

General Planning Guidance for Residential & Non-Residential Drug Treatment Centres

1. Introduction

This is a short, general introduction to some relevant aspects of planning, intended for those involved in Local Partnerships and as Service Providers in the setting up of both residential or non-residential ("drop-in") drug treatment centres. It is not intended to be a detailed or comprehensive guidance to planning.

2. The Planning System

The planning system aims to ensure that buildings are located in the right place. It tries to balance the economic, social and commercial needs of the country with the need to protect or improve the environment. This balance is essential to ensure that development and growth are environmentally sustainable.

Planning controls are based on the concept of "development". If an activity amounts to "development", planning permission is required. Building a new health centre, or conversion of a former cinema to a hostel, would both be examples of development for which an application to the local planning authority would be required.

The local planning authority will usually be the district council or the unitary authority; in London, it would be the borough council; in a National Park, the relevant National Park Authority.

3. Development Plans

Each council must prepare and adopt a development plan for its area, which will include policies relating to various categories of development. The plan provides the basis for rational and consistent planning decisions by giving details of what types of development will and will not be permitted in the area. The public and businesses are encouraged to become involved in preparing the plans so that they can have a say in how their local area is developed.

It is worth noting that the Government's *Planning Policy Guidance Note 12: Development Plans* advises authorities to consider the relationship of planning policies and proposals to social needs and problems, including the likely impact of development on different groups in the population. Plans should make provision for health and other community facilities, along with all the other infrastructure requirements. Social considerations may be taken into account in the plan, but only to the extent that they are relevant to land use policies.

Each planning application a local planning authority receives will be assessed in the light of policies in its development plan, and any other factors related to planning. Applications should be decided in line with the development plan unless there are very good reasons not to do so. When determining an application for a drug rehabilitation centre, decision-makers are likely to look at matters such as:

- the number, size, layout, siting and external appearance of buildings;
- the proposed means of access, landscaping, flood prevention;
- any increase in callers, traffic and parking that may be generated;
- accessibility by public transport;
- availability of infrastructure, such as roads and water supply;
- visual and other impacts on the amenity of the neighbourhood (for example, security cameras, security grills, razor wire);
- proximity to schools, playgrounds, or residential areas;
- the proposed activity on site, and any associated problems for the neighbours such as noise or nuisance; and
- any national planning policy guidance that would be relevant.

In addition, some streets or districts are designated as conservation areas. They have an architectural or historic character, which should be protected. In these - and other locations, such as in the vicinity of a listed building - especially high standards of design will be required in any new construction. This too could be a material factor when your application is being considered.

By contrast, an allegation by neighbours that a certain development would lower local property values should generally be ignored by the local planning authority, since that would be immaterial from a planning point of view. If an authority were to base a decision on matters extraneous to planning, the decision might be open to challenge through the courts.

After considering the facts and merits of each case, the local authority will grant or refuse planning permission, or grant permission subject to conditions.

There is extensive information available about the planning system in general, and how to go about obtaining planning permission in the internet site *Planning Portal* (see "Sources of Help".)

4. Property requirements

The significant investment to deliver the increase in drug treatment services required to deliver the national drugs strategy will require an increase in the physical capacity of services. But before embarking on a potentially time consuming mission to identify new premises, think carefully about exactly what your requirements are and consider utilizing professional expertise either from within the agencies making up the local partnership or buying in that expertise, to help you define your property needs. The additional cost may save time and money in the long term. Consider the following:

- Do you need additional premises? Could existing premises be re-organised, or extended to meet your needs? Would this not be a more efficient use of time and resources? If extending an existing service have you considered extended opening times and weekend services to increase capacity and accessibility of the service?
- You will need to define exactly what services you will be providing to determine your property requirements. The services you provide will determine the space and type of property you need. Will you be dispensing controlled drugs? Will the facility provide a drop in service or a structured day programme? Will you need space for group work, counseling, needle exchange, administration, a crèche, catering for users and staff, a smoking room? If planning a residential facility there are a range of physical requirements which you will need to consider, particularly if you are seeking to register the facility as a care home you may need to seek advice from the Commission for Social Care Inspection. See <http://www.csci.org.uk>
- Once you are clear about your needs, you should consider exploring with partner agencies, if they have property, which may already have planning permission for health or social care use to, which could be suitable for the service you are developing.

