

Agenda Item A5	Committee Date 8 February 2016	Application Number 15/01454/VCN
Application Site Tregothnan Retirement Home 112 Balmoral Road Morecambe Lancashire		Proposal Change of use from hotel into home for the elderly (pursuant to variation of condition 2 and 3 on planning permission 01/86/1048 to allow the premises to be used as a rehabilitation facility for substance misuse and to allow a maximum of 21 persons being accommodated on site)
Name of Applicant Mr Matthew Wheeldon		Name of Agent Mr Simon Wallis
Decision Target Date 25 January 2016		Reason For Delay Request for committee determination and awaiting receipt of additional information
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Refusal

(i) **Procedural Matter**

This form of application would normally be deal with under the Scheme of Delegation, however given the concerns expressed by local residents to a Ward Councillor particularly with regard to consultation by the applicant with local residents, and a need to understand the management of the use, Councillor Whittaker has requested a Committee determination.

1.0 The Site and its Surroundings

- 1.1 The application site is located at the junction of Balmoral Road with Devonshire Road with its principal frontage facing Balmoral Road. The property is a double-fronted building of stone construction to the main elevations. The building has been changed significantly over the years with the additional of a third floor and flat roof. A two-storey extension runs along the Devonshire Road frontage, and lift shaft extension and third floor flat roof addition to the rear. A small open courtyard is enclosed by the building. The Devonshire Road frontage includes ground floor garaging and a shallow private forecourt.
- 1.2 Balmoral Road is characterised by large substantial stone built residential properties built over 2/3 storeys, most of which are in single household occupation. Devonshire Street is also predominantly occupied as single households in more modest two-storey properties facing the application site. The road width on Balmoral Road is generous, allowing for on-street parking and two-way flow. Many of the properties in the immediate area rely wholly on on-street parking to service the dwellings.
- 1.3 The Galloway Society for the Blind currently occupies and operates from a substantial plot comprises a large imposing two storey building with later single storey flat roof additions to the rear. The building lies directly opposite the application site fronting Balmoral Road. The property is used as a drop-in centre providing assistance and advice to people with visual problems. The property is currently advertised for sale.

- 1.4 Adjoining the property on Balmoral Road is a single private dwelling built over two floors with stone elevations and slate roof. The side wall of the property abuts the application site for its full depth. The property has no rear space with the private amenity area running down the side of the property for its full depth. A single private dwelling also abuts the Devonshire Street frontage of the application site. The property is a two storey house which abuts the two storey flat roof section of the application. The dwelling has a deep footprint running alongside the built form of the application site. This property enjoys a private rear garden and off street parking.

2.0 The Proposal

- 2.1 This is a Variation of Condition application. As such, in accordance with national advice, the range of literature and plans required to support the application is considerably reduced. However the applicant has submitted further information at the request of Officers, to allow for a full consideration of the proposal. The application is seeking to remove the restrictive occupancy/scale conditions (Conditions 2 and 3) which were attached to planning consent 01/86/1048. For clarity, the conditions imposed read as follows:

Condition 2. The development hereby permitted shall be used for a home for the elderly and for no other purpose, including any use falling within Class XIV of the Town and Country planning (Use Classes) Order 1972.

Reason: To ensure that inappropriate uses do not take place in the locality.

Condition 3. This permission relates only to a maximum of 15 residents being accommodated at the premises.

Reason: To satisfy the requirements of the Social Services Department of the Lancashire County Council.

It is the applicant's intention that the removal of these two conditions would enable the property to be used as a rehabilitation facility for substance misuse for up to a maximum of 21 residents.

- 2.2 The operators Oasis Recovery Communities are a private company specialising in providing support services for people with substance abuse issues. The company operates nationally with the applicant operating in the Midlands, North, Wales and Scotland. The company operates both a detox unit and a follow-up rehabilitation unit.
- 2.3 The centre is staffed 24 hours a day every day of the year including waking overnight staff. Residents stay at the property for a six-month period where they attend structured therapy sessions through each day. Clients can be aged between 18 and 65 and are both male and female. The building is currently registered for 15 beds (5 twin and 5 single).
- 2.4 All occupants stay on-site unless they are accompanied by a member of staff. Evenings at the centre are based inside the building attending mutual aid group sessions. Accompanied residents can attend local mutual aid groups outside the centre, and these are always in the company of a member of staff. The programme of rehabilitation is split into two stages typically of 12 weeks per stage.
- 2.5 The applicant has indicated that residents are referred from public health regions across Lancashire and the north of England. Following completion of the six-month residency, the applicant advises that occupants usually return home (the applicant indicates that approximately 90% of residents return home) but others choose to access voluntary work and college courses in Lancaster. Those that want to relocate were placed in Inward House, a supported housing development in Lancaster (now understood to only be available to local or Lancashire County residents) or in other supported schemes in Accrington, Liverpool and Warrington. None of the residents are discharged without a robust aftercare package of support. For residents who do not return home or relocate to supported housing, they are escorted to the train station and observed leaving the area.

