

Location **108-112 Regents Park Road London N3 3JG**

Reference: **16/6950/S73**

Received: 28th October 2016

Accepted: 7th November 2016

Ward: Finchley Church End

Expiry 2nd January 2017

Applicant: Mr Matan Avital

Proposal: Variation of conditions 1(Approved Plans), 22 (Car Parking), 24 (Access Layout and Ramp) and 26 (Vehicle Warning System) of planning permission 16/3276/FUL dated 13/07/2016 for 'Demolition of existing building and erection 4 storey building with parking at lower ground level to provide 9no self-contained units. Commercial unit (A3 use) at lower ground level.'
Variation to include replacement of ramp with a car lift and to change the wording of conditions 22, 24 and 26 to refer to the car lift instead of the ramp

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed (received 13/07/16)

? RPR16?PL?224 Rev B

? RPR16?PL?223 Rev B

? RPR16?PL?217?Rev A

? RPR16?PL?218?Rev A

? RPR16?PL?219 Rev A

? RPR16?PL?220 Rev B

? RPR16?PL?221 Rev B

? RPR16?PL?222 Rev B

? RPR16?PL?225 Rev B

? RPR16?PL?226 Rev B

? RPR16?PL?224 Rev B

Existing (received 18/05/16).

? RPR16?PL_101

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).Enter Text here

- 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 7 Prior to the commencement of the development hereby approved a full scheme of the measures to be to be installed in the development to minimise the transmission of noise between the proposed unit and the first floor accommodation in the existing building shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures approved under this condition shall be implemented and installed in the development in their entirety prior to the first occupation of the new dwelling hereby approved.

Reason:

To safeguard the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

- 8 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 9 a) Before the development hereby permitted is first occupied details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers to be provided at the site, together with a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority.
b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation of the development and retained as such thereafter.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 10 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall 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 content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

12 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2011.

13 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall 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 content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

14 Before the development hereby permitted commences details of any extraction and ventilation equipment to be installed at the site to replace the existing ventilation and extraction equipment shown to be removed shall be submitted to and approved in writing by the Local Planning Authority. The details submitted under this condition shall include a report by a competent acoustic consultant which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. Extraction and ventilation equipment and associated mitigation shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of the occupiers of the proposed dwellings and neighbouring residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

16 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

17 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the plant; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall 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 content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2011.

- 18 The premises shall be used for an A3 unit only and for no other purpose (including any other class of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 20 The retail use hereby permitted shall not be open to customers before 8.00am or after 9.30pm on weekdays, before 9am or after 7pm on Saturdays and before 11am or after 5pm on Sundays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 21 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)

- 22 Before the development hereby permitted is occupied, car parking should be provided in accordance with submitted drawings RPR16?PL?217?RevC and spaces shall not be used for any purpose other than parking of vehicles in connection with the approved development. The parking layout should include one space suitable for disable use. The layout shall remain as approved thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 23 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 24 Before development start on site, a scheme showing details of the proposed access layout, including layout and Car Lift for access to car parking area shall be submitted and approved in writing by the Local Planning Authority. The detailed layout shall include a waiting bay within the site on both approaches to the ramp and be retained as approved thereafter.

Reason: To ensure the safe form of access to the development to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 25 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 26 Before occupation, a warning system giving preference to vehicles entering the site shall be provided to manage the one way operation of the Car Lift. This system shall be retained thereafter.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 27 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 28 Prior to the occupation of each phases hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On site parking controls
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces
- vi. Electrical Vehicle Charging Points.

The Car Park Management Plan should include details of the proposed monitoring of EVCP and disabled parking spaces, to inform when additional spaces are required to be brought into operation.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 29 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lift must be submitted to and approval by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative(s):

Officer's Assessment

Officer's Assessment

1. Site Description

The site is situated on Regents Park Road, close to the junction of Henleys Corner.

The site comprised of two A3 units at ground floor level and residential accommodation above. The site is situated in the middle of a small parade of shops and restaurants and neighbouring the site is a petrol filling station.

The site is situated opposite the College Farm Conservation area.

2. Site History

C00743J/07 - Demolition of existing building and erection of basement, ground and three upper floors to accommodate 7No. self-contained flats, A1 shop and A3 restaurant. Provision of parking spaces at basement level. - Approved following legal agreement - 06.09.2007

F/02654/13 - Demolition of existing building and erection of a five-storey building for use 2no A3 restaurant units at ground floor and 25no. units of student accommodation above. -

Refused for following reasons -

1. The applicant has failed to provide any evidence to demonstrate that the proposed use of the property as student accommodation meets an identified need for such housing in this locality in order to support an educational establishment in the London Borough of Barnet or adjoining North London boroughs and as such could result in the over provision of such accommodation; contrary to policy DM09 of the Local Plan Development Management Policies (Adopted) 2012.

2. The proposed student accommodation, by reason of its layout, intensity and design, would fail to provide its future occupiers with an acceptable level of internal space, as a result of a combination of studio size and the limited provision of communal kitchens and living spaces The proposed accommodation therefore does not constitute sustainable development, contrary to policies, contrary to the Councils Adopted Supplementary Planning Document for Sustainable Design (2013) and Development Management Policies DM01, DM02 and DM03 of the adopted Local Plan.

3. The proposed building by reason of its height, bulk, scale, siting and design would be an overly dominant, incongruous addition relative to adjoining properties and the provision of cycle spaces and refuse storage facilities in the front courtyard, in combination with no proposals for soft landscaping and planting, would result in material harm to the visual amenities and residential character of the locality and streetscene, contrary to Adopted (2012) Core Strategy Policies CS1 and CS5 and Adopted (2012) Development Management Policy DM01.

