

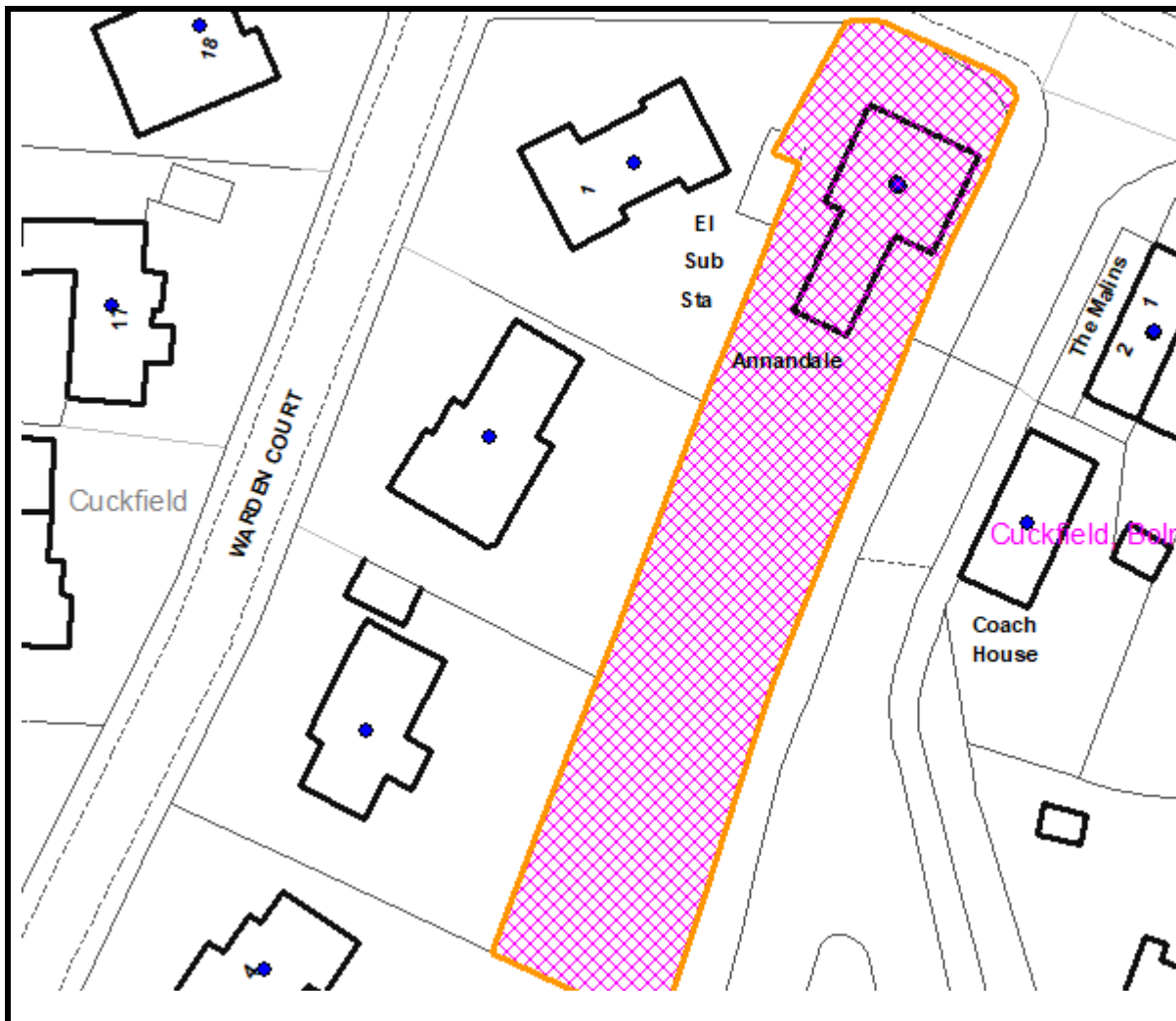
# Planning Committee



Recommended for Permission

6th July 2023

DM/23/0796



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<b>Site:</b>	Annandale Broad Street Cuckfield Haywards Heath West Sussex RH17 5DW
<b>Proposal:</b>	Variation of condition 2 in relation to CU/068/97.
<b>Applicant:</b>	Mid Sussex District Council
<b>Category:</b>	Minor Other
<b>Target Date:</b>	19th June 2023
<b>Parish:</b>	Cuckfield