3.0 Site History

- 3.1 The site has limited planning history all relating to the use of the property as a Retirement Home. The conditions referred to in paragraph 2.1 above were included on the February 1987 planning permission for the change of use of a hotel to a home for the elderly.

3.2 The current operation has already occupied the property since late last year. The operation as a rehabilitation facility for substance misuse is in direct breach of these restrictive planning conditions. The operators, Oasis Recovery Communities are now seeking retrospective consent to vary the conditions to allow occupancy as a rehabilitation facility for substance misuse accommodating a maximum of 21 residents.

4.0 **Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response										
County Highways	No comments to make. Following provision of further information over the operation of the facility no objections raised to the development.										
Environmental Health	No adverse comments in respect of the proposed development. It is considered that there is unlikely to be any significant noise or anti-social behaviour issues associated with this use.										
Strategic Housing	<p>Objection to the development. The City Council works in partnership with Lancashire County Council, to deliver the Supporting People Programme across Lancashire. These have all been services provided to meet a local need in Lancaster district. The partnership's intention has always been that the services funded through the Supporting People programme should be prioritised for people with a local need, to assist district councils in meeting their own statutory duties. It is also important for each local authority to ensure that there is sufficient move-on accommodation facilitated when people are ready to move on from supported housing.</p> <p>It is a concern of Lancaster City Council's Housing Options Service that a number of people leaving Tier 4 Rehab Services (of which this proposal falls into) and other substance misuse projects provided locally, have been presenting to the Council for assistance with rehousing. To this end, these concerns have been raised directly with the Commissioning Manager for Tier 4 Rehab Services employed by Lancashire County Council, as well as the Head of Supporting People (<i>in the context of the allocation policy that exists for the supported housing scheme at Aldcliffe Road – a supported housing project for people with a history or at risk of substance misuse</i>). More specifically, Lancaster City Council has not been able to successfully refer local residents into the project at Aldcliffe Road because all vacant places were previously being allocated to those leaving residential rehab facilities who had no local connection to the Lancaster District.</p> <p>Council Officers have engaged with the operators of another facility in Lancaster District to try and understand what housing pathways plans are in place when people successfully leave residential rehabilitation, especially if they are not from the Lancaster District. It appears that it was quite common for people to have a desire not to return to the district they were from, and in many instances were supported and encouraged to stay in this area. This is contrary to the County's commissioning vision around rehabilitation which is centred around celebrating recovery from drug and alcohol addiction by returning to their own communities. It should be noted that the facility at Balmoral Road is not on the LCC rehabilitation framework and so is not held by the requirements of LCC commissioners.</p> <p>The following data from Lancashire County Council sets out the level of bed-spaces in Tier 4 (T4) Residential Rehabilitation establishments across Lancashire:-</p> <table data-bbox="389 1872 1267 2042"> <tbody> <tr> <td>Fylde</td> <td>36</td> </tr> <tr> <td>Ribble Valley</td> <td>22</td> </tr> <tr> <td>Preston</td> <td>16</td> </tr> <tr> <td>Chorley</td> <td>28</td> </tr> <tr> <td>Lancaster District (including 112 Balmoral Road)</td> <td>67 (46 without)</td> </tr> </tbody> </table> <p>Lancaster District includes Littledale Hall and Walter Lyon House.</p>	Fylde	36	Ribble Valley	22	Preston	16	Chorley	28	Lancaster District (including 112 Balmoral Road)	67 (46 without)
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	<p>Statistical information from the Council's Housing Options Team on the number of people that have approached the Council after leaving one of the substance misuse services operating in Lancaster District revealed that there have been 84 applications for rehousing in total since 2011; of these 82 individuals did not have a local connection to Lancaster District, which in line with the existing allocation policy, deems them ineligible. Furthermore the Council has received a total of 75 statutory homeless applications and has had to respond to issues of people rough-sleeping after leaving T4 Residential Rehab both after fully completing the programme, or in an unplanned way. Not only does this significantly impact upon officer time/resources, it can have an extremely detrimental effect on the individual concerned.</p> <p>In terms of the location of 112 Balmoral Road, Morecambe, the premises sits just outside the defined Masterplan area for the West End of Morecambe. One of the primary aims of the Masterplan has been to reduce the number of vulnerable and marginalised single people in that area. The chosen location of the premises conflicts with the wider principles of the masterplan, and given the pattern that has previously emerging, those leaving the facility could well move into over-supplied poor quality poorly-managed private rented accommodation in that area, and will again potentially require further interventions from a range of services once they are no longer the responsibility of the operator at 112 Balmoral Road. This would be an extremely poor outcome for all parties.</p> <p>Whilst noting that Lancashire Constabulary have not objected to this proposal, and considering the relatively short period of time the service has been operating to date, it is difficult to gauge what the impact could and will be. However, concerns relate to the wider implications for the City Council and other organisations once people leave the facility. As recently as last week, a presentation was made by an individual from Grimsby who left 112 Balmoral Road after 1 night and was rough sleeping. The male turned up as an emergency homeless appointment and was seen by a Statutory Homeless Officer and 2 Homeless Prevention staff who subsequently made a number of enquiries regarding his status. The Drug and Alcohol Services Commissioner for Grimsby was, at the time contacted by Lancaster City Council, unaware that he had left 112 Balmoral Road, the male had to be escorted to the train station by 2 x staff and the council paid for a train ticket in order to reconnect him back to Grimsby. The provider took no responsibility for the male once he had left the service for the 10 day period until the Council managed to reconnect him.</p> <p>The Aldcliffe Road supported housing project was re-tendered in 2015, and at that time, the service specification which the new provider must comply with sets out that priority for vacancies will be given to those with a connection to Lancaster District, then to individuals with a Lancashire connection before any other individual would be considered. As a result of this, the existing referral agencies such as Tier 4 Rehab Services will not enjoy the same success rate in the future and they should not be relying on future availability of this service as part of pathway plans for those leaving this facility.</p> <p>Overall, had the provider consulted the Strategic Housing Officer or the Commissioning Manager directly about this proposal at an earlier stage, then the above concerns would have been raised then. In particular, the level of provision that now exists in Lancaster district, and the lack of provision in other parts of the county, which may well have been a more appropriate location for this type of service to avoid a disproportionate number operating in this area which has longer term implications for the local authority in terms of its officer, housing and financial resources.</p>
<p>Lancashire Police</p>	<p>No objections. The site has 3 reported incidents logged against it over the last few months none of which directly relate to any detrimental running of the rehabilitation facility. The three incidents are (i) a suspected theft from the garage attached to the property when it was unoccupied; (ii) information provided to the police by the current occupiers of an open afternoon with local residents regarding the new rehabilitation centre on 29/10/15; and (iii) concern for the safety of a vulnerable resident that left the home. This was resolved as the resident returned safe and well.</p>
<p>Community Safety</p>	<p>The planning application was sent to the members of the Lancaster District</p>

