



Agenda Update Sheet

District Planning Committee

Date 17th March 2022

Agenda Item 1:

Recommended for Approval

APPLICATION NO: DM/2

Agenda Item 2:

Recommended for Approval

APPLICATION NO: DM/21/2628

Hassocks Parish Council (further comments)

Response: RECOMMEND REFUSAL.

Further to the comments made by Rydon Homes in response to Hassocks Parish Council's previous submission, the Parish continues to recommend refusal to this application on the following grounds.

1. PROW 5K/Non-Car Route provision.

The Parish Council welcomes the acceptance of the developer that Footpath 5K which runs through this site will be maintained at 3.5 metres wide and that the developer is happy for the surface material to be dealt with by condition. Allowing safe direct Pedestrian and Cycle access for the new Rydon development (as well as the Bellway development west of the London Road) into Hassocks Centre and schools is essential as part of Hassocks Parish Council's commitment to creating easy to use Non-Car Routes in Hassocks.

However the Parish is unclear as to the reason why the PROW will remain for 'the use of pedestrians and cycles only'. It had been requested that the contractor accepts and facilitates an upgrade of PROW 5K to Bridleway status by WSCC, and the Parish seeks confirmation that this will be the case.

It is important that the proposed footpath link at the NW corner of the site be upgraded to allow a more direct cycle route access from the Rydon development onto the Cycle Route to Burgess Hill.

It is also important that a safe cycle route and crossing arrangement be provided at the A273 London Road junction to allow cyclists to cross safely to the Bellway development.

2. Allotments

The Council has noted the comments made by Rydon Homes in response to this request, however would still ask that consideration is given to providing allotments to maximise the community benefit of this development. The Parish Council has significant excess demand for Allotments and the Northern Open Space would offer an opportunity to meet that demand. It is therefore requested that consideration is given to one third of the northern field being allocated to the Parish Council for allotments. The eastern part of the field would meet this need and have minimal effect on the proposed layout of the site.

3. Sustainable Design.

Rydon homes Energy Strategy is not sustainable

There is a legal requirement for local plans in England to ensure that they include policies to mitigate and adapt to climate change in their local plans, and fully take into account the UK's net zero commitment under the Climate Change Act. Local authorities also have legal powers under the Planning and Energy Act 2008 to require new developments to set energy standards above the Building Regulations. After much lobbying, local authorities retain these powers.

In addition to legislation, the Government also issues guidance to local authorities shaping how they carry out their planning activities. The most important of these, the National Planning Policy Framework (NPPF) for England was revised in 2021 and paragraph 11a now states:

“all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.”

MSDC Councillors therefore have the powers under the Planning and Energy Act 2008 and the guidance from the NPPF to ensure that new build developments (and alterations) are done in an energy efficient way to comprehensively mitigate climate change and **it has already put in place policy DP39 and has adopted Hassocks Neighbourhood Plan Policy 5, so it fully has the powers to require maximised energy efficiency.**

Every new build that does not fully mitigate climate change will have to be retrofitted in some way to do so. The anticipated costs of retrofit and climate mitigation should be taken into account by MSDC in determining this planning application. These costs include the costs of retrofitting every house to be net zero carbon: this is likely to include:

A) the cost of switching to a heat pump (approximately £6,000 – £8,000);

B) reducing heat losses further by replacing windows with triple glazing (say £10,000 – £15,000) and

C) adding 3kW of solar PV generation, around £5,000,

so a total of £21,000 - £28,000 per Rydon home.

These costs of mitigating climate change should be taken into account by MSDC when determining how to move forward with this planning application in the best interests of Mid Sussex residents.

As it stands the Rydon Homes still is not compliant with Hassocks Neighbourhood Plan Policy 5, which requires that the development proposal should maximise sustainable design features. But Rydon Homes' Energy Strategy says “The use of either heat pumps or PVs is not a firm proposal at this stage and is dependent on the timing of commencement of the Residential Element of the development and is relative to compliance with the Regulation at that time”.

Energy sustainability is not an afterthought, it is required by the DP39 / NP5 policies. Policy DP39 says renewable sources of energy should be used – it is not optional; but it has not been done. Compliance with these policies cannot be “deemed” to exist – that

would be a charade and offensive to residents who have voted for the planning policies we have now. Averse local impacts have to be made acceptable. Not making the new build houses zero carbon but leaving the retrofit costs for the new residents to bear, would indeed be an adverse local impact.

Further proof of the inadequacy of the Rydon proposal can be found by comparing it with the National Design Guide published and updated by the UK Government on 30 January 2021, which says in section R1 para 138:

“Well-designed places and buildings follow the energy hierarchy of:

- reducing the need for energy through passive measures including form, orientation and fabric;
- using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and
- maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives.”

So without heat pumps and maximisation of renewable energy the proposed development is not regarded by Central Government as well designed; and this is further evidence of non-compliance with MSDC Policy DP39 and NP Policy 5.

There is an easy way out of this. Rydon Homes have presented data in their Energy Strategy date 4th February that relies on a calculation method – SAP 12 – that will become obsolete in 91 days’ time. They are proposing houses based on the use of gas boilers that will burn more gas. They admit that MSDC Building Regulations managers could insist on the replacement calculation method that applies from 15th June 2022 – SAP 10.1 – being used which would make it impossible to use gas boilers.

It is time that MSDC stood up for the rights of residents to have their council properly mitigate climate change, and used its power to apply the Planning and Energy Act. Developers **can** and should be required to go much further in energy efficiency than the current low standard that the building regulations requires. Hassocks Parish Council therefore requests that MSDC places a condition on these houses that they are all built to the same energy efficiency standard, not a mix of standards; and that none of them have gas boilers but use heat pumps instead. It is quite clear that Rydon Homes is ready and willing to do this. Or MSDC can go further: the ideal undertaking by MSDC would be to require as a condition that the homes are built to the LETI Climate Emergency Design Guide standard, <https://www.leti.london/cedg>. MSDC should invest in the future, not in the past.

4. Existing Hedgerow

The Parish Council is pleased to note that the hedgerow which borders the southern edge of the development is to be retained and is not included in the Tree Removal Plan.

5. Community Funding

The Council maintains its request that the Community Building Contribution from the development is prioritised for improvements to the hall at St Francis Church, Priory Road, Hassocks which is in close proximity to the proposed development and highly likely to be used by residents living there.

6. Biodiversity Report

The Biodiversity Net Gain calculation appears to have been carried out according to guidance, however the Defra Metric used only considers plant diversity. The two fields to

be developed are therefore categorised as 'poor semi improved grassland' – the lowest possible score – even though the lack of management over the last decade means that it is brimming with wildlife. Therefore the calculations that there will be a 14.25% net gain in area habitat units across the site does not reflect the overall impact of this development on biodiversity.

P74, in the second paragraph that begins 'The closest new properties...' replace the number 89 with 69.

P74 in the third paragraph that begins 'The house on plot 68, replace the number 89 with 69.

P74 in the third paragraph, second sentence that begins 'The house on plot...' replace 89 with 69.

Add a condition to read:

Prior to the occupation of unit 14, detailed plans of the internal layout shall be submitted to the Local Planning Authority to establish that the dwelling meets the requirements of a Wheelchair Accessible Unit (a unit which meets the requirements contained in Part M4(3) (Category 3 wheelchair user dwellings) of the Building Regulations 2010. The unit shall not be occupied until it has been confirmed by the Local Planning Authority that the unit meets these requirements.

Reason: To ensure that the Wheelchair accessible units is suitable for its intended use and to comply with policy DP28 of the Mid Sussex District Plan 2014-2031.

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