

Location Belmont Riding Centre Belmont Farm The Ridgeway London NW7 1QT

Reference: 15/05843/FUL Received: 18th September 2015
Accepted: 8th October 2015

Ward: Mill Hill Expiry 7th January 2016

Applicant: Mr Andrew Reid

Proposal: Change of use of existing indoor riding school involving its demolition and re-build to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Travel Plan and Monitoring of the Agreement
A contribution of £5,000 contribution towards the Council's Costs in monitoring the obligations of the agreement in order to ensure that the objectives of the proposed Travel Plan are met.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. A.47,060, Sk LE-01, Transport Statement dated April 2012, Environmental Noise Survey 7148.ENS.01 dated 16/03/2016, BCF-201 Rev B, Sk LE-05, Sk LE-04, SK LE-03, BCF-200 Rev A, SK LE-13, SK LE-12, SK LE-05, SK LE-04, SK LE-03, SK LE-02, SK LE-01 and Planning Statement dated September 2015.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 Before the development hereby permitted is occupied, a maximum of 50 parking spaces shall be provided in accordance with the revised parking layout drawing to be submitted and approved in writing by the local planning authority, to include the provision of disabled parking and electronic vehicle charging points in accordance with London Plan standards. Thereafter the parking spaces shall be used only for the visitors to the children's farm and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian highway safety in the free flow of traffic in accordance with the London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012 and London Plan Policy 6.13 'Parking'

4 The use hereby permitted shall not be open to customers before 8.00am to 10.00pm on weekdays, Saturdays or Bank Holidays; and 9.00am to 7.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5 Notwithstanding the materials shown on the approved plans, before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

6 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

7 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.

8 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.

Reason:

To ensure a satisfactory appearance to the development.

9 The car park shall only be used by users and employees of the Children's Farm.

Reason: To protect residential amenity, the character, appearance and openness of the general locality, and ensure highway conditions are not prejudicial to the free flow of traffic.

10 No children's play facilities (permanent or temporary) shall be provided within any part of the Mill Hill Conservation area.

Reason: To protect the character and appearance of the conservation area.

11 Prior to the commencement of the development details of outdoor seating/picnic areas shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details thereafter.

Reason: To protect the character, appearance and openness of the general locality.

12 No business networking events, workshops or seminars, unless specifically relating to farming, shall take place at any time.

Reason: To ensure activities unrelated to the children's farm and inappropriate in the green belt do not occur.

13 The development shall be implemented in accordance with the layout shown on plans Sk LE-12 and Sk LE-13 and shall permanently be maintained thereafter.

Reason: To safeguard the openness of the green belt and character of the locality.

14 The level of noise emitted from the mechanical plant hereby approved 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.

15 Before development commences, the recommendations of the Clement Acoustics report reference: 7148.ENS.01 dated 16th March 2012 shall be implemented and noise calculation information in relation to the proposed plant shall be submitted to the Local Planning Authority for approval, this should assess the likely noise impacts from the

development of the mechanical plant. 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.

16 The use of the site shall be as a Community Farm (Class D2) with associated ancillary facilities.

Reason: To ensure that the development does not harm the openness of the green belt and the amenities of neighbouring occupiers.

17 Before the development is occupied the Travel Plan shall be submitted and approved by the Local Planning Authority. This should include the appointment of a Travel Plan champion. The Travel plan should be reviewed in accordance with the target set out in the Travel Plan.

Reason: To encourage the use of sustainable forms of transport to the site in accordance London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012.

18 Before the development hereby permitted is commenced a scheme showing disabled access to the property and its principal lower level entrance from nearby pedestrian routes and the disabled persons parking shall be submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance in accordance with London Borough of Barnet's Policy CS9 of Core Strategy (Adopted) September 2012 Policy and Policy DM17 of Development Management Policies (Adopted) September 2012, London Plan (July 2011) policy 7.2 'An inclusive environment' and table 6.2 'Car parking standards'.

19 Before the development hereby permitted is occupied; Cycle parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and 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.

20 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

21 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 have 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 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).

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 16 September 2016 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The development fails to provide a legal undertaking to provide a contribution towards the associated monitoring costs to mitigate on-street parking impact in the vicinity of the site, contrary to policy DM17 OF THE Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate.
- 3 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 4 Transport for London has recommended that at Delivery & Servicing Plan (DSP) for the proposal should be produced and submitted for the local authority's approval prior to the occupation of the site.
- 5 The London Plan promotes electric vehicle charging points with 20% active and 20% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.