4. The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking is given to the Council adequately restrict the use of the accommodation to that for students; contrary to Policy DM02 of the Local Plan Development Management (Adopted) 2012.

5. Insufficient car parking is provided which is likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety contrary to Policy CS9 of the Local Plan Core Strategy (Adopted) 2012; and Policy DM17 of the Local Plan Development Management Policies (Adopted) 2012.

This was subsequently dismissed at appeal on 27/05/2014.

15/04020/FUL - Change of use from A1 and A3 Class (retail and restaurant or cafe) to A3 (restaurant or cafe). Part single part two storey rear extension. Erection of single storey outbuilding to rear. Construction of new 3rd floor with pitched roof above including 2 no. rear dormers and 5 no. rooflights to facilitate loft conversion. External alterations to front elevation. Refused - 26.08.2015.

This was subsequently dismissed at appeal on 10.10.2016.

3. Proposal

The application seeks permission for the Variation of conditions 1(Approved Plans), 22 (Car Parking), 24 (Access Layout and Ramp) and 26 (Vehicle Warning System) of planning permission 16/3276/FUL dated 13/07/2016 for 'Demolition of existing building and erection 4 storey building with parking at lower ground level to provide 9no self-contained units. Commercial unit (A3 use) at lower ground level.' Variation to include replacement of ramp with a car lift and to change the wording of conditions 22, 24 and 26 to refer to the car lift instead of the ramp.

No other amendments are proposed to the approved scheme.

4. Public Consultation

Consultation letters were sent to 101 neighbouring properties. 6no objections have been received, and these can be summarised as follows:

- Concern that the applicant is planning a larger commercial premises
- Concerns with the site being used for storage which relate to other businesses and the associated noise.
- Concerns related to parking pressures.
- Increase in nuisance from the site.
- Parking and overdevelopment have been an issue in relation to the delivery of the site for a number of years.
- Concern that this development is required to facilitate a greater intensity commercial use.
- Unfair to local residents.

Highways Department - Change from a ramp to a car lift is acceptable subject to added condition to ensure a maintenance agreement is put in place for the lift.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 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'. The NPPF retains a 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 2016

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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. 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. The Mayor's Housing Supplementary Planning Guidance (2016) provides guidance on how to implement the housing policies in the London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM06, DM08, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Residential Design Guidance SPD (adopted April 2013).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the amendments proposed are considered to be acceptable and are minor material amendments.
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harmfully impact highway or pedestrian safety

5.3 Assessment of proposals.

The principle of development has been established by the approved scheme under application reference 16/3276/FUL. Taking this into account, this report will focus on the planning merits of the changes which the applicant considers to be minor material amendments. The application seeks amendments to conditions 1, 22 ,24 and to refer to

the car ramp which they now are proposed. Previously a ramp would have been installed to allow access to the lower ground floor parking.

Impact on residential amenity

The application proposes to construct a car lift which would be accessed from Regents Park Road. A number of comments have been received which express residents concerns with the proposed reason for the car lift, as opposed to the ramp. Residents have expressed concern that as a result of this application, there will be an increase to the intensity of the commercial use of the site.

It must be considered that **there is no increase to the approved commercial floorspace under application reference 16/3276/FUL.**

Planning permission granted under application reference 16/3276/FUL gave permission for a commercial A3 premises at the ground floor of the new premises with storage for that commercial use at the ground floor level. No changes are proposed to the commercial floorspace of this development as a result of this application. Specifically this application seeks permission for the installation of the car lift.

Taking this into account, it is considered that the planning merits of the commercial use at the site which were granted permission under application 16/3276/FUL have not changed. A condition was added to that permission as Condition 18 which outlined the following:

'18 The premises shall be used for an A3 unit only and for no other purpose (including any other class of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.'

The A3 (restaurants and cafes) use class gives permission for the space to be used for the sale of food and drink for consumption on the premises. Any deviation from this use would require planning permission, or the development would be in breach of Condition 18. Taking this into account, whilst the concerns of the residents are acknowledged, it is not considered that this application significantly alters the development proposed and approved under application reference 16/3276/FUL. Condition 18 will be retained as a condition of this application. There would not be harmful noise and disturbance resulting from the car lift above the approved ramp.

In relation to the design and appearance of the car lift, it is considered to be unobtrusive and would not have a significant impact on the residential amenity of neighbours.

Impact on highway and pedestrian safety and the free flow of traffic

Concerns have been submitted in relation to the impact that the proposed car lift would have on parking and congestion.

The parking provision which was considered acceptable under application 16/3276/FUL has not been altered. The Highways Team have been consulted and considered that the proposed car lift would be an acceptable amendment. They have outlined that an additional condition will be required to ensure that maintenance agreement for the car lift is

submitted prior to the occupation of the development. This condition is set out in the conditions section of this report.

Taking into account this proposal does not result in any change in the parking requirement of the development or the parking provision, it is considered that the proposed amendment to include a car lift instead of a ramp would not have a significant impact on the public highway.

Taking the above assessment into account, it is considered that the proposed amendments are acceptable.

5.4 Response to Public Consultation

Concerns raised in objections to this application have been addressed in the 'Assessment of Proposals' section above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to the compliance of the attached conditions, the proposed car lift would have an acceptable impact on the residential amenity of neighbours and on highway safety. This application is therefore recommended for approval.