Should you wish to seek professional advice regarding your proposed site, or even to discuss your site requirements, try the following websites:

<http://www.rics.org.uk>

<http://www.riba.org>

<http://www.rtpi.org.uk>

5. Extending existing premises

Generally speaking, extensions to existing buildings, including the erection of additional buildings within the curtilage of an existing property, will require an application for specific planning permission, unless the works are quite small in scale. However, planning permission is generally not required for changes to the interior of buildings, or for very small additions to the outside, such as telephone connections, security alarm boxes or security lights. (Listed buildings may be an exception to this general rule. Please see *Other Useful Information*.)

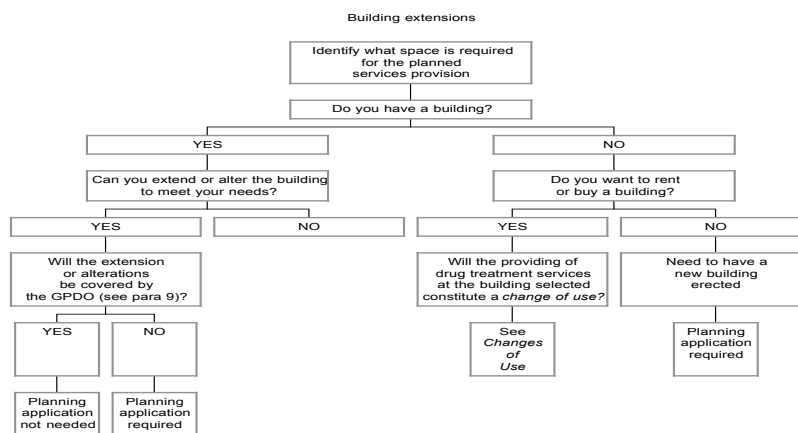
Hospitals have limited rights to build extensions without making an application, and in certain circumstances one can attach security cameras to any building - see *The Town & Country Planning (General Permitted Development) Order 1995*; otherwise, you will need to apply.

You can obtain advice on whether planning permission is required for your proposed development by checking with your council. For a fee, you can also apply for a formal decision. This is known as a lawful development certificate. If your council refuses a certificate, you can either apply for

planning permission, or appeal to the Secretary of State. A free booklet entitled "*Lawful Development Certificates - A User's Guide*" can be obtained from your council.

6. Building Regulations

The planning system does not control how a building is constructed, or how alterations to a building are made; that is the function of the Building Regulations. Receiving any planning permission which your work may require is not the same as taking action to ensure it complies with Building Regulations. It is not the purpose of this paper to cover that subject. Extensive guidance is available in hard copy and on the web. (See "Sources of Help.")



7. Finding new premises

It may be decided that relocating to new premises offers the best, or only, solution to facilitate the planned service provision. In this case, careful consideration will need to be given to finding the appropriate property.

8. Locational requirements

A suitable location for a service will depend on exactly what service is to be offered and how it will be used. If clients are to attend daily, easy accessibility will be a key factor. A residential facility will also need to be relatively accessible.

Consider the security of the users and staff. Locating drug service in an area with an active drug market may put your services users at risk. The anonymity of the service may also be an important factor for your service users. Areas that already have a predominance of mixed uses including commercial industrial leisure and residential are more likely to be appropriate.

9. Planning considerations

- Is the property situated in an inappropriate location? (ie. close to a school, a playground, or a residential area.)
- Is the property easily accessible by public transport?
- Is the proposed use of the property likely to result in a marked rise in vehicular traffic, or numbers of people calling?
- Is the proposed use of the property likely to cause disturbance to neighbours at unreasonable hours?
- Is the property likely to be the cause of other forms of nuisance?
- Is the proposed use of the property likely to involve any activities which are otherwise unusual to that area?
- How will the Drug Treatment centre be perceived by people in the neighbourhood? What can be done to minimise impact and improve relations with the community?

10. Changes of Use

Perhaps a suitable building for your project exists, but is being used for a quite different purpose. Please note that *Changes of use* can require planning permission.

