies and legislation. It is the view of the Government that Local plans may be coming out of date as they reach five years old; it is down to LDC to now test whether those plans are out of date which they do by the five year housing land supply - LDC are required by National Planning Policy to demonstrate that they have five years’ worth of their housing target in supply that can be delivered within 5 years. LDC is in a slightly complicated situation in that it is split by SDNP. As mentioned above, the LPP1 was a joint plan that had a housing target of 345 per year. When the segregation came, it gave LDC a target of 275 a year outside of the National Park. LDC’s five year housing plan supply is 275 x 5 which is the amount that LDC need to show that they can achieve. At the moment, they think that they can do this.

At the five year point, the National Planning Policy Framework (NPPF) says that LDC should no longer be testing their five year land supply against the local plan target, instead it needs to be tested against the local housing need. The local housing need is a housing algorithm which is a standard method that determines the housing needs for an area. It does not however take into account whether the area has the ability to deliver that number. The local housing need for the district, including the National Park is approximately 800 per year, (LDC are unsure at this time what the figure would be once SDNP has been removed, but suspect it to be a significant figure, estimated to be in the region of 600 a significant jump from 275. Workings are still being done on this). The effect of this is that it is unlikely that LDC will be able to demonstrate a 5 year housing land supply next May.

The NPPF refers to the “presumption in favour of sustainable development” which applies when a local planning authority does not have a 5 year housing land supply; in short this means that the planning authority should be granted permission for housing development except where the benefits are significantly and demonstrably outweighed by adverse effects or the NPPF specifically protects areas that are of importance. This situation therefore gives rise to “terms of tilted balance” – an analogy of which is a planning decision being a set of scales with one side giving reasons in favour for approving planning and the other side against. All reasons will have a different weight, but the presumption that favours sustainable development is a heavy weight which sits on the side of granting permission. This, however, does not mean that other policies are ignored, they will still be taken into account, but it does mean that they may be outweighed by the presumption of sustainable development.

The application of the presumption has implications for Neighbourhood Plans if any of the following apply:

- 1) NHP is more than 2 years old
- 2) NHP does not meet its housing requirement
- 3) Local planning authority cannot demonstrate three years' worth of five year housing land supply
- 4) Local planning authority have delivered less than 45% of the housing requirement over the past three years.

With regard to the last two points; whether LDC have three years out of their 5 year housing supply cannot be determined as sites will come in and out of supply over the next few months. They will be judged against the local housing need (the housing algorithm) and the Government have proposed changes to that algorithm, again at this stage LDC do not know the figures they will be tested against.

To avoid the "presumption in favour of sustainable development" it would be appropriate to adopt a new Local Plan. LDC have started that process; one of things that they need to do is the Land Availability Assessment (LAA). The LAA is when LDC ask developers, landowners, communities to put forward potential development sites for consideration. This opened in October and runs through to the 18th December. Through the early part of next year, LDC will be assessing those sites against criteria of suitability, availability, and achievability and that will guide them to suitable sites for development. This information will then go to a high-level consultation in the summer of 2021. The consultation will pose questions such as whether housing numbers can be best accommodated by new housing settlements or by expanding existing settlements or perhaps both or different ways. The consultation responses received back will form the direction to go forward with the idea of adopting the Local Plan by 2023. Therefore "the presumption in favour of sustainable development" is likely to be around for two years before a new Local Plan is in-situ.

LDC expect by May that there could be a flow of applications; landowners, developers etc will already be aware of the situation. The LAA methodology of assessing sites is not on the LDC website. LDC are updating the previous version dated 2017. Matthew will send this to the Clerk along with the list of sites submitted during the 'Call for Site' once they have collated the submissions in the new year. This will be prior to the sites being assessed to allow the Parish Council to provide initial comments to assist LDC's assessment.

Matthew concluded that LDC are now preparing an Interim Policy Statement, and this sets out factors that LDC believe are critical in terms of sustainable development ie. guiding developers towards sites that are continuous to existing settlements and in locations that have good access to facilities. It does not form part of the development plan and does not alter the statutory planning framework, but it will be a material consideration in the determination of an application. This will be sent out to Town and Parish Councils for comment by the middle of December.

Questions raised by members of Chailey Parish Council were:

Will LDC will be co-ordinating with Wealden and Mid Sussex Councils. Matthew confirmed that Lewes will be and are required to do so.

Have the Government's new planning reforms as set out in the White Paper already been implemented - LDC do not expect the Planning reforms to come in for at least another two years possibly longer and this is another reason to get the Local Plan done as soon as possible.

Cllr Jordan pointed out that Chailey's Neighbourhood Plan unlike many others did not allocate specific sites to develop. The NHP accepts the sites determined by LDC, but raises concerns as to the sort of housing, design, and size. On the assumption that the Government's White Paper does not come into effect what are the implications of the tilted balance for existing planning boundaries? Matthew confirmed that boundaries remain relevant; planning boundary policies are

the policies that are mostly likely to be at risk in this situation, they could be outweighed in the tilted balance scenario. Applications submitted for sites that are outside the planning boundary are to be expected, and LDC will guide them to the most appropriate sites. LDC would prefer sites in existing settlements and those that have access to services etc as opposed to sites in the middle of the countryside.

It was asked if having already had an unsuccessful planning application, would this carry weight or be nullified, Matthew said that the “presumption of sustainability” is not a green light on anything goes, there will still be key planning principles that will give good reasons to refuse applications. In terms of sites that have gone to inquiry, where the planning boundary may have been used as part of the argument to turn down, then under “presumption” it will still be part of the argument but may hold less weight. The planning boundary therefore may not be such a strong reason for refusing.

20/087. To note Lewes District Council’s planning decisions and the results of appeals:

Planning Application	Applicant	Work requested	CPC decision	LDC decision
LW/20/0627	Pendle, Lower Station Road, Newick	Erection of timber clad summerhouse and shed	Support	Grants permission
LW/20/0587	East Ades, Cinder Hill	Renovation and minor internal alterations including repairs to historic Billiard room roof	Support	Grants permission for Listed Building Consent

20/088. Date of next Planning & Environs Committee meeting will be held on Tuesday 5th January 2021 at 7.30pm.