- 6 The applicant is advised that The Burroughs is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.
- 7 The applicant is 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 Sustainable Design and Construction Supplementary Planning Document 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 30dB(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(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on 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) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

Background Information

Members will recall that the application was reported to this committee at its meeting on 31st March 2016 at which it was resolved to approve subject to the completion of a S106 Agreement.

In the intervening period the applicant has raised concerns in respect of the wording of three conditions and the potential adverse impact their imposition would have on the viability and economic running of the Community Farm. Amendments to the conditions have been suggested and these are summarised in an email from the applicant's agent which is set out below.

"The conditions as originally proposed were unworkable and as drafted Mr Reid would not have risked investing the considerable money necessary to carry out the relocation of the Community Farm and building the new facility.

The conditions that were contentious were:

Original Condition 10 - No children's play facilities (permanent or temporary) shall be provided outside the building.

Objection: The primary concern with this condition is the restriction on temporary play facilities. We accept that permanent play facilities could potentially impact the Conservation Area, but land surrounding the proposed application site is not in the Conservation area.

Agreed revised wording: Condition 10 - officers will agree the following condition: "No Children's play facilities (permanent or temporary) shall be provided within any part of the Mill Hill Conservation Area".

Condition 12 - No conferences (including the hosting of business networking events, workshops or seminars) shall take place at any time.

Objection:

The wording on the condition above was very problematic for the future operations of the facility. Correspondence has been provided to you from a number of parties. Mr John H Gillet, Chairman of the Mill Hill Neighbourhood Forum explains the views of the Neighbourhood Forum with concerns over the asset the existing Children's Farm facility provides to the community, and this is supported further in a letter from Mr Neil Swan of Starlight Children's Foundation. The comments from Mr Gillet explain the likely difficulties in enforcement of the condition and the vagueness of the wording which would lead to uncertainties in what would be acceptable events at the Children's Farm.

A children's farm has an educational role for children and adults, primarily directed and related to the animals and birds present at the farm and with farming more generally. The focus of the Children's Farm has been recognised and commended by the community; providing educational, interactive and unique experiences relating to farming, animal husbandry and agricultural practices, some of these experiences are provided within workshops, talks, seminars or other similar events.

Condition 12 as above was not precise, it would prevent for example scout and guide groups, rare breed society meetings, charity events and other activities relating to farming, agriculture and cooking. The prevention of community and education groups, such as scouts and guides or charities being able to attend educational events would clearly be working against the intentions of Core Strategy policy CS10.

The key matter we are trying to address in the text above is that condition 12 would have precluded conferences and events with a connection to farming and education and this is simply not reasonable for such a facility.

Agreed revised wording: Condition 12 - officers will agree to the following condition: "No business networking events, workshops or seminars, unless specifically relating to farming, shall take place at any time."

Condition 17 The use of the site shall be as a children's farm with associated ancillary facilities only and for no other purpose.

Objection: The wording of condition 17 is imprecise to the extent that we are not clear what would be required to comply with this condition. Furthermore, we do not believe it would be enforceable unless clarity is provided in the wording. The Inspector considering the appeal of condition 10, highlighted friction between Conditions 10 and 17 also.

Agreed revised wording: Condition 17 The use of the a site shall be as a Community Farm (Class D2) with associated ancillary facilities.

The purpose of this application to relocate the Children's Farm was to reduce its impact on the neighbours and remove conditions which LB Barnet tried to impose that made the farm unworkable.

The way the conditions were proposed would have made it unviable for the economic running of the Community Farm and Mr Reid would have no choice other than to appeal these conditions or close the farm to the public."

It is considered that the suggested amendments to the conditions are acceptable and will facilitate the Community Farm and its relocation to a new more appropriate location within the site.

The revised conditions are set out in recommendation above and they appear at condition 10,12 and 16.

As the S106 Agreement has not yet been completed, no formal decision notice has been issued, the committee has the opportunity to consider the suggested alterations to the conditions.

In all other respects the application remains as previously submitted and the report is set out below as before.

1. Site Description

The proposal site is a parcel of land at Belmont Farm located on the east side of The Ridgeway (within Mill Hill Conservation Area, and Area of Special Character). Part of the site has been used as a riding centre in the past and comprises a building formerly used as an indoor riding school. The unauthorised farm currently occupies what was previously used as a stable block.

