
WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

BARDEN FELL
34/2012/13074

EXTENSION OF ICE CREAM PARLOUR, CHANGE OF USE TO INDOOR PLAY SPACE AND CREATION OF COVERED PLAY SPACE WITH EXTENSION OF SITE TO ACCOMMODATE TREE SCREENING, RETROSPECTIVE APPLICATION FOR EXTENSION TO CAR PARK.

CALM SLATE FARM, HOLME LANE, HALTON EAST.

APPLICANT NAME: YORKSHIRE DALES ICE CREAM LTD

TARGET DECISION DATE: 16/01/2013

CASE OFFICER: Roger France

This Planning Application is referred to the Planning Committee at the request of Councillor Heseltine.

1. Site Description

- 1.1 Calm Slate Farm is located in open countryside of attractive rural character to the north west of Halton East village and south of the Yorkshire Dales National Park Boundary. It forms part of the Bolton Abbey Estate and consists of a livestock farming business (cattle and sheep) with 120 acres of pasture land; the holding is also the business base of Yorkshire Dales Ice Cream.
- 1.2 The farmstead comprises a large group of farm buildings that includes the original stone built farm house and a range of modern agricultural buildings. To the south of the main agricultural group is a recent farm diversification development opened in 2011. It comprises a purpose built, single-storey ice-cream parlour with an associated 'party room', toilets, outdoor children's play area, and car parking. The parlour buildings have been designed to an American 'farmstead' architectural style externally and a 1950's 'Diner' internally, to create a commercial theme to the visitor attraction.
- 1.3 The original vehicle access to the farm is from Moor Lane to the east (which also forms a public right of way) but the main access to the premises, and the public access for the ice cream business, is a recently constructed surfaced driveway from the south off Holme Lane (the Embsay-Halton East road).
- 1.4 There is an area to the west and south of the main farm buildings used for the open storage/parking of vans and trailers associated with the ice cream business.
- 1.5 The site falls outside the development limits of the settlements of Halton East and Embsay.
- 1.6 The existing 'Parlour' outlet is limited by a Section 106 Planning Obligation which restricts the sale of goods to: -
- 1) Ice cream-based products and other iced confectionary manufactured at Calm Slate Farm
 - 2) Hot and cold non-alcoholic drinks for consumption off the site
 - 3) Craft food products (excluding drinks for consumption off the site)

2. Proposal

- 2.1 The proposal is for further development of the newly established visitor facility, continuing the diversification of the main farm business. Full planning permission is sought for a series of linked single-storey extensions to the existing ice cream parlour to create additional internal seating and a new covered play children's play area. The proposal includes the use of an existing informal overspill car parking area as a permanent additional car park, and a landscaping scheme that involves the relocation of a section of an existing belt of recently planted trees. No alterations to the existing vehicle access are required or proposed.

- 2.2 In detail, the existing Parlour (253 sqm internal floor area) is to be extended eastwards to match the existing building design (creating a total floorspace of 403 sqm), this in turn is linked to an existing small workshop/store building. The link extension will accommodate additional servery and wash-up facilities, the existing barn (200sqm) is to be converted into a further play-space/party room. Finally, a new semi-open play space will be housed in a new 'barn' like structure (307 sqm) added to the above extensions.
- 2.3 Further to the submission of the original application a revised design scheme for the main play barn has been submitted as a formal amendment. This supersedes the original overtly American design of barn with a less elaborate structure more in keeping with modern local livestock buildings; as part of the amendment the entire east elevation will be faced in natural timber boarding
- 2.4 The extensions forms a roughly 'L' shaped building layout, semi-enclosing the present open-air play area to the south of the Parlour; all the buildings being linked with the continuation of the existing raised porch 'boardwalk'. The south, west and north elevations are clad in the same horizontal timber shiplap effect boarding (light weight resin bonded timber) as the existing structure. (As noted above the east elevation is clad in natural timber). The pitched roofs will also match the existing, with profiled metal cladding and roof cupolas. Doors and windows will be of timber construction, paint finished.
- 2.5 The new parking area is a rectangular area to west of the present authorised car park which is already used on an informal basis as overspill parking. To retain the rural character of the site the whole of the area is surfaced in rolled stone without any demarcation of spaces, and enclosed with a timber boarded fence. Added to the existing parking this will provide a single parking area that is capable of accommodating 63 vehicles in total.
- 2.6 The proposed covered play space structure would intrude into an area of recent mass planting of young trees intended to form a screen to the south of the present buildings. Consequently, the landscape proposals accompanying the current application compensate for the reduced area of planting to the south of the Parlour by the planting of an equivalent area to the east of the new extensions. This involves the re-planting or replacement of approximately 100 plants and will act to reinforce the amount of tree screening between the development and Halton East village. The planting involves mixed species of Oak, Ash, Alder, Birch and Willow planted at 1.5 to 5 metre centres.