Partnership <i>(comprising reps from)</i> City and County Councils; Lancashire Constabulary Lancashire Fire & Rescue Lancashire County Council Lancashire Youth Offending Team Office of the Police & Crime Commissioner Cumbria and Lancashire CRC (Probation) North Lancashire NHS CCG	Community Safety Partnership (CSP) for comment. They have responded indicating that they have no comment to make.
Morecambe Town Council	No comments received within the consultation period

5.0 Neighbour Representations

5.1 An objection has been raised to the operation of the facility by Councillor Whittaker as a local Ward Councillor on behalf of a number of local residents. The main grounds for concerns were: -

- Breach of planning regulations (operating without consent) – *NB: this is not a valid reason for refusing permission;*
- The operations are considered to directly conflict with the City Council's objectives for Regenerating the West End;
- This Drug Rehab Facility is not needed in the format that is being applied for. The applicant is seeking to provide a service with 21 rooms and this is out of proportion to any local need;
- Concerns as to whether this will provide a service for local people living with challenges in regard to drug addiction; he believes that this is not the case;
- The change of use will exasperate the parking problem that residents experience at the weekend;
- The use is operating in an area where there are ongoing issues with people living with challenges in regard to addiction as well as other various other social problems;
- Local Services are already stretched, the introduction of a further service of this form is not appropriate;
- Concern over where will these people move onto once their programme of recovery has been completed - Will they return to their previous address or remain in The West End where there is the possibility of them moving back into addiction and further exacerbating existing problems in the local area;