<b>Ward Members:</b>	Cllr Malcolm Avery / Cllr Jim Knight /
<b>Case Officer:</b>	Susan Dubberley

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RRYW1QKT0GL00>

**1.0 Purpose of Report**

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

**2.0 Executive Summary**

2.1 This application seeks the variation of condition 2 in relation to CU/068/97 which currently restricts the occupants of the flats to those with learning difficulties as well as staff ancillary to the approved use. A variation is sought in order to allow the site to be used as temporary accommodation for vulnerable childless homeless households.

2.2 The application is being reported to planning committee as the applicant is Mid Sussex District Council.

2.3 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

2.6 In this part of Mid Sussex the development plan comprises the District Plan the Site Allocations DPD and the Cuckfield Neighbourhood Plan.

2.7 The application has been submitted under Section 73 of the Town and Country Planning Act.

2.8 Section 73(2) of the Town and Country Planning Act 1990 states "*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

(a) *if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

(b) *if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

2.9 As such it is only necessary to consider the specific changes that are proposed to the previously approved development.

2.10 The main issue is the impact on residential amenity. The property would be managed by officers of Mid Sussex District Council. Those residing in the property would not require 24-hour supervision, more complex case are placed in alternative accommodation such as sheltered or supported living accommodation. The residents would also not be registered 1 offenders or former rough sleepers. Furthermore, residents are required to sign a residency / tenancy agreement which requires certain behaviours to be adhered to, if a resident breaks the agreement, then the Council would investigate and if required the resident can be evicted.

12.11 It is considered that in view of the criteria that would be used to decide who would be housed in the property, there should not be any significant harm to residential amenity from the proposal. Furthermore, there are measures in place to monitor residents' behaviour and to remove them from the property if necessary.

12.12 The application would also contribute to meeting temporary accommodation needs. There are additional benefits from having Council owned temporary housing accommodation both for residents who receive better outcomes and can be more efficiently managed, and it also means that the Council, in order to meet its statutory duty to secure accommodation for homeless households, does not have to rely as much on extremely expensive nightly paid accommodation.

12.13 In view of the above it is considered that the application complies with Mid Sussex District Plan policy DP26.

### **3.0 Recommendation**

3.1 It is recommended that planning permission be approved subject to the conditions set in Appendix A.

### **4.0 Summary of Representations**

4.1 3 objections have been received:

- Object as CEO of the Academy Trust that operates Warden Park Secondary Academy that immediately adjoins this property. The proposal, to house vulnerable homeless adults in a property at the foot of a school drive and whose garden runs almost the entire length of the school drive, appears reckless. Reckless to the vulnerabilities of the adults housed there and to those of the children that attend the school. The school is about to increase in size it's facility for particularly or potentially vulnerable children with Special Educational Needs and/or Disabilities. That there is no expectation of on-site staff adds to the school's anxiety. As an aside, to site such a refuge in a semi-rural village appears detached from the desirability of the proximity of facilities and amenities best suited to help homeless people gain a foothold back in society.
- concerned that new residents will have occupation of the property without adequate supervision. The proposed demographic to be cited at the address is incredibly broad. Whilst I support rehousing of homeless people in principle, it needs to be done in the right way with the appropriate level of support. I feel the planning application has not address this fully.