3. Planning History

- 3.1 24/2004/4962: Gave permission for the conversion of an agricultural building for the use for the manufacture of and the garaging of ice cream vehicles and the formation of a new access. Conditional approval 21 February 2005. (Officer Note: This is the building in the north eastern corner of the application site that is to be converted to play space / party room).
- 3.2 34/2008/8384: (Outline Application) gave approval for the formation of farm retail outlet. The decision to approve was made by the Planning Committee in April 2008 but the decision notice was only issued after the signing of a S.106 Agreement on 10 July 2009. This agreement limited the range of goods which may be sold.
- 3.3 34/2009/9876: Granted approval of the reserved matters (scale, design, appearance and landscaping), following the outline permission 34/2008/8384, on 22 September 2009.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework (Section 3) supports economic growth in rural areas, including sustainable tourism and leisure developments, and (Section 4) attaches "great importance" to design as a "key aspect of sustainable development".
- 4.2 Saved Local Plan Policies ENV1 (Development in Open Countryside); ENV2: (Requirements for Development in Open Countryside)
- 4.3 Good Practice Guide on Planning for Tourism (not revoked by the NPPF).

5. Parish/Town Council Comments

- 5.1 Halton Parish Meeting objects to the application on a number of grounds. Firstly, on a general level the Parish Meeting consider that the existing commercial development “can no longer be viewed as farm diversification”; that existing buildings should be used to “accommodate the increase of capacity”; that this and other nearby rural businesses/attractions have increased traffic in the locality; the use has created “noise pollution”; and that the operating hours should be fixed as agreed with the landlord (10.00 to 18.00).
- 5.2 Specifically with respect to the new development the objections are that: -
- 1) Increasing the 70 seat diner to 170, more than doubling the floorspace, and providing large internal and external play areas will raise noise levels, and with increased operating hours there will be greater noise disturbance for local residents.
 - 2) Car parking should be restricted.
 - 3) Drawings depicting the tree screening are misleading as it will take many years to become established.
 - 4) Contrary to the applicant’s statements the site is visible from the public roads leading into the village and surrounding area.
 - 5) Development will increase traffic levels using A59 junction and narrow village access road; traffic levels through village are increasing causing danger to residents and children.
 - 6) Closing time should be 18.00 but use has extended to 19.00 on occasions, to the detriment of residents enjoyment of homes and gardens.
 - 7) The development could be utilised as a function venue in the future; the success of the business is at the cost of the local resident’s amenities.

6. Consultations

- 6.1 **CDC Environmental Health Officer:** “Not identified any potential Environmental Protection issues that would give cause for concern”, and further comments: -

“In addressing the Parish Councils specific concerns, there are no records of any complaints regarding noise nuisance from the site”; “without justification, i.e. a history of noise nuisance, I would not be in a position to support their recommendation for refusal on the grounds of “noise pollution”. It appears from the site plan that the nearest residential properties are approximately 230m distance (Moorland Cottages, Hall Laithe and Halton Hall). Attenuation of noise over this distance would be in the region of 55dB(A) and as such it is unlikely that noise from the play area would cause a statutory nuisance at nearby properties.” I would think there is justification for the current operating hours of 10:00 until 18:00 to remain in force. Should we receive any noise complaints in future we would investigate and if appropriate deal with them under statutory nuisance.

- 6.2 **NYCC Highway Authority:** Recommend approval, subject to the provision of the parking spaces in accordance with the plans, and protection of public right of ways.

- 6.3 **Yorkshire Dales National Park Authority:** “Subject to the use of appropriate roof materials, significant and robust tree planting to screen the building from the east and tree planting around and within the car park to the west the National Park Authority would have no objection to the proposal.”

7. Representations

- 7.1 Eight letters in objection to the application; in summary the objections are broadly the same as the Parish Meeting objections: -

- Additional traffic generation.
- Concern about opening hours and noise disturbance.
- Additional capacity for visitors could be made within the existing buildings rather than additional building.