In order to make it easier to carry out minor changes in the way buildings are used, the *Town and Country Planning (Use Classes) Order 1987* groups together various land uses which have broadly similar impacts on amenity. Each group of uses is known as a “Use Class”. There are four general classifications, which are broadly commercial, industrial, residential and communal uses. Each class is further sub-divided into similar uses. There is also an additional category, known as *sui generis* (of its own kind) which, as the term implies, covers specialist, exceptional, or otherwise unclassified uses.

The uses within each classification generally have similar impact on amenity: for example, they will have similar impacts from traffic, parking, noise, or hours of use. As a consequence, changes-of-use within categories are not classed as development as their impacts on amenity will be broadly similar. Therefore, these changes do not require a planning application. For example, a greengrocer's shop can be changed to a shoe shop without permission as both are classified within the same Use Class.

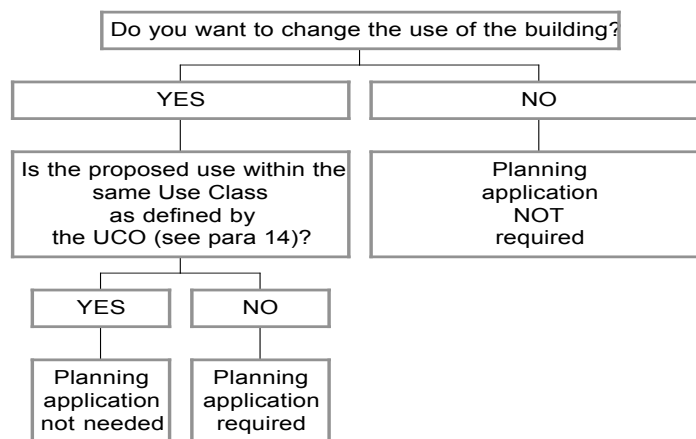
Residential drug rehabilitation centres will generally fall within the same use class as other residential institutions where care is a primary element. This is Use Class C2. Non-residential drug rehabilitation centres will generally fall within the same Use Class as other health centres and clinics: Use Class D1.

Those premises which are already classified as being in the same Use Class as your proposed drug treatment centre would, in planning terms, not be viewed as a change-of-use. Thus, existing D1 premises might be converted to a drug-treatment clinic (non-residential) and, in planning terms, this would not be considered a change-of-use. Similarly, existing C2 premises may be converted to a residential drug treatment centre and, in

planning terms, would not be considered a change-of-use. In looking for new premises, Local Partnerships may want to bear in mind that those with existing Class D1 use would probably not require planning permission provided any adaptation to the building were limited to internal arrangements.

However, any premises not classified within the same use class (including those classified as *sui generis*) would require planning permission before any development, or conversion to D1 or C2 use could take place. Therefore, it would be advisable to consider whether you need to obtain planning permission for your intended use (and, if so, your chances of getting it) *before* you negotiate a lease or buy a property. Information about the Use Classes Order can be found at: <http://www.planningportal.gov.uk>

Changes of Use



11. Building new premises

The construction of new premises nearly always needs an application for planning permission. The development plan in force in your area (see Introduction) will give you some indication of whether your proposal is likely to be acceptable, but it is worth talking to your local planning authority before you acquire the land and start the design phase of your project. If there are difficulties, local planning officers may be able to suggest ways to make your proposal more acceptable. However, they cannot guarantee that planning permission will be granted, even if you have discussed your application with them.

The *Construction Best Practice* Programme is setting up a web-site to ring together simple-to-use information as a "one-stop-shop" for construction clients. (See "Sources of Help.")

12. Applying for planning permission

Preparation

Anyone can make an application, irrespective of who owns the land or

buildings concerned. However, if you are not the owner, or if you have only part-ownership, you have to inform the owner or those who share ownership, including any leaseholder whose lease still has seven or more years to run, and any agricultural tenant.

It is not necessary to make the application yourself. If you wish, you can appoint an agent (for instance, an architect, a solicitor, or a builder) to make it for you.

Below is a table illustrating the steps you need to take during the planning application process.

