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**PETITION TO CABINET**

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**Responsible Cabinet Member - Councillor Bill Dixon,  
Neighbourhood Services and Community Safety Portfolio**

**Responsible Directors – Chris Sivers, Assistant Chief Executive  
Richard Alty, Assistant Chief Executive (Regeneration)**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is to present to Cabinet a petition in relation to the proposed use of the Salvation Army Citadel Building in Northgate, Darlington.

**Summary**

2. The Cabinet procedure rules provide that any member of the public may present a petition to Cabinet. The Planning Department was presented with a petition on 27th May 2010 which contained an estimated 2145 signatures. In view of the size of the petition it has been referred to Cabinet for consideration.
3. The petition relates to the relocation of substance misuse services currently provided at the Elmfield Centre and Beaumont Street to refurbished accommodation in the previous Salvation Army Citadel. Responsibility for commissioning health and healthcare services lies with NHS County Durham and Darlington. The commissioning of this service is carried out by the DAAT partnership, of which the Council is a key partner. The drive for this relocation is to provide a more integrated service for users, thereby increasing their chances for effective treatment. The proposal and progress towards the relocation has been regularly reported to Council under the Cabinet Member Portfolio updates.
4. Consideration has been given as to whether the proposed use of the building would require planning permission. It has been concluded that planning permission would not be required.

**Recommendations**

5. It is recommended that
  - (a) Members note the petition and the views expressed by representatives from the Northgate area, and the legal position in relation to planning and ownership;

- (b) Members note the steps being taken to seek compromise and involvement with the petitioners; and
- (c) the views and strength of feeling expressed by the petitioners are relayed to the decision-making body, the Drug and Alcohol Action Team Partnership, through the Council's representative, Councillor Bill Dixon.

## Reasons

- 6. The recommendations are supported to ensure that the views of residents are considered by Members.

**Chris Sivers**  
Assistant Chief Executive

**Richard Alty**  
Assistant Chief Executive, Regeneration

## Background Papers

No Background papers were used in the preparation of this report.

Catherine Whitehead : Extension 2306  
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S17 Crime and Disorder	Receipt of the Petition does not have any implication for Crime and Disorder.
Health and Well Being	Receipt of the Petition does not have any implication for Health and Well being
Sustainability	Receipt of the Petition does not have any implications for Sustainability
Diversity	Receipt of the Petition does not have any implications for Diversity
Wards Affected	Central Ward
Groups Affected	Residents of Albert Hill area of Darlington
Budget and Policy Framework	No impact
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	This proposal does not contribute to the objectives
Efficiency	No impact

## MAIN REPORT

### Information and Analysis

7. On 27 May 2010 the Planning Department received a petition from Ms Sandra Zafarani, Manager of the Big Kids Little Kids Nursery & Kids Club at 172 Northgate. The petition had the following statement as its header.

***Stop the development of the Old Salvation Army Buildings High Northgate Darlington.***

*Category: City & Town Planning    Region: Darlington*

*Target: Darlington Town Council*

*The Old Salvation Army Building is being changed into a Drugs and Alcohol Treatment Centre. This is to be located next to a children's softplay centre, nursery, dance studio, cinemas and park.*

*It will also affect the local businesses and town centre that have invested in High Northgate and helped to improve the area.*

***We greatly appreciate your support.***

8. There are then 2145 signatures including the street address. Although a number of the signatories are not resident in Darlington, it is possible that they have a legitimate reason for signing the petition if they study or work in the area, particularly if they are parents using the nursery.
9. Drug treatment services are commissioned by NHS County Durham and Darlington, through the Drug and Alcohol Action Team partnership (the DAAT). This partnership includes the NHS, the Council, Probation Service and Police, as well as pharmacists, general practitioners and other voluntary sector partners. The Council's representatives are the Assistant Chief Executive, Director of Children's Services, Assistant Director of Children and Families, the Chief Executive and the Cabinet Portfolio Holder for Neighbourhood Services and Community Safety, who Chairs the DAAT Board.
10. The DAAT has had a long-standing ambition to co-locate treatment services in Darlington because it provides improved clinical and social outcomes, and therefore greater likelihood that users will have a positive result to their treatment. There is sound clinical evidence that this is best practice. The DAAT received an opportunity to apply for funds from the National Treatment Agency to renovate a property in preparation for co-location and was successful in that application in September 2009. A number of properties were considered and the former Salvation Army Citadel was deemed to be most suitable for a number of reasons.

### Consultation

11. Responsibility for consultation in relation to this proposal lies with NHS County Durham and Darlington, as the commissioning body. Their response to the complaints received is that they consulted with the service users and others involved in treatment. The treatment centre is moving only a short distance from its previous location, and the services being provided are very similar to those at the previous location, and therefore there is no

significant variation on which they would be required to consult more widely.

12. The proposal has been considered at Health Scrutiny Committee and at Neighbourhood Services and Community Safety Scrutiny Committee. It has been reported regularly to Cabinet under the Cabinet Member Portfolio Holder updates. As soon as the NHS staff were made aware of the complaints with regard to location of the centre, they attended a meeting with the group concerned. As a result of that meeting, Councillor Dixon in his role as Chair of the DAAT, called an open meeting, which took place on 22 June 2010. In that meeting, Councillor Dixon suggested a compromise with regard to the rear entrance of the building, which would be reviewed jointly in three to six months. He has further suggested the establishment of a Resident's Panel, to ensure that there is regular on-going dialogue with the local businesses and communities.
13. The Council received an official complaint on a number of aspects about the centre. The Council coordinated a response from the agencies involved. A full investigation was conducted with regard to planning permission issues, and the response is outlined below.

### **Planning Considerations**

14. The Local Planning Authority is concerned with matters of land use planning and whether the proposed use of a building or land would involve a material change in its use.
15. For the purposes of considering whether planning permission is required for the change of use of land or buildings, planning legislation groups together certain activities into use classes. Changes of use within those groupings would not require planning permission. The relevant legislation is the Town and Country Planning (Use Classes) Order 1987.
16. As a public hall the Salvation Army building would fall within the D1 use class. The proposed treatment centre as a health clinic would also fall within the D1 use class and consequently planning permission would not be required for change of use.
17. In September 2007 planning permission was granted to change the use of the building to offices. This would be a B1 use class however enquiries with the Council's business rates division, with the agents acting on behalf of the land owner and with the landowner himself indicate that this use was never implemented. A number of residents have described the presence of a banner on the front of the building advertising a business. Enquiries with the landowner indicate that he organised the banner to promote the office use of the building but that this promotion was unsuccessful. Therefore in the absence of evidence to the contrary it is concluded that the office use of the building was not implemented and accordingly the proposed treatment centre would be regarded as a change in the use of the building within class D1 for which planning permission would not be required.
18. Some residents have stated that the use class of the building should be regarded as C2 as it falls within a residential area. Use class C2 is concerned with residential institutions. The proposed use of the building would not comprise any residential elements and because the use class of the building is determined by the use in its own right rather than its location relative to other land uses, class C2 would not apply in this case.