

LOCATION: 42A Hendon Lane, London, N3 1TT
REFERENCE: F/02774/12 **Received:** 19 July 2012
Accepted: 27 July 2012
WARD(S): Finchley Church End **Expiry:** 21 September 2012

Final Revisions:

APPLICANT: Westminster Drug Project

PROPOSAL: Change of Use From B1 (Business) to D1 (Drug and Alcohol Rehabilitation Centre).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (date received 19-Jul-2012); Drawing no. 419/12/ Rev A; letter from Mr Roderic Welfare of Fifield Glyn dated 26th November 2012 (date received 27-Nov-2012).

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The use hereby permitted shall be occupied as a D1 Drug and Alcohol Rehabilitation Centre only and for no other purpose under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

Reason:

To protect the amenities of neighbouring properties.

- 4 The hereby approved planning permission shall not allow any more than 33 people (including 18 staff) on the premises at any one time.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 5 The hereby approved planning permission shall only allow the premises to operate between the hours of 10.00 am to 5.00 pm Monday, Wednesday, Thursday and Friday and 10.00 am to 8.00 pm on Tuesdays. The approved use shall not operate at any time on Saturday, Sunday and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 6 The level of noise emitted from the any plant to be installed shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 7 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development if any ventilation/extraction plant is to be installed. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 8 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, shall be submitted to and approved by the Local Planning Authority if a biomass boiler is to be installed,. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

- 9 The development shall be adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the Drug and Alcohol Rehabilitation Centre (D1 use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of

occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM04, DM06, DM11, DM13, DM14, DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, the loss of an B1 unit is considered acceptable given the marketing strategy provided, is in line with the Council's policies and would not detrimentally impact on the residential amenity of neighbouring residents. The conversion of the existing B1 building into D1 (Drug and Alcohol Rehabilitation Centre) is not considered to cause demonstrable harm to the character and appearance of the host property nor the general area. The Local Planning Authority has considered this scheme's impact on neighbouring properties' amenities to be acceptable.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A)

expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts:
a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 3 The report submitted to the LPA should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control Planning for Air Quality and the Planning Policy; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils' Air Quality and Planning Guidance, revised version January 2007; 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless

any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM04, DM06, DM11, DM13, DM14, DM17.

Relevant Planning History:

Application:	Planning	Number:	F/00273/13
Validated:	21/01/2013	Type:	APF
Status:	REG	Date:	
Summary:	DEL	Case Officer:	David Campbell
Description:	Change of use from B1 (Offices) to D2 (Fitness Studio).		

Application:	Planning	Number:	F/00527/11
Validated:	18/02/2011	Type:	APF
Status:	DEC	Date:	09/05/2011
Summary:	APC	Case Officer:	David Campbell
Description:	Change of use from Class B1 to Class D1 (language school).		

Application:	Planning	Number:	F/01126/12
Validated:	16/04/2012	Type:	APF
Status:	DEC	Date:	19/10/2012
Summary:	REF	Case Officer:	David Campbell
Description:	Change of use from Language School to Dance School.		

Application:	Planning	Number:	F/01543/11
Validated:	04/04/2011	Type:	APF
Status:	WDN	Date:	27/05/2011
Summary:	WIT	Case Officer:	David Campbell
Description:	Change of use from B1 (office) to D1 (day nursery).		

Application: Planning
Validated: 23/06/2011
Status: DEC
Summary: APC
Description: Change of use from existing B1 use class to D1 use class for dentist/medical use.
Number: F/02687/11
Type: APF
Date: 18/08/2011
Case Officer: Robert Marchant

Application: Planning
Validated: 27/07/2012
Status: REG
Summary: DEL
Description: Change of Use From B1 (Business) to D1 (Drug and Alcohol Rehabilitation Centre).
Number: F/02774/12
Type: APF
Date:
Case Officer: David Campbell

Application: Planning
Validated: 12/11/2012
Status: REG
Summary: DEL
Description: Conversion of existing use B1 (Office) to C3 (Residential).
Number: F/04188/12
Type: APF
Date:
Case Officer: David Campbell

Application: Planning
Validated: 19/10/2011
Status: DEC
Summary: REF
Description: Change of use from B1 (office) to D1 (day nursery), including alterations to side elevation.
Number: F/04286/11
Type: APF
Date: 03/02/2012
Case Officer: David Campbell

Application: Planning
Validated:
Status: UNA
Summary: INV
Description: Conversion of B1 (office) into a single family dwelling.
Number: F/04988/10
Type: APF
Date:
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 108 Replies: 56
Neighbours Wishing To Speak 3

51 objections were received including 1 petition. The objections raised may be summarised as follows:

- Consistent disregard and attempted manipulation of planning laws by owners of 42 and 42A Hendon Lane.
- This is a retrospective planning permission- rehab centre in use and breaches planning
- Present danger to impressionable students attending school nearby.
- Majority of these persons present a threat to both themselves and others in immediate vicinity.
- Have witnessed illegal drug transactions and have received verbal and anticipated physical abuse by people making their way towards the site.
- Use is not appropriate for neighbourhood.
- No good for business or private residence in the area.
- The narrow path near Park Cottages has been used as car park and turning space.
- It is unlikely that immediate residents will use facility- this will need to be

proven.