In addition three letters have been received from local residents, raising objection to the development. The main grounds for objections include:-

- Inappropriate location within the West End, an area where much focus has been made and monies spent on addressing current drug, alcohol and housing problems;
- Inappropriate location immediately alongside residential properties and close to schools;
- The operation of this facility results in the importation of drug and alcohol dependent people into the area;
- The property has windows which directly overlook the neighbouring dwelling and alongside is a smoking area used by staff and patients with attended noise disturbance;
- The operation has resulted in late night/early morning noise/disturbance from the property to the detriment of the neighbouring occupiers;
- Highway concerns - the facility operates a large minibus for transporting patients; poor parking by the minibus and staff cars has resulted in restriction of Devonshire Road and blocking visibility of the road junction; and,
- Devaluation of local housing (*NB: not a valid planning consideration*) and undermining of improvement policies for the area.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 7 – setting out the three strands and sustainable development – economic, social and environmental roles.

Paragraph 14 decision taking in accordance with the development plan.

Paragraph 17 – Core Principles

Paragraph 50 – Delivering a wide choice of high quality homes reflecting local demand

Paragraph 69 and 70 Promoting healthy communities which addresses the community needs

6.2 Lancaster Core Strategy

Councils Vision - Spatial development

SC1 - Sustainable Development

SC2 – Urban Concentration

SC4 – Meeting Housing Needs

ER2 – Regeneration Priority Areas

SC6 – Crime and Community Safety

CS1 – Improving Customer Services

6.3 Development Management DPD

DM45 Accommodation for Vulnerable Communities

DM49 Local Services

6.4 Other Material Considerations

West End Master Plan Regeneration Area

7.0 Comment and Analysis

The main issues in respect of the development are considered to be:-

- Principle of development;
- Operational Management of the Premises;
- Impact on residential amenity (including fear and perception of fear of crime) and Locational Considerations;
- Accommodation for vulnerable groups – including any procedures for follow-on facilities; and
- Impacts on local services.

7.1 Principle of Development

7.1.1. In seeking to achieve sustainable development the NPPF includes three dimensions to achieve sustainable communities, economic, social and environment. The social roles seeks to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations with accessible local services that reflect the community's needs, supporting its health, social and cultural well-being. In developing a sustainable and healthy community, the housing needs of the community should to be addressed. Housing needs include those of vulnerable members of the community and can include older people, young people leaving care, people suffering domestic abuse people with a history of offending, and people with a history of substance abuse. Paragraph 50 of the NPPF sets out the need to deliver an inclusive mixed community planning for the needs of different groups in the community.

7.1.2 Lancaster Core Strategy Policy SC4 whilst pre-dating the NPPF has those core principles set within it, seeking to ensure that housing will deliver a strong, stable and sustainable community with homes for everyone. In recognising the needs of those communities with special needs the policy states that Lancaster District will address the needs of groups with legitimate special requirement where these are “...clearly evidenced and locally generated”.

7.1.3 Development Management DPD Policy DM45 reflects guidance in the NPPF, recognising the need to provide a range of housing including accommodation for vulnerable communities. Again, the development should be a genuine housing need to meet the needs of the community.

7.1.4 Proposals for the provision of additional specialist housing will need to have regard to the policy

position laid out in the NPPF and the Development Plan. But the use, in planning terms, is an acceptable one in principle providing that the criteria contained within the Development Plan is adhered to.

7.2 Operational Management

7.2.1 The operation of the unit has been outlined in Paragraphs 2.2 to 2.5. The service is intensely managed 24 hours a day with clients being provided with full board and accommodation as well as working sessions with qualified professionals on a day to day including evenings. Residents are only allowed to leave the property if accompanied by a member of staff.

7.2.2 The day to day parking operations at the site have clearly raised some issue with local residents. The operation includes access and use of a large minibus to move clients and will also have a parking demand for staff. In practice, the operation of the site and its servicing differs little from the operation of the property as a retirement home which has a relatively high staff demand, 24 hour care and often private transport for residents. These similarities are acknowledged in the Use Class Order 1987 (as amended), with both uses falling in Class C2 (Residential Institutions). Only the restrictive condition attached to the 1986 consent demands a need for a planning application to remove the conditions. It is considered that there are no justifiable highway-related reasons to oppose the development, and County Highways concur.