The area adjoining The Ridgeway is predominately residential in character however there are a number of schools and similar institutional establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated Green Belt.

The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003 the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. The current site includes an agricultural style building set over 250m back from the Ridgeway and

measures approximately 900sqm (45m by 22m) and has a ridge height of 10m (5m eaves).

The Belmont Farm site as a whole provides a number of uses associated within agriculture and equestrian facilities and includes teaching riding, stabling and grazing 120 to 140 horse and ponies, grazing of sheep and cow's polo and equestrian events, training and breeding race horses and a Café.

The buildings within the site include; The Farmyard (a range of storage buildings for farm machinery); a mobile home; Children's farm building and animal enclosures (also includes reception building and education building); and bungalow located at the north-eastern end of the Children's Farm.

2. Site History

Reference: TCP/00432/15

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Trees: 6-week Expired

Decision Date: 17 July 2015

Description: Several Ash and Sycamore (applicant's ref. photo 3) - Trim back branches overhanging Millbrae (repeat of previous work)

Reference: 15/06794/FUL

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 3 February 2016

Description: Relocation of an existing fixed twin mobile home (granted under application W00180BS/07) 100 meters to the north east of its present location

Reference: H/04537/14

Address: Belmont Riding Centre, Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 27 October 2014

Description: Change of use, demolition of existing Children's Farm buildings and an existing bungalow to be replaced to provide a 5 bedroom bungalow.[Amended decription]

Reference: H/04062/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 5 November 2013

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/04060/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 4 November 2013

Description: Variation of Condition 4 (opening hours) pursuant to planning permission H/01150/12 dated 03/06/13. Variations involve extending the opening times for the building, access, and car park from 6:30am to 10:00pm Monday to Friday and 9am to 10pm Saturdays, Sundays and Bank Holidays.

Reference: H/06082/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 17 February 2014

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

High Court Redetermined Appeal Decision: Appeal Dismissed.

Reference: H/05605/13

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 23 January 2014

Description: Variation of Condition 4 (Opening Hours) pursuant to planning permission H/01150/12 dated 03/06/2013. Variations include public opening times from 6:30am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturday, Sunday and Bank Holidays.

Appeal Allowed.

Reference: H/01150/12

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved following legal agreement

Decision Date: 3 June 2013

Description: Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: H/00554/12

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 22 January 2013

Description: Part demolition, extension and alteration of existing buildings including existing bungalow, and change of use to provide a 4 bedroom bungalow (land currently occupied by children's farm).

Reference: H/00652/12

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 22 January 2013

Description: Demolition of stables and ancillary farm buildings.

Reference: H/04579/11

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved subject to conditions

Decision Date: 30 July 2012

Description: Installation of an 11.8m high slimline monopole and 2no. equipment cabinets to replace the existing equipment within the existing Vodafone compound at Belmont Farm.

Reference: W00180BQ/05

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 13 April 2005

Description: The Installation of a 10m monopole (telecommunications mast) with telegraph pole design, with 3 No. shrouded antennas, radio equipment housings and ancillary development.

Reference: W00180BL/03

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 6 February 2004

Description: Installation of 27m high telecommunications lattice mast with 6 cross polar antennae and 2 relay dishes and associated equipment cabin and 1.8m high chain-link fence.

Reference: W00180BF/02

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Refused

Decision Date: 26 April 2002

Description: Erection of 21 metre high lattice mast with 4 antennae in new post and rail fenced compound, in addition to a separate, ancillary single storey equipment cabin.

Enforcement Notice - The erection of fences, animal and bird enclosures and apparatus.' under reference ENF/01575/09/H and appeal dismissed and enforcement notice upheld.

3. Proposal

The proposals are for change of use of existing indoor riding school involving its demolition and re-build to provide for the relocation of the existing unauthorised children's Farm with addition of animal enclosures and alterations to existing access and provision of 50 no. car parking spaces.

4. Public Consultation

Consultation letters were sent to 53 neighbouring properties.

4 responses have been received, comprising 2 letters of objection and 2 letters of support.

Date of Site Notice: 15 October 2015 and re-posted on 31 December 2015.

The objections received can be summarised as follows:

- Negative impact upon the green belt.
- Light pollution.
- Impact on travel and parking.
- Comments relating to another location and the incorrect siting of the site notice.

The representations received can be summarised as follows:

- The proposal will bring the site back into use.
- Investment for the future of the community.