- Serious concerns about citing homeless people next to Warden Park Academy. It is a learning environment for c1500 students who are of an impressionable age. Mingling of students with some elements of the former homeless community may drive unintended consequences.
- Supportive of rehousing people from the homeless community in general, but feel it's important that it's conducted in the right manner with the right level of support put in place. Whilst the current use of the site requires a warden in residence to support the residents, the change of use does not specify this.
- Warden Park Secondary School, which caters for c1500 students is located next to the site, concerned that locating this facility next door to a school with many impressionable young people poses a significant safeguarding issue.
- Annandale's garden backs onto properties in Warden Court. The boundary is made up of shrubs and trees and therefore not fully secure, a further safeguarding risk to local residents.

## **5.0 Summary of Consultees**

### **5.1 Housing:**

The application regards a variation of condition 2 of the existing planning consent in order to enable the use of the property for Temporary Accommodation. This provision would assist in addressing a known housing need in the district and as such receives our full support.

## **6.0 Town/Parish Council Observations**

### **6.1 Cuckfield Parish Council**

The Committee does not object to this facility being provided within Cuckfield, however they do object to this being in a property in such close proximity to a secondary school; see CNP1g) makes best use of the site to accommodate development.

## **7.0 Introduction**

- 7.1 This application seeks the variation of condition 2 in relation to CU/068/97 which currently restricts the occupants of the flats to those with learning difficulties as well as staff ancillary to the approved use. A variation is sought in order to allow the site to be used as temporary accommodation for vulnerable childless homeless households.

## **8.0 Relevant Planning History**

- 8.1 DM/18/4903 Proposed replacement windows and doors. Approved.

- 8.2 CU/068/97 Continuation of existing residential use without complying with existing occupancy conditions. Approved.
- 8.3 CU/069/89 Two storey extension to the south side and to the rear of the property to provide community room, utility room and one additional self-contained flat. Refused.
- 8.4 CU/031/90 Single storey extension to the side (west) and rear (south) of the property to provide community room and utility room and internal alterations and re-siting of car parking area. Approved.
- 8.5 CU/151/79 Outline application for construction of a separate single storey annexe. Refused
- 8.6 CU/249/76 Two storey separate annexe containing 4 flats and associated car park. Refused
- 8.7 CU/400/74 Extension of existing two storey property for the provision of four additional self-contained flats, each of one bedroom. Refused
- 8.8 CU/192/74 Extension to existing property providing for additional 1 bedroom self-contained flats. Refused

## **9.0 Site and Surroundings**

- 9.1 The site is a large detached two storey property with a substantial rear garden located on the south side of Broad Street. To the east the site is bordered by the approach road to Warden Park School and to the west and south are residential properties in Warden Court whose rear gardens back onto the site. The site boundary consists of a small brick wall to the front and close boarded timber fence to the sides of the house, with the rear garden enclosed by a high mature hedging and there is a driveway on the western side of the property.
- 9.2 The site lies within the built up area of Cuckfield.

## **10.0 Application Details**

- 10.1 This Section 73 Application relates to the variation of Condition 2 attached to Planning Application reference CU/068/97. Condition 2 currently states:

*'The flats shall not be occupied otherwise than by persons with learning difficulties or by a carer or warden ancillary to the approved use'.*

*Reason: To enable the LPA to control the domestic occupancy of the flats in the view of the close proximity of existing dwellings and to enable control of uses which would otherwise be detrimental to the residential amenities of the occupants of nearby dwellings.'*

- 10.2 Planning consent is now being sought to vary Condition 2 to state the following:

*'The flats shall not be occupied otherwise than by homeless persons in need of*

*temporary accommodation.'*

10.3 The property is now vacant, and the former occupier of the property (Clarion Housing Group) no longer requires the vacated premises. Mid Sussex District Council is seeking to purchase the property with a view to using the building as temporary housing accommodation, to meet an identified need for such use. The existing layout would be retained with no planned physical changes to the building required.