7.2.3 The use has not raised issue with Lancashire Constabulary or the Lancaster District Community Safety Partnership (CSP), although concerns have been raised by local residents and they focus primarily on the principle of development and its location. However given the responses from the statutory organisations, and the information provided by the applicant, the premises appear to be being managed on a day-to-day basis appropriately.

7.3 Impact on Residential Amenity (including crime and the perception of fear of crime) and Locational Considerations

7.3.1 As set out above, the day to day operation of the facility is not considered to raise a sustainable objection. The property sits immediately alongside two independently-occupied single family houses. Concerns have been raised over the close relationship of the properties to existing housing and a local junior school. Whilst not explicit in the wording of the concerns, there is clearly a fear of crime and anti-social behaviour linked to such a development within the immediate locality. Whilst fear of crime is recognised as a material planning consideration, it is well established in planning case-law that the fear must have foundation in order to be considered as a reason for refusal. The absence of any reports of anti-social behaviour (to the police) or increases in instances of crime since the use was established (albeit without planning permission) indicate that such fears are presently unfounded.

7.3.2 Similar public observations occurred some years ago at Bellfield House on Euston Road (albeit for a different use). A planning application sought to change the use of the property for the administration of a drop-in centre/needle exchange. The application was recommended for approval by Officers but following numerous objections and strong representation by the public, the recommendation was overturned at Committee by Members. The applicant appealed against the refusal, and in allowing the appeal (and awarding costs against the Council for an unreasonable decision), the Planning Inspector reached the following conclusions on crime and amenity:

“...Lancashire Constabulary’s Architectural Liaison Officer raises no objection to the proposal on the basis that that a review of crime statistics unearthed no reported incidences of crime or anti-social behaviour at existing drug treatment centres in Morecambe, contrary to the suggestion of some third parties. In the absence of any substantive conflicting evidence, these factors lead me to conclude that there is no reason why the proposal would directly result in increased levels of crime and anti-social behaviour within the local area, to the detriment of local residents”.

7.3.3 Given the absence of any substantive evidence in the current case from the consultees responsible for community safety, it is considered that there are no planning grounds for an objection based upon residential or public amenity, including crime.

7.3.4 The site fronts the southern side of Balmoral Road and lying on the periphery of the West End

Masterplan (WEM) Area (2005) which follows Balmoral Road on its northern side. The WEM recognises the specific issues affecting the area including, high unemployment rates, poor housing, poor public realm, unstable populations, social deprivation including vulnerable adults, drug and alcohol abuse. The WEM has adopted a number of approaches and strategic objectives to seek improvement of the area: -

- Increase the attractiveness of the West End as an area to live for existing residents and to attract new people to move into the area as long-term residents, having a knock on impact to improve the overall image of the resort;
- Increase the proportion of owner-occupiers and reduce the private rented sector as a means of improving stability;
- Diversify the types of housing available;
- Increase the amount of useable quality of open space;
- Improve the quality of the built environment; and,
- Assure the sustainability of local shops through consolidation and establishing a niche market identity.

7.3.5 Significant work has been taking place over the last 10 years to address many of these strategic objectives. Works include environmental and public realm improvements, significant re-modelling of existing housing, and creation of new areas of public open space. A mid-term report in 2009 recognised the works already undertaken in the area, noting its successes, and sought to develop mid and long-term aims. These works are still on-going, and evidence of this is close by in the form of the latest housing based regeneration project which involves the current remodelling of housing in the Balmoral Road/Chatsworth Road (West End One, by Place First).

7.3.6 The Strategy seeks a more stable balanced community in the West End. Development will reduce the impact of traffic, improve housing and be of a quality which will raise standards and help deliver a step change in environmental quality and a sense of place.

7.3.7 It is considered that the chosen location of the premises conflicts with the wider principles and the quantified improvements brought about by the sustained implementation of the strategic objectives of the WEM, and given the pattern that has previously emerged, those leaving such a facility, particularly as recently experienced not having completed the two stage rehabilitation could well move into over-supplied poor quality poorly managed private rented accommodation in that area.