- Loss of local business/ trader that wishes to remain in area.
- Impact on safety and security- not controlled by CCTV
- No proposed plans- unclear what changes are.
- While objectives of charity are commendable- the location is unsuitable; quiet residential area with nearby schools, library and children's centre.
- If planning permission granted, hours of operation should be controlled and use limited to D1 Drug and Alcohol Rehabilitation Centre
- Intimidation of locals.
- Insensitive use
- Raise risk of crime or violent behaviour.
- A clinic like this can be an asset to the community by careful consideration should be given to its location.
- Devalue the properties and rental value
- Concern for welfare and protection of community in Hendon Lane especially elderly residents
- No control of users before and after sessions- could result in congregation.
- This is a Westminster project not a Finchley one.
- Littering, use of inappropriate language and smoking by users leave negative impact on local businesses.
- Loss of office space

The comments supporting the application may be summarised as follows:

- WDP provides a much needed service to society
- Have not experienced any problems with users.
- Site offers good public transport access.
- Since tenants moved in, no noise whatsoever. On the contrary I find them to be considerate, friendly and neighbourly.
- Objectors fail to understand that users of centre may be members of own family or community.
- Ignorance and NIMBY-ism are factors preventing people from addressing drug and alcohol-related issues.
- It would be good for objectors to visit the centre and see what it achieves.

Internal /Other Consultations:

- Mike Freer M.P. – Objects to the application and has made the following comments:
'I believe facilities such as these are best sited in areas of high footfall, where they can operate discretely and where clients can visit with some degree of anonymity. The proposed site is opposite two school, in a small row of retail units with low footfall, close to residential properties and a hall used for playgrounds and mother and toddler groups.'
- Environmental Health – Providing that the drug and alcohol rehabilitation centre operates during daytime hours only there should be no noise issues with this use. Would recommend that if there are any plant being installed, conditions are added.

- Traffic & Development – No objections
- Finchley Conservation Area Advisory Committee- No objections.

Date of Site Notice: 03 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is an office located on 42A Hendon Lane within the Finchley Church End ward. The site falls within the Finchley Church End Conservation Area.

Proposal:

The applicant proposes the change of use from Class B1 (offices) to Class D1 (Drug and Alcohol Rehabilitation Centre). There are no proposed external alterations to the site.

It must be noted that two applications at the neighbouring property 42 Hendon Lane have recently been granted planning permission; 1) Change of use from B1 to C3 (residential); 2) Change of use from B1 to D2 (fitness studio).

Planning Considerations:

The main issues are considered to be:

- Whether the proposals would have an acceptable impact on the vitality and viability of the town centre
- Impact on the amenities of neighbouring occupiers.

Policy Context

Policy DM14 specifies that 'Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use.'

The applicant has provided a letter from Claridges Estate Agents confirming that the premises have been actively marketed on their Website and various other journals from February 2011 to May 2012 however state that they have received very few enquiries from their extensive marketing campaign and have confirmed that the lack of interest has been due to the declining demand of applicants looking for offices within this location, demand for more modern offices and lack of parking in the vicinity.

Given that the application was registered in July 2012 and the accompanying marketing information, it is not considered that office premises will be in demand and therefore the use of the site as B1 is not considered viable.

Impact on the amenities of neighbouring occupiers

The proposed Drug and Alcohol Rehabilitation Centre run by Westminster Drug Project will only have maximum of 15 clients on the premises at any one time plus 18 employees. It has been conditioned that no more than 33 people (including 18 staff) are on the premises at any one time.

The centre will provide health and well-being advice, one to one and group counselling and complimentary therapies in addition to Educational Training Employment services. It has been conditioned that the hours of operation are restricted to ensure that amenities of neighbouring occupiers are respected.

It is considered that the attached conditions restricting the hours of operation and total numbers of people attending the centre will ensure that the proposal respects the established character of the area and the amenities of neighbouring occupiers.

The type of use proposed is not considered to generate traffic issues or disruption to the local area. Moreover, Environmental Health considers that the proposed change of use will not result in an increase of noise.