10.4 In support of the application the applicant has provided the following information:

### **Temporary Accommodation Needs**

*Local authorities in England have a statutory duty to secure accommodation for unintentionally homeless households who fall into a 'priority need' category. There's no duty to secure accommodation for all homeless people. This is important as the Council must secure adequate housing provision to meet their statutory duty.*

*The Council receives circa 900 approaches per year regarding access to temporary accommodation. In the first instance, the Council needs to determine whether the individual is legally homeless or not. Last year, 56% of approaches to the Housing Options Team were resolved with circa 400 people at risk of homelessness and potentially requiring temporary accommodation while suitable alternative accommodation is sought. The Council currently has 74 people in some kind of Temporary accommodation, with 24 of those being in nightly paid accommodation.*

*Compare the need against temporary accommodation supply (the Council currently has access to 44 temporary accommodation units) and it is clear that there is a shortfall in suitable accommodation. At the time of writing, the Council has an affordable housing crisis with around 2,000 people on its waiting list.*

### **Temporary Accommodation Residents**

*As discussed, people become homeless for a whole variety of reasons such as eviction, affordable housing crisis, coping with mental health or dealing with other issues such as escaping domestic abuse. The Housing Options Team are trained to consider individuals needs, vulnerabilities and requirements to ensure the right accommodation is provided for each individual.*

*This temporary accommodation is proposed to house residents capable of living independently and requiring limited / no support. In this respect, with the exception of up to one apartment, the Council is not looking to provide homeless accommodation for residents classified as a 'complex case' (i.e. a resident with needs that require multiple management agencies and support).*

### **Temporary Accommodation Management**

*For the non 'complex case' residents, the Temporary Accommodation Management Officer would settle new residents into the accommodation and ensure they have the support they*

need. The officer would provide information on local community facilities, assist in registering with the GP, support with claiming benefits etc. The Officer is generally available during office hours and would visit the accommodation on a weekly basis (often more than weekly).

For the one apartment to be used by a 'complex case' resident, the support is higher with Turning Tides involvement. Turning Tides is a local charity that specialise in assisting local authorities, partner agencies and external providers to manage people suffering from homelessness and will provide a more tailored level of support for the resident to ensure access to services such as housing, health, social care, etc.. This is a dedicated one to one resource tailored to the individuals needs. Turning Tides are currently working with Mid Sussex Council on other projects. This support is in addition to the Temporary Accommodation manager. Turning Tides do not offer a 24/7 service, as those accessing this service do not require that level of support. However in addition to the Temporary Accommodation Management Officer, Turning Tides would work alongside any outside agencies (e.g. social workers, health professionals, access to community hubs, social inclusion etc) to ensure all needs are being adequately met.

For clarity, the residents accessing this facility would not be the more vulnerable form of the complex case residents. They would not:

- have multiple and very complex needs and vulnerabilities;
- require 24/7 support;
- be registered as a schedule 1 offender;
- require sheltered or supported living;

It is also important to note that the Housing Options Team are well trained professionals who are trained specifically to look for behavioural issues and monitor cases to ensure individuals fit in the community in which they are placed. We would like to make it clear therefore that the Housing Options Team would not be accommodating a resident with **very complex needs or vulnerabilities** within this facility. It would not be appropriate to do so given the non-complex needs of most residents and lack of 24 hour support on site.

10.5 The applicant has also stated that should any local residents wish to make a complaint the Temporary Accommodation Management Officer can be contacted.

## **11.0 Legal Framework and List of Policies**

11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) And local finance considerations, so far as material to the application, and
- c) Any other material considerations.'

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Mid Sussex Site Allocations Development Plan Document and the Cuckfield Neighbourhood Plan.

11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

#### 11.8 **Mid Sussex District Plan**

The District Plan was adopted at Full Council on the 28th March 2018

Relevant policies include;

DP26: Character and Design

#### 11.9 **Mid Sussex Site Allocations Development Plan Document**

Adopted by Council on 29th June 2020. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

#### 11.10 **Cuckfield Neighbourhood Plan (Made October 2014))**

None relevant.

#### 11.11 **Mid Sussex District Plan 2021-2039 Consultation Draft**

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight



can currently be given to the plan due to the very early stage that it is at in the consultation process

11.12 *National Planning Policy Framework (NPPF) (July 2021)*

11.13 National Planning Policy Guidance

## **12.0 Assessment**

12.1.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

This application has been submitted under Section 73 of the Town and Country Planning Act.