Other Consultations:

Mill Hill CAAC - The Committee had some reservation about the proposed internal alterations, providing conference room, cinema, etc, and were concerned that this might lead to uses of the building incompatible with its Green Belt status. It was expected that the Council would monitor this carefully.

Environmental Health - No objection, subject to conditions.

Traffic & Development - No objection, comments contained within report.

Transport for London - No comment.

Greater London Authority - At Stage 1, have advised that the Mayor of London does not need to be consulted further on the application.

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 2015

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 2050. 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.

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.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM14, DM15, DM16, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

Whether the use of the site for the purposes intended is a form of inappropriate development in the Green Belt and if so are there any very special circumstances which outweigh this harm? (Including whether the associated facilities are reasonably required as part of the farm or form a separate use)

Whether the proposals would preserve or enhance the character and appearance of Mill Hill conservation Area

Whether the proposals would harm neighbouring amenity

Whether the proposals would harm highway safety

Whether the proposals are acceptable in sustainability terms

Any Section 106 Issues

Policy Context:

Policy CS 5 - Protecting and enhancing Barnet's character to create high quality places

We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should : address the principles, aims and objectives set out in the following national design guidance :

By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:

be safe, attractive and fully accessible

provide vibrant, attractive and accessible public spaces

respect and enhance the distinctive natural landscapes of Barnet

protect and enhance the gardens of residential properties

protect important local views from places within Barnet (as set out in Map 8)

enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable

All development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.

Policy CS 8 ' Promoting a strong and prosperous Barnet

The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement.

Policy CS 9 ' Providing safe, effective and efficient travel

'We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

We will ensure that new development funds infrastructure (through Community Infrastructure Levy (CIL), Section 106 and other funding mechanisms) that enables Barnet to keep the existing traffic moving and cope with new movements both by all modes of transport.

Ensuring more efficient use of the local road network

In order to enable traffic to flow more smoothly we will prioritise the reduction of congestion, including through encouraging trips to route according to the road hierarchy,

the implementation of development related schemes that also address pinch-points, a review of traffic signals, parking management measures and more efficient freight movements.

Policy CS 10 ' Enabling Inclusive and Integrated Community Facilities and Uses

'The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

We will:

ensure that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population promote the role of schools as 'community hubs', providing a wide range of educational, advice, leisure and support services to children, families and the wider community

support the enhancement and inclusive design of community facilities ensuring their efficient use, and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location

expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the borough or improving existing provision, particularly within town centres

work with the Mayor and cemetery providers to establish current supply of burial space, identify barriers to supply and any necessary changes to planning policy.

In addressing educational needs within Barnet and responding to the need for parental choice we will support proposals for parent promoted schools or 'Free Schools' that. '

Policy DM01 states that:

a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Policy DM03 advises that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances

ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment

iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways

iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM04 of the Development Management Policies seeks to separate noise sensitive developments from noise generating sources.

Policy DM06 states that:

- a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Proposals affecting heritage assets which respond to climate change will be expected to maintain the quality of the heritage asset.
- b. Development proposals must preserve or enhance the character and appearance of Conservation Areas.
- c. Proposals involving or affecting the heritage assets set out in table 5.1 should demonstrate they comply with the principles set out in PPS5: Planning for the Historic Environment policy HE6 to HE12.
- d. There will be a presumption in favour of retaining all locally listed buildings and any buildings which makes a positive contribution to the character or appearance of a conservation area.
- e. Archaeological remains will be protected in particular in the identified Local Areas of Special Archaeological Significance and elsewhere in the borough. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact

Policy DM13 advises that new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties

Policy DM15:

a: Green Belt / Metropolitan Open Land

1. Development proposals in Green Belt are required to comply with Planning Policy Guidance 2: Green Belt. In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
2. Except in very special circumstances, the Council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness and would harm their visual amenity.
3. The construction of new buildings, and changes of use of existing land and buildings, within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
 - i. Agriculture, horticulture and woodland;
 - ii. Nature conservation and wildlife use; or
 - iii. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
4. Extensions to buildings in Green Belt or MOL will only be acceptable where they do not result in a disproportionate addition over and above the size of the original building or an over intensification of the use of the site.
5. The replacement or re-use of buildings will not be permitted where they would have a greater adverse impact on the openness of the area or the purposes of including land in it, compared with the dwellings they replace or the previous buildings use.
6. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

b: Open Space

1. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:
 - i. The development proposal is a small scale ancillary use which supports the use of the open space or
 - ii. Equivalent or better quality open space provision can be made. Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity.