However, one objector also referred to the incongruous 'American' design style of the play barn being out of character with the Dales landscape, and the facing materials alien to the local vernacular. (NB. This has been addressed in the revised design and submission of amended plans and drawings).

8. Summary of Principal Planning Issues

8.1 The principle of development for extended visitor/tourist attraction facilities at this open countryside location, in relation to national and local planning policy.

8.2 Design issues and the visual impact of the development on the character of the surrounding area.

8.3 Impact on the amenities of local residents, including potential noise disturbance.

8.4 Highway safety.

9. Analysis

1. The principle of development

9.1 The site lies in open countryside and outside of the development limits of any settlement. However, the existing Ice Cream Parlour and associated children's play facilities form a successful commercial farm diversification project, and the purpose built structures are located alongside the established farm building group. Hence the visitor development is physically closely related to the main building group and, relative to the main complex, is small in scale.

9.2 The National Planning Policy Framework (the Framework) supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, provided that the development respects the character of the area and is in an appropriate location where identified needs are not met by existing facilities in rural service centres. The Framework also identifies, as part of its core planning principles, the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.

9.3 Saved Local Plan Policy ENV1 supports 'small scale development having a rural character' subject to specific criteria requiring - amongst other things - that such development to; be beneficial to the rural economy, and maintain landscape character. This Policy is generally in accordance with the new Framework's guidance (i.e. both support uses beneficial to the rural economy, including tourism) and the Good Practice Guide on Planning for Tourism, consequently the policy can be given some weight.

9.4 Saved Policy ENV2 applies where development is considered acceptable in principle under Policy ENV1 and seeks to ensure that such proposals are compatible with the surrounding area; does not adversely impact on the landscape; is of a design that relates to the setting allowing for public views; can adequately accommodate traffic; and, can be provided with services and infrastructure without harming the rural character and appearance of the locality.

9.5 In this case, the manufacture of ice cream at the farm is long established and while the 'Parlour' sales outlet, with the associated children's play area, is a more recent business venture it is clearly now a successful part of the farm enterprise. It is understood the attraction draws visitors from Skipton, Harrogate, Ilkley and Colne, and visitors often combine their visit with trips to other attractions in the nearby area. The business provides local employment (up to 15 staff at peak times) and makes purchases from other local suppliers. The desire to create more undercover accommodation is a response to the impact of recent poor summer weather and would make the business more resilient to climate change.

9.6 As such, in principle, the proposal to extend the existing facilities would be in accordance with the thrust of the Framework and saved LP Policy ENV1, and the acceptability of the application depends on the impact of the details of the proposal assessed against saved Policy ENV2.

2. Visual Impact

- 9.7 The farm group is located in attractive 'Dales' countryside on the edge of the National Park boundary and is visible from various public view points including mid distance views from the Holme Lane approach to Halton East and the village itself. Groupings of farm buildings within this landscape are a characteristic feature of the area and larger modern functional livestock buildings are not uncommon. The existing parlour building is low in profile and visually forms part of the existing farm group that consists of typical traditional stone buildings and large modern agricultural sheds. In terms of the siting of the extensions, i.e. to form a 'courtyard' by building to the east and south of the existing structure, this is a logical location both by retaining development close to the main group and by enclosing the main areas of activity from views from the village (to the southeast).
- 9.8 The design style for the established Parlour development is that of a "traditional American farmstead'. This is described as a "Cape Cod, New England' style look, with wrap around decking, cupolas and feature doors." This style is reinforced by the internal décor/imagery of an American diner, and it is recognised that are commercial reason for doing this. By reason of the small scale nature of the buildings to date this has not have any impact outside the site.
- 9.9 However, as originally submitted this theme was developed much further in the elevations for the extended development, especially in respect of the covered play area, which is a larger building and was given a very distinctive 'American' barn-like profile. The overtly American design style of the larger play area structure would have greater visibility from the surrounding area and likely to appear as an incongruous and alien building in this distinctive 'Dales' setting. Consequently, further to agreement, a simpler, more functional design for the covered play area has been submitted as a revised scheme. This change in design is more 'bland' in appearance but is functional, in keeping with modern livestock buildings, and will be more easily assimilated into the wider landscape.
- 9.10 The facing materials match the existing, being steel framed structures with light-weight cladding to give a 'timber shiplap' effect walls; with artificial slate roofs on the Parlour extension and profiled metal cladding on the 'play barn'. As part of the amendment to the play barn the whole of the east elevation (facing the village) is to be clad in timber (and left as natural finish).
- 9.11 The additional parking is a triangular shaped area located between the authorised car park and the Parlour buildings, and is already in use as an overspill parking area. The existing newly planted tree screens form one belt to the south of the buildings and one to the east; neither have yet had time to become established. It is proposed within this application to relocate some 100 trees from the eastern half of the screen (to accommodate the new covered play space) and extend the screen to the east southwards. In the future these belts will form an effective visual (and acoustic) screen.
- 9.12 In conclusion, therefore, it is considered that the application proposals (as revised) will not have any significant visual impact on the landscape setting of this established farm group, or cause any harm to the general visual amenities of the area; including views from the village and dwellings within the locality. On this basis it is considered that the application proposals are compliant with saved LP Policy ENV2.