Policy DM13 refers to new community uses being located where there is accessible by public transport, walking and cycling. The site has a PTAL score of 4 and has good transport links. Furthermore, it is close to the Finchley Central town centre.

Community Infrastructure Levy

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. As the Westminster Drug Project is a registered charity, the proposal is not required to provide the Mayor's CIL.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge.

The development is not required to pay Barnet's CIL as D1 uses are exempt.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning related comments are considered to have been raised in the report above.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

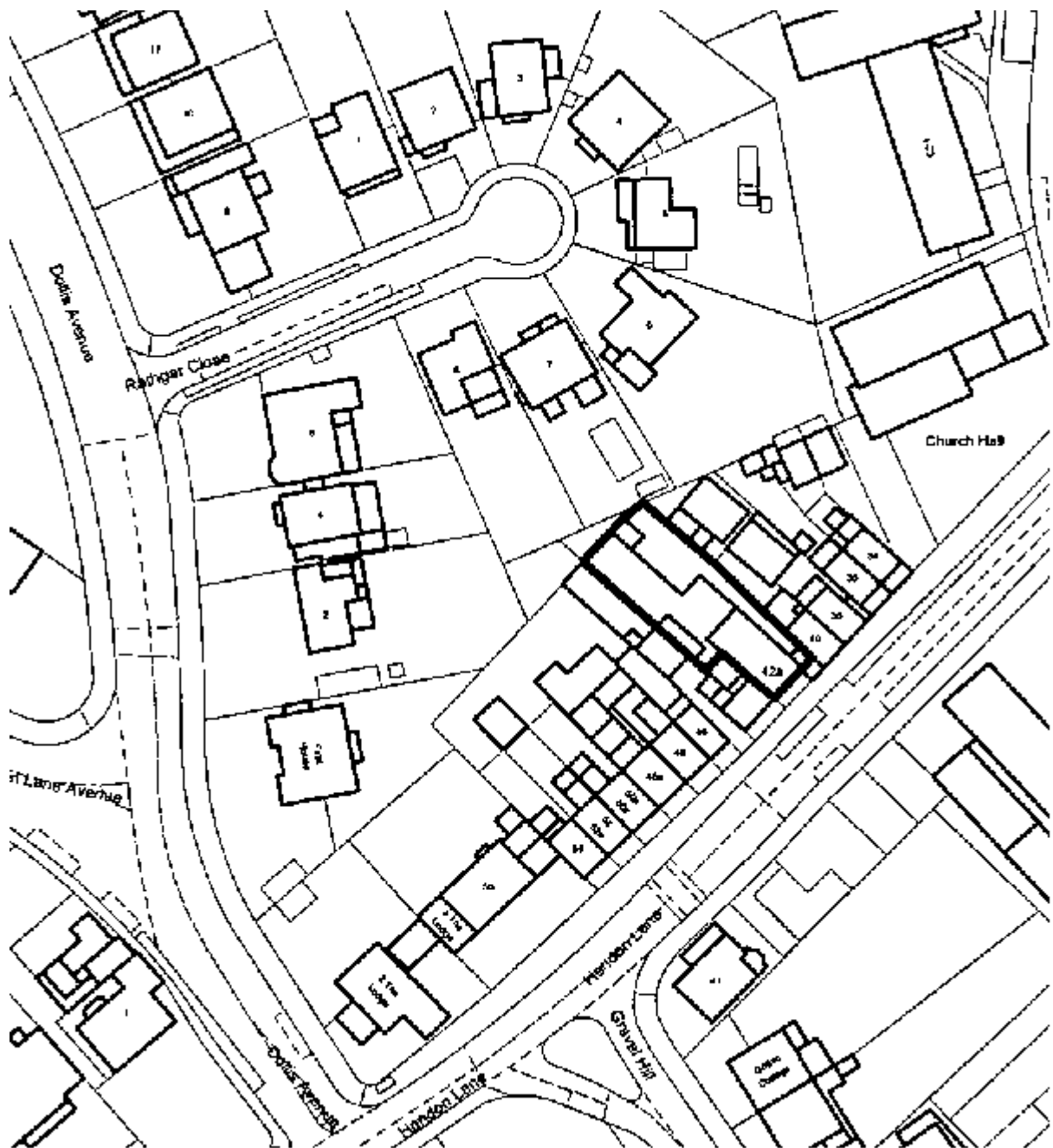
Having taken all material considerations into account, it is considered that the development would comply with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

The conversion of the existing B1 building into D1 (Drug and Alcohol Rehabilitation Centre) is not considered to cause demonstrable harm to the character and appearance of the host property nor the general area.

Subject to conditions, the application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 42A Hendon Lane, London, N3 1TT

REFERENCE: F/02774/12



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