12.1.2 Section 73(2) of the Town and Country Planning Act 1990 states "*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

12.1.3 As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The application seeks permission for the variation of condition 2 in relation to CU/068/97, which currently restricts the occupants of the flats to those with learning difficulties as well as staff ancillary to the approved use. A variation is sought in order to allow the site to be used as temporary accommodation for vulnerable childless homeless households.

12.1.4 The main issue is the impact of the proposals on nearby residential properties and the nearby secondary school. Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution(see Policy DP29)*'.

12.1.5 While it is noted that the Parish Council have referred to policy CNP1(g) of the neighbourhood plan this is not considered relevant in the context of this application as this policy specifically relates to new development and part (g) states that development should: *makes best use of the site to accommodate development.*

12.1.6 The objections received, including one from Warden Park Secondary Academy, regarding safeguarding issues are noted. However, in terms of the use of the property it would retain its residential use albeit that it would be providing accommodation for 5 people who would otherwise be homeless.

12.1.7 As set out under the details of the application, those residing in the property would not require 24-hour supervision otherwise they would be placed in alternative accommodation such as sheltered or supported living accommodation and they would not be registered 1 offenders or former rough sleepers.

12.1.8 Furthermore, residents are required to sign a residency / tenancy agreement which requires certain behaviours to be adhered to. If a resident breaks that agreement, then the Council would investigate and if required the resident can be evicted.

12.1.9 It is considered that in view of the criteria that would be used to decide who would be housed in the property, there should not be any significant harm to residential amenity from the proposal. Furthermore, there are measures in place to monitor residents' behaviour and to remove them from the property if necessary.

12.1.10 In view of the above it is considered that the proposal would comply with policy DP26 of the District Plan.

### **13.0 Planning Balance and Conclusion**

13.1 This application seeks the variation of condition 2 in relation to CU/068/97 which currently restricts the occupants of the flats to those with learning difficulties as well as staff ancillary to the approved use. A variation is sought in order to allow the site to be used as temporary accommodation for vulnerable childless homeless households.

13.2 The main issue is the impact on residential amenity. The occupancy of the property would be managed by officers of Mid Sussex District Council. Those residing in the property would not require 24 hour supervision, more complex case are placed in alternative accommodation such as sheltered or supported living accommodation. The residents would also not be registered 1 offenders or former rough sleepers. Furthermore, residents are required to sign a residency / tenancy agreement which requires certain behaviours to be adhered to, if a resident breaks the agreement, then the Council would investigate and if required the resident can be evicted.

13.3 It is considered that in view of the criteria that would be used to decide who would be housed in the property, there should not be any significant harm to residential amenity from the proposal. Furthermore, there are measures in place to monitor residents' behaviour and to remove them from the property if necessary.

13.4 The application would also contribute to meeting temporary accommodation needs. There are additional benefits from having Council owned temporary housing accommodation both for residents who receive better outcomes and can be more efficiently managed, and it also means that the Council, in order to meet its statutory duty to secure accommodation for homeless households, does not have to rely as much on expensive nightly paid accommodation.

13.5 In view of the above it is considered that the application complies with Mid Sussex District Plan policy DP26.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The existing southernmost window on the first floor of the western elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the privacy of the adjoining property and to comply with policy DP26 of the District Plan.

2. The flats shall not be occupied otherwise than by homeless persons in need of temporary accommodation.

Reason: To enable the LPA to control the domestic occupancy of the flats in the view of the close proximity of existing dwellings and to enable control of uses which would otherwise be detrimental to the residential amenities of the occupants of nearby dwellings and to comply with policy DP26 of the District Plan.

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INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **APPENDIX B – CONSULTATIONS**

### **Housing:**

The application regards a variation of condition 2 of the existing planning consent in order to enable the use of the property for Temporary Accommodation. This provision would assist in addressing a known housing need in the district and as such receives our full support.