STEP 1:	Contact your local authority and inform the officers of your proposal.
STEP 2:	If relevant, ask to see the Development Plan and discuss any potential problems.
STEP 3:	Obtain a planning application form. You are likely to need at least 3 copies of your application, plans and drawings. Find out in advance what the planning authority will request from you.
STEP 4:	Decide on the type of planning permission you need.
STEP 5:	If necessary, consult neighbours or anyone else who will be affected by your proposal.
STEP 6:	Submit the application with the appropriate fee, and any certificate of ownership/notification.
STEP 7:	Find out when the decision is likely to be made.

Types of Application

There are two types of planning applications: Outline and Full

- Outline

For a new building, you can make an outline application to find out whether the development is acceptable in principle. This has the advantage that detailed drawings are not needed, but it will help to provide the local planning authority with as much information as possible. Once outline permission has been granted, you will need to ask for approval of the details (reserved matters) before work can start. These comprise siting, design, external appearance, means of access and landscaping. What you propose must be consistent with the outline permission. If your proposals have changed in any way, you may need to reapply.

- Full

A full planning application requires the submission of all details of the proposal. It is appropriate if you wish to change the use of land or buildings, or if you want to start work quickly.

Consultation

The local planning authority will publicise your application as soon as it is

submitted, to invite comments from anyone who may be affected by the development. Nevertheless, even before making your application, it is advisable to consult any neighbours who might be affected by your proposal, and perhaps the parish or town council, in case you can eliminate any controversial aspects of your scheme in advance.

Treatment centres are likely to be politically controversial. There will be a need to raise awareness in the neighbourhood and with local councillors of the notice of the proposals; how it will benefit the area and how the health & safety concerns of local people about attracting drug-users to the area will be addressed. (See section on Community Engagement.) You should also consider consulting other bodies who might have an interest, such as the Police and the local Neighbourhood Watch.

In more complicated cases, you should consider consulting other bodies who might have an interest. For example the *Health and Safety Executive* may want to discuss the use of any dangerous chemicals in your proposed development.

Time Scale

In most cases a decision will be made within eight weeks. Large or complex applications may take longer. Your council should be able to give you an idea about the likely timetable.

Fees

The amount of fees varies according to the type of development proposed. Your council will tell you how much is payable.

The Application Process

The Council will give you a planning application form and any guidance on the information it expects you to provide. It is often a good idea to meet a planning officer for an informal discussion before you proceed. You will not be charged for this.

Meeting a Planning Officer

It is often helpful to meet a planning officer for an informal discussion before you proceed. If you wish to do so, you should be fully prepared to describe your proposals and show plans. You can:

- ask for an assessment of whether there seems a reasonable chance of getting permission;
- discuss site problems, eg. roads, footpaths, power cables, watercourses, sewers and telephone lines;
- ask about potential problems such as noise and traffic and whether the council might impose conditions to overcome these problems rather than refuse planning permission.

The level of preparation required depends on what you propose to do. In simple cases it should be sufficient to look at the main issues governing the grant of permission and decide which of these are relevant to your application.

Say why you think your proposed development should be allowed to go ahead. Planning applications will normally be decided in accordance with the development plan; you will therefore need to justify any proposals which would constitute an exception to the plan. If the planning officer tells you that national policies could be an important consideration, you may wish to refer to planning guidance notes issued by the ODPM.

Application forms

The local planning authority will give you a planning application form and any guidance on the information it expects you to provide. Your application form must be accompanied by a plan of the site, details of any proposed works and the fee. At least three copies of the form and plans are required, although some councils may ask for more. You must also complete a certificate to confirm that you own the land or have notified all owners of the land.

It may be possible for you to submit your planning application electronically. All authorities should have this facility eventually. To find out whether this facility is available yet, you would need to ask your local authority.

Publicity

Once your application has been accepted, a copy will be placed in the planning register to be available to anyone who wants to see it. The council will notify neighbours by letter or will fix a notice on or near the site, and may also advertise your application in a local newspaper. This gives the public the opportunity to express views. The parish or town council will usually be notified, and other bodies such as the county council, the Environment Agency and the ODPM may also need to be consulted.