2. In areas which are identified as deficient in public open space, where the development site is appropriate or the opportunity arises the Council will expect on site provision in line with the standards set out in the supporting text [para 16.3.7].

Policy DM17 states that:

a: Road Safety

The Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

c: Development, Location and Accessibility

The Council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the Council will require developers to submit a full Transport Assessment (as defined by Department for Transport criteria) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Department for Transport criteria), the Council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The Council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the Council will secure a Legal Agreement from the developer.

iii. The Council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the Council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

1. The Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the standards will be:

i. 2 or more spaces per unit for detached and semi detached houses (4 or more bedrooms)

ii. 1 or more spaces per unit for terraced houses and flats (1 to 3 bedrooms)

2. Residential development may be acceptable which proposes limited or no parking where either of the following can be demonstrated:

- i. surveys indicate that there is sufficient on-street parking capacity and
- ii. In cases where the proposal is within a Controlled Parking Zone (CPZ) or town centre and surveys indicate there is not sufficient on street parking capacity, the roads outside a CPZ which are in close proximity to the proposal will need to have sufficient on-street parking capacity to accommodate parking from the development and the applicant is willing to enter into a legal agreement which restricts future occupiers from obtaining on street parking permits.

London Plan policy 7.16 states that The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy 7.22 of The London Plan encourages a thriving farming and land based sector particularly in the green belt but the development plan has no specific policy on farm diversification.

Paragraph 88 of the National Planning Policy Framework when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

5.3 Assessment of proposals

As noted in the site history section above, this application follows the approval of planning application H/01150/12 dated 03/06/13 for 'Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.' Two further applications at the site were submitted relating to variations of conditions under references H/05605/13 and H/06082/13. H/05605/13 sought the variation of condition 4 (opening hours). This application was refused, however the subsequent appeal under reference APP/N5090/W/14/2215336 was allowed.

Application H/05605/13 sought the variation of condition 10 (outside play equipment). The application was refused, and the subsequent appeal under reference APP/N5090/W/14/2222194 was dismissed.

It is not considered necessary to re-assess those elements previously considered acceptable. Therefore, this appraisal will focus only on those elements which have not previously received approval.

The changes from the previously approved application H/01150/12 dated 03/06/13 are as follows:

- The proposal now includes the demolition and re-build of the existing indoor riding centre.
- Change in the proposed hours of use of the site.

Policy DM15 states that the replacement or re-use of buildings will not be permitted where they would have a greater adverse impact on the openness of the area or the purposes of including land in it, compared with the dwellings they replace or the previous buildings use. As part of application H/01150/12 dated 03/06/13, it was noted as part of the previous enforcement appeal under reference ENF/01575/09/H, that the appeal inspector considered that 'favourable consideration should be given to proposals for diversification in the Green Belt, where openness is preserved and there is no conflict with the purposes of including land within it. In cases of inappropriate development, any wider benefits of the farm diversification may contribute to the 'very special circumstances'. Re-use of buildings is encouraged and account must be taken of the amenity of nearby residents who may be adversely affected by new types of on-farm development.'

The existing animal and bird enclosures would be removed from their current locations around the stable block part of the site.

It was considered as part of the previous application that given the proposal would relocate the farm to the area within and around the existing Indoor Riding Centre and would be viewed against the backdrop of the indoor riding centre. The riding centre building is a two storey building, of rather utilitarian appearance with dark stained timber cladding and some high level glazing. However the building is well hidden due to the relief of the land, being at a lower level than that visible from the street. Views of the enclosures would be limited from closer to The Ridgeway than the existing unauthorised structures. The larger structures would also be removed.

As such, the visual impact of enclosures being constructed would be more limited than those of the currently unauthorised development and although this did not prevent the development from being inappropriate in planning terms it was considered that the benefits provided by the farm diversification amounted to very special circumstances to that

outweighed the harm caused by the inappropriateness of the development in green belt terms in order to justify the development.

It is noted that the re-use of existing buildings is encouraged and the proposal would result in the demolition and re-build of the indoor riding centre building. However, the dimensions of the building would be the same as that of the existing building and in the same location. As such, although no longer re-using the existing building, the visual impact of the proposal would be negligible in relation to what is currently on the site and the materials used in its construction will be subject of a condition. As such, it is still considered that the benefits of the proposal outweigh the harm caused by the inappropriateness of the development in green belt.