7.3.8 This will again potentially require further interventions from a range of services once they are no longer the responsibility of the operator at 112 Balmoral Road, which will be an extremely poor outcome for all parties. The inward migration of individuals with known substance abuse issues would also undermine the significant improvements made to the nature and stability of the resident population and public perception of the West End. The use – and the inward migration of those with drug and substance dependency issues in such close proximity to the regeneration area - would undermine the strategic direction of the WEM and is considered to be contrary to the NPPF and Development Plan, particularly conflicting with the aims to build a stable sustainable local community.

7.4 Accommodation for vulnerable groups

7.4.1 The applicant is a private company running a substance misuse detoxification and rehabilitation service. The applicant have a single northern detoxification facility in Bradford which provides for 17 beds. They also operate two rehabilitation units with 62 beds in total, one in Runcorn and the other in Morecambe, the subject of this retrospective application. The Bradford and Runcorn facilities are located in quiet urban areas on the edge of other residential properties. The applicant has indicated that residents are not local with referrals from public health regions across Lancashire and north of England. It is understood from the Commissioning Manager for Tier 4 Rehab Services - employed by Lancashire County Council - that the Balmoral Road facility is not on the LCC rehabilitation framework and would not gain direct referrals from Lancashire County Council commissioners.

7.4.2 Lancaster district already has significant provision of rehabilitation facilities (Tier 4) with Littledale Hall (31 spaces) and Walter Lyon House, (15 spaces). These facilities already provide for 46 No. Tier 4 rehabilitation bed spaces, well in excess of other districts across Lancashire. With the addition of the current proposal bed spaces in the district would be 67 spaces.

7.4.3 As discussed, the provision of housing for vulnerable groups is an important component of housing need and provision in any district. National Planning Practice Guidance identifies need as: -

Need for housing in the context of the guidance refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand.

7.4.4 Policy SC4 of the Lancaster Core Strategy seeks to ensure that Lancaster District meets the needs of communities with special needs with provision based on a clearly evidenced submission that meets a locally generated need. These constraints are again reflected in Development Management DPD Policy DM45 which seek to ensure that such development meets a genuine need and has support of the relevant Commissioning Manager.

7.4.5 The current planning application fails to provide any evidence of a locally-generated need, and as a consequence it fails to satisfy Development Plan policy. This is concerning, particularly as the District already provides a comparatively large number of Tier 4 bedspaces. Further supporting information from the applicant confirms that the business seeks to attract clients from a large geographical area well outside both the district and the County. In responding to a specific query over how clients are referred and where they are referred from, the applicant indicates that the residents are referred from public health regions across Lancashire and north of England. An examination of the company website confirms this approach and encourages potential clients from any location in the north. As the facility is not on the LCC rehabilitation framework it would not gain direct referrals from Lancashire County Council commissioners.

7.4.6 This approach to housing provision is considered to contradict the approach to the generation of sustainable communities, the framework to which is laid out in the NPPF and the detailed policy position set down within the district's Development Plan. The proposal does not evidence or seek to address locally generated need and provides a supply of housing which encourages inward migration of vulnerable groups into the district. Given the absence of clear evidence from the applicant to prove a genuine locally-generated need for the use, in the particular location in which it is provided, a policy objection can be sustained.

7.5 Impact upon Local Services

7.5.1 Based upon the model of accommodation and service that has been set out by the applicant, at least 10% of residents seek to relocate to the Lancaster District following completion of the two stage rehabilitation with a need to find follow-on housing and support. This figure of 10% is not evidenced by robust data in the planning application; and appears to contradict the comments of the Strategic Housing Officer, which are based upon dialogue with the Commissioning Manager (County Council).

7.5.2 In addition to residents who complete the programme and go on to reside in the area, there is additional pressure brought by residents who choose to leave the rehabilitation programme before its completion. The Strategic Housing Officer has cited a recent case (in January 2016) where a resident from well outside the district chose to leave the programme after only a single day, rough slept for a number of days and presented as an emergency homeless appointment. Whilst it is acknowledged that this is a single example, it does emphasise the impact upon local services that this single example caused. The resulting care and reconnection with his home town (on the east coast) resulted in the time of at least three local staff, the Drug and Alcohol Commissioner for the resident's home town and funding by this local authority for transportation of the person back to their town of origin. There are implications for already-stretched local services, and in this particular case the issue focussed on an individual with no connection to the district, imported by the applicant.