It will probably help your application if you have met local parties beforehand to discuss any concerns or objections that they might have about your application. You will at least be aware of any news the council will receive.

Comments

Anyone can comment on your proposals. Your local council will assess the relevance of comments and, in the light of them, may suggest minor changes to the application to overcome any difficulties. A report will then be sent to the planning committee or the planning officer making the decision.

Progress of your application

In most cases, a decision will be made within eight weeks. Large or complex applications, however, may take longer. Your local planning authority should be able to inform you of a likely timetable.

If you feel the planning department is slow in dealing with your application, you can ask when a decision is likely. If you are still not satisfied, you can raise the matter with the council's monitoring officer or with your elected local councillor. Even if councillors are not on the planning committee themselves, they will be able to put your points to those who are.

It may be useful to find out the dates of future committee meetings. Making your application at the right time could gain you three or four weeks if your proposals get on to the agenda of an earlier committee meeting. You have the right to attend the council meeting deciding your application.

Some planning applications are decided by planning officers under powers delegated to them by councillors. In that case you will not have to wait for a council meeting. This does not prevent you making representations to councillors if you wish.

Planning Permission obtained

A local planning authority grants planning permission by sending you a letter notifying you of its decision.

Generally, when permission is granted, unless your permission says otherwise, you can begin the development at any time within five years of the granting of planning permission. If you have not started work by then, you will probably need to reapply. If the permission is subject to conditions (for example, requiring you to submit for approval details of a specified aspect of the development which was not fully described in the application) these must be dealt with before the development can begin.

If outline permission has been granted, you will need to submit a further application for approval of reserved matters before starting work. This must be done within 3 years of the grant of outline permission.

Can you alter details of your proposal?

It may be possible for you to make minor changes as you proceed but you should check the position with the council first. Any significant variation would require a further planning application.

Conditions

As an alternative to outright refusal, the council may grant permission subject to conditions, for example, restricting what you can do on the premises, or requiring you to get specific approval for aspects of the development, such as the materials to be used, before you can proceed. Again, the council has to give reasons for the conditions. If you are not

prepared to accept the conditions, you can discuss the position with the planning officer, who may be able to suggest ways of overcoming the council's objections. Alternatively, you may also appeal against the council's conditions to the Planning Inspectorate. (See 'Appeals' for further information, or the address.)

Can anybody implement a planning permission?

Planning permission runs with the land. Therefore, the question of who is to carry out development for which permission has been granted, or subsequently occupies the premises, is not normally relevant. This means that land or buildings can usually be sold or let with the benefit of planning permission. Occasionally, however, planning conditions (see above) may limit the use or occupation of land or premises to a named person or company. If you wish to sell or let a building or land which is subject to such a conditional permission you will need to apply to the council to remove the condition.

Appeals

Your council must give written reasons for refusing permission. If the council refuses your application outright, or grants it subject to conditions which you find unacceptable, you have the right to appeal to the First Secretary of State. You also have the right to appeal to the First Secretary of State if you do not get a decision within 8 weeks of making your formal application, unless you have agreed in writing to an extension of that period. If you do appeal, your application will be out of the council's hands and it may take longer to decide than if you had persevered with the local authority.

An independent Planning Inspector, appointed by the First Secretary of State considers appeals. Most are handled in writing and take about 18 weeks to determine. Some are determined by an informal hearing before an Inspector; this type of appeal usually takes up to 24 weeks. A few are determined after a public inquiry, which often takes about 40 weeks. Further information is given in the booklets "*Guide to taking part in planning appeals*" and "*Making your planning appeal*", which you can get free from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol BS1 6PN
Telephone: 0117 372 6372.

Appeals are dealt with purely on their merits. Only about one third of the appeals for business development are successful.

You must send your appeal to the Planning Inspectorate to arrive within three months of the date of notice giving the council's decision or, if one has not been given, three months from the date by which the decision ought to

have been made. This gives you time to sort out whether you can overcome the council's objections in other ways, either by negotiation or by amending your proposal.

There is no charge for making an appeal but you will inevitably incur some expenses in presenting your case. The cost involved will depend on the procedure to be followed and on the complexity of the case.