3. Impact on neighbour amenity

- 9.13 The principal concern expressed by local residents in terms of the potential effect on amenity was the potential disturbance from noise and other activities on the site, particularly if evening opening was allowed. However, consultation with the Council's Environmental Health Officer confirms that there is no record of any past nuisance complaints or, based on the distances involved, much likelihood of any statutory nuisance as a result of the new development (see 6.1 above).
- 9.14 With respect to operating hours the applicants have commented: -
"Operating hours have been agreed with the landlord and the closing time of 6pm has been adhered to. Our opening times are permanently listed on the building and at our website. There have been around 10 occasions this year where we have hosted evenings for local groups, including the WI, Brownies and Young Farmers Clubs. These visits are by appointment and can only be hosted out of opening times, they are not charged for in any

way and consist of a talk by us about the farming, manufacturing and parlour businesses, a tour of the farm, the manufacturing and farm animals, ice cream tasting and questions. At the meeting this was explained to the residents and seemed to satisfy them as to the occasional seemingly late opening.”

9.15 The applicants have also further confirmed they have no intentions of applying for an alcohol licence.

9.16 Therefore, it is held that the proposals are unlikely to have any unacceptable or unreasonable effects on the living conditions of the occupiers of any nearby premises.

4. Highway safety

9.17 The highway authority has recommended approval of the application and there is no evidence to suggest that the development has caused any specific traffic hazard or that the traffic generated by the new proposals is so unsuitable for the access roads from the A59 to the site that it justifies the withholding of planning permission.

10. Recommendation

10.1 Approval: subject to planning conditions and signing of a Deed of Variation to the existing s106 agreement to apply to the new development.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in accordance with the details shown on the following approved plans and drawings: Plan No.598-06 submitted to the Local Planning Authority on 2 November 2012; and amended Plan No's 598/08A, 598/09A, and 598/10A, submitted to the LPA on 16 January 2013.

Reason: For the avoidance of doubt.

3. The proposed tree planting shall be carried out in accordance with the approved details shown on Drawing No. 598/06 and the Tree Survey report [by Andrew Durham (Architect) dated October 2012], accompanying the planning application, and shall be implemented during the first planting season following completion of the development hereby permitted and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

Reason: To ensure that the development is of attractive appearance in the interests of visual amenity.

4. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing No. 598/06 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

5. No external lighting shall be installed without the prior approval in writing of the local planning authority.

Reason: To safeguard the amenities of the surrounding area.

6. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing parlour building with the exception of

the proposed east elevation which shall be clad in timber, in accordance with Drawing No. 598/09A, and retained in a natural finish.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the surrounding area in the interests of visual amenity.

INFORMATIVES

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. This development is subject to the signing of a Deed of Variation to the existing Agreement (made under the provisions of section 106 of the Town and Country Planning Act 1990) between the Applicant, Landowner and Craven District Council and which set out the controls and restrictions of use, and which was signed before the decision notice on Planning Application Reference 34/2008/8384 was issued.

Reasons for approval

The proposed development will provide additional facilities at an established tourist attraction in a rural area, and will form sustainable economic development which accords with the National Planning Policy Framework, the Good Practice Guide on Planning for Tourism, and the provisions of Saved Policies ENV1 and ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan. There is no evidence that the development will adversely affect the visual amenities and character of this rural area, would lead to conditions detrimental to the amenities of the occupants of the nearby dwellings, or prejudice highway safety in the locality. It is therefore concluded that there are no reasonable grounds to justify withholding planning permission.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches/information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information/changes to the scheme post validation.