7.5.3 Follow-on supported housing for individuals leaving Tier 4 rehabilitation can be provided for a limited number of residents at a property in Aldcliffe Road. This property has been severely stretched over recent years to the extent that, on occasions, accommodation for locally based people was not available. A re-tender process in 2015 has, in part, sought to address this issue and ensure that accommodation is made available for locals within the district. A sequential approach to housing individuals has been adopted, priority is given to Lancaster district, then to individuals with a Lancashire connection before any other individual is considered. The net result in the future will be that referrals from agencies such as Tier 4 rehab services for individuals without a non-local

connection will not enjoy the same success rate for individual leaving such facilities.

- 7.5.4 The model of the business clearly has potential for the continued inward migration of vulnerable people and there are subsequent impacts for local service provision (particularly follow-on support or accommodation). The approach to referrals adopted by the business is considered to undermine existing local support services, and is considered to be contrary to the aims of Development Management DPD Policy DM45. An objection can be sustained to such a form of development.

8.0 Planning Obligations

- 8.1 Not applicable for this form of development.

9.0 Conclusions

- 9.1 The lack of pre-consultation by the provider with the local planning authority, the Strategic Housing Officer or the Commissioning Manager directly has resulted in a development which is unauthorised in planning terms. However, this by itself is not a justifiable reason for withholding permission. The planning merits of the case must be considered regardless of whether the proposal is retrospective or not.
- 9.2 The use of the business raises a number of fundamental concerns over (i) local need; (ii) the specific location; and (iii) the resultant impact upon local service provision.
- 9.3 With regard to need, the proposal fails to provide clear evidence of locally-generated need for the use. The business model described by the applicant acknowledges the wide catchment area for users of this service – far beyond the Council’s district boundary and also beyond the county boundary (“North West”). There has been no compelling data to prove that there is a local need, and so on that basis, the proposal currently fails Development Plan policy.
- 9.4 With regard to the specific location, this report explains that Balmoral Road is close to existing regeneration initiatives that have been aimed at Morecambe, including housing renewal, public realm improvements and selective site clearance. In the absence of an evidenced local need, the use would lead to inward migration of those with drug and substance dependency issues into this socially-sensitive geographical location. Therefore, the proposal fails to comply with Development Plan policy and the objectives of the West End Masterplan.
- 9.5 With regard to the resultant impact upon local service provision - and again in the absence of an evidenced local need - the potential implications for local services, particularly support and accommodation once a person has left 112 Balmoral Road may be considerable, and the applicant’s submission has failed to convince that the inward migration of those with drug and substance dependency issues can be satisfactorily accommodated within the existing support networks. As a consequence the proposal currently fails Development Plan policy.
- 9.6 In reaching the recommendation of refusal, Officers acknowledge that the principle of this type of use would be acceptable if there was a clearly evidenced local need, particularly demonstrating the need for a location within the town. The application also fails to alleviate concerns that have arisen during the consultation process (particularly from the Council’s Strategic Housing Officer, in liaison with the County’s Commissioning Manager) regarding the integration of the use with the district’s existing local strategies and networks, which are aimed at improving the health and social well-being of residents of the district. This integration is critical; without it the proposal would be failing to accord with the Core Planning Principles set out in the NPPF. As such, the application is recommended for refusal.

Recommendation

That Planning Permission Prior **BE REFUSED** for the following reasons:

1. The application fails to provide clear evidence of a locally-generated need for the facility. The business model indicates that residents are referred from a wide catchment area throughout the North West of England, with little consideration as to whether the proposal meets the housing needs of the Lancaster District. As a consequence the proposal fails to accord with Lancaster District Core Strategy SC4, Development Management DPD Policy DM45, and the Core Planning Principles

enshrined by Paragraph 17 of the National Planning Policy Framework.

2. As a consequence of the inward migration of those with drug and substance dependency problems, and in the absence of the necessary evidence referred to in (1) above, the proposal is considered to undermine the spatial regeneration aims and objectives contained in the West End Masterplan, and the geographically-broader regeneration ambitions expressed by Lancaster District Core Strategy Policy ER2, which identifies Central Morecambe as a Regeneration Priority Area of sub-regional importance.
3. The proposal would, as a consequence of the inward migration of those with drug and substance dependency problems, and in the absence of the necessary evidence referred to in (1), the proposal is considered to add to the burdens of pressure on existing local support services, most particularly support strategies to improve health and social wellbeing. As a consequence the proposal fails to accord with Lancaster District Core Strategy SC4, Development Management DPD Policy DM45, and the Core Planning Principles enshrined by Paragraph 17 of the National Planning Policy Framework.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None