In an inquiry or hearing, the council, or other people involved in the appeal, may apply for costs against one of the other parties for "unreasonable" behaviour, for example, failure to submit documents or attend a meeting. It would have to be shown that unnecessary costs had been incurred as a result of this behaviour. An award of appeal costs is not made on the basis of who "wins" the appeal.

The arrangements for awarding costs are explained in detail in Department of the Environment Circular 8/93, "Awards of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings". You can get this from the Stationery Office. There is further information in the Government's booklet "Costs Awards in Planning Appeals: A Guide for Appellants" which can be obtained from the Planning Inspectorate.

Community engagement

The aim of National Drugs Strategy is to reduce the harm that drug use causes to communities and individuals and their families. Engaging the local community in the development of the strategy to tackle drug misuse and its implementation is a key requirement to successful delivery of the strategy.

Enter into a dialogue with the local community as soon as you have identified the area for locating a new service. Take every opportunity to explain the nature of the service including organising public meetings and using existing community meetings forums to answer questions and concerns. You will need to be open and clear about exactly what services will be provided. Be prepared to explain how and by whom it will be used and what benefits the development will provide to the local community as a whole. Identify key local leaders and groups and take the time to show them other drug treatment facilities in similar areas.

For the project to be sustainable the local community will need to have confidence that the service will be well managed and that there will be no adverse consequences for local residents. You will also need to reassure residents that should any problems arise, there is a mechanism for dealing with them and your commitment to engaging with the wider local community will continue once the service is operational.

Other useful information

Some exceptional buildings have been listed by the Department for Culture,

Media and Sport because of their special architectural or historic interest. For instance, many municipal buildings and past and present places of worship enjoy the protection of listing. If you are hoping to alter a listed building, you should make sure you obtain detailed advice from your local planning authority, as you may need to apply to the local planning authority for listed building consent. It is a criminal offence to make unauthorised alterations. A free leaflet, *What Listing Means*, is available from DCMS. (Telephone 0207 211 6913.)

In a conservation area, conservation area consent may be necessary if you wish to demolish a building or a boundary fence or wall. The local planning authority can advise on this.

13. Legislation

The *Town and Country Planning (Applications) Regulations 1988*
The *Town and Country Planning (General Development Procedure) Order 1995*

14. Sources of help

- Extensive information on the planning system is available on the Planning Portal website: www.planningportal.gov.uk
- A variety of useful information is accessible through the ODPM website: <http://www.odpm.gov.uk>
- The Building Regulations control the structural, safety and fire aspects of buildings. Explanatory booklet: *Building Regulations and the Party Wall Etc Act*, are available from:
 - ODPM Free Literature
 - PO Box 236
 - Wetherby
 - West Yorkshire
 - LS23 7NB
 - Telephone 0870 1226 236
- Alternatively, the website addresses are:
 - Building Regulations: <http://www.safety.odpm.gov.uk/bregs>
 - Party Walls, etc: <http://www.safety.odpm.gov.uk/bregs>
- Information for construction clients is the Construction Best Practice Programme: Clientzone at: <http://www.cbpp.org.uk/clientzone>

Useful addresses:

- **Confederation of British Industry**
 - The Smaller Firms Council
 - Centre Point
 - 103 New Oxford Street

London WC1A 1DU
Telephone **020 7379 7400**

- **The Countryside Agency**
John Dower House
Crescent Place
Cheltenham
GL50 3RA
Telephone **01242 521381**

- **Planning Inspectorate,**
Temple Quay House,
2 The Square,
Temple Quay,
Bristol BS1 6PN

- **The Royal Town Planning Institute**
41 Botolph Lane
London
EC3R 8DL
Telephone **020 7929 9494**

- **Royal Institution of Chartered Surveyors**
Information Centre
Surveyor Court
Westwood Way
Coventry CV4 8JE
Telephone **02476 694757**

- **Royal Institute of British Architects**
66 Portland Place
London W1B 1AD
Telephone **020 7580 5533**

Useful web-sites:

<http://www.odpm.gov.uk>

<http://www.planningportal.gov.uk>

<http://www.safety.odpm.gov.uk/bregs>

<http://www.drugs.gov.uk>