The other alteration from the previously approved application includes the hours of use of the site.

The previous application conditioned that the use hereby permitted shall not be open to customers before 8am or after 6pm on weekdays or before 9am or after 6pm on Saturdays, Sundays and Bank Holidays. However, the proposed opening hours are to follow those considered acceptable by the Planning Inspectorate in the appeal APP/N5090/W/14/2215336 stating that the use of the site shall not be open to customers before 8.00am or after 10.00pm on weekdays, Saturdays or Bank Holidays or before 9.00am or after 7.00pm on Sundays. As part of that appeal the inspector concluded that although there is a need to protect the living conditions of the occupants of Millbrae, that this residential property is not located in an exceptionally tranquil area. The Ridgeway is a busy road linking Edgware and Mill Hill. It is also a bus route with a bus stop immediately outside Belmont Farm. Immediately opposite is the Three Hammers public house from which there is likely to be a degree of noise and disturbance up until closing time in the late evening, which on occasions is likely to be substantial. However, the appellant had justified the longer opening hours on the basis that it is a significant means of generating greater revenue to justify the level of investment needed.

The closing time of 10.00pm on weekdays was considered to be reasonable as it would give a sufficiently large window for activities to take place in the evenings whilst ensuring that the site was substantially clear at a reasonable hour - and well before the closing time of the Three Hammers.

It was also considered that In respect of weekends and Bank Holidays, that there was little case for drawing a distinction between opening and closing times on weekdays and Saturdays.

As such, the changes in hours of use stipulating that the use of the site shall not be open to customers before 8.00am or after 10.00pm on weekdays, Saturdays or Bank Holidays or before 9.00am or after 7.00pm on Sundays is considered to be acceptable.

Impact on the visual amenities of the green belt

The inspector also commented that the children's farm caused harm to visual amenities of the green belt, though this is confined to short distance views from The Ridgeway and has a moderate adverse impact.

As a result of the relocation of the children's farm, it would be sited further into the valley at a lower level. Therefore it would not impact the views the inspector referred to previously. It is recognised that the new location is also sensitive given the views across the Totteridge Valley and its rural character. However, the children's farm would be viewed

against the backdrop of the indoor riding centre. Given the presence of the existing indoor riding centre and the proposed building would appear identical to this and given the more limited visibility of this part of the site, it is not considered that the proposals would harm the visual amenities of the green belt.

Whether the proposals would preserve or enhance the character and appearance of Mill Hill Conservation Area

As part of the previously approved application, it was considered that whilst the proposals would be visible from some public footpaths, its prominence would be diminished and it would not be visible from The Ridgeway or other major public viewpoints. It would also be sited further from Sheepwash Pond. The Indoor riding Centre building is somewhat drab in its appearance. It was not considered that the siting of enclosures around the building would detract from its appearance, nor would it detract from the character and appearance of Mill Hill Conservation Area. The building itself lies just outside the Conservation Area boundary.

The existing front car park is unauthorised, and therefore its removal and subsequent landscaping cannot be given any weight in terms of the improvement to the appearance of the area; it is just restoring the land to its lawful state.

It is considered that the proposals would have a neutral impact overall on the appearance of the conservation area, preserving its character and appearance.

Impact on the amenities of neighbouring occupiers

It was considered as part of the previously approved application, that as a result of the proposed relocation of the access, 30m from the boundary with Millbrae, that the proposals would not materially harm the residential or visual amenities of the occupiers of Millbrae. In addition, as the majority of activity would take place within the former indoor riding centre, the relocated farm and access would be unlikely to materially harm the residential or visual amenities of the occupiers of Sheepwood. As part of the current proposals the majority of the activity would still take place within the location of the former indoor riding centre. As such, it is not considered that the current proposal would harm the residential or visual amenity of any neighbouring occupiers.

Impact on highway safety

The previous scheme under reference H/01150/12 was considered to have an acceptable impact and have not objected to the current scheme.

The Council's Highways department have concluded as per the previously approved application that the scheme would have an acceptable impact subject to conditions and a section 106 agreement to provide a travel plan and monitoring costs.

As no changes are being made to the proposal in terms of parking provision and access alterations from what has previously been approved, it is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

5.4 Response to Public Consultation

Mainly addressed in report above.

The application was re-consulted on and the site notice was re-located to the correct location.

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

It is considered that any harm caused by inappropriateness of the development within the green belt is justified by the very special circumstances in support of the application. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

