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APPENDIX 1.

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Date: 30 November 2005

Mr Forrester
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Planning Department
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Harrogate, HG1 2AE

Mayfair	Marlborough
Chelsea	North Wales
Marylebone	Oxford
Cambridge	Peterborough
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Dear Mr Forrester

REVISED PLANNING APPLICATION: THE MILLSTONES RESTAURANT, SKIPTON ROAD, FELLISCLIFFE: ACCOMMODATION ANNEX AND MANAGERS FLAT

Introduction

We act for Andrew Ashby the owner of Millstones Restaurant at Felliscliffe alongside the A59 Skipton Road and have been instructed to act as Agent for a revised planning application to provide tourist accommodation at Millstones Restaurant.

The Planning Application

This is a revised full planning application for an Annex to Millstones Restaurant, Skipton Road, Felliscliffe to provide for tourist accommodation in the form of 18 bedrooms and a managers flat. The proposals include full plans of the building and layout including detailed landscaping, parking and lighting arrangements for the site. We enclose completed application forms, certificates, application site plan, full plans and elevations and other documents in support of the proposal including:

1. A Statement of Support for the managers/caretakers Flat; and
2. A Statement of Support for the Tourist Accommodation; and
3. A Landscape and Environment Assessment from Richard Hughes Landscape Architect.

Planning Application Fee

The previous planning application 6.99.35.I.FULMAJ was withdrawn. The original application was submitted on the 6 December 2004. This application is a revised proposal within 12 months of the submission of the original application and requires no planning application fee.

Background

The Millstones Restaurant has a complex planning history. It has been developed over the last 45 years since 1960 originally as a roadside amenity stemming from a local farming families response to the needs of tourists. It is now a significant business providing refreshment facilities for travellers, visitors and tourists. A fuller background is enclosed with the revised application. The facility has developed to the point where it is now considered appropriate and necessary to extend the range of facilities to provide limited overnight accommodation on site and for a full-time manager to be present on site. A previous scheme was withdrawn following a negative recommendation.

The Proposal

The proposal now before the Local Planning Authority is a revised scheme to create an Annex to the Millstones Restaurant which will provide 18 letting bedrooms for overnight accommodation including an Apartment within the Annex to accommodate the essential need to have a full-time manager/caretaker on site.

It is our view that there are three principle planning issues which need to be addressed in regard to this revised application.

1. To provide a fully justified case for allowing tourist accommodation;
2. To provide justification for the managers accommodation on site; and
3. To consider the proposals within the context of the Nidderdale Area of Outstanding Natural Beauty within which the site lies.

The proposals have been carefully reconsidered in regard to their siting, form, massing and character in relation to the existing Millstones Restaurant and within their wider landscape context.

This has resulted in the revised application being fine-tuned. The concept behind the group of buildings stems directly from the wider landscape context.

Planning Context: The Case for Approval

The application will be considered in relation to the Development Plan for the area The North Yorkshire County Structure Plan (CSP) and the Harrogate District Local Plan (HDLP) and more recent and relevant Government Guidance and National Planning Policy. In particular we have taken into account in this revised planning application National Planning Policy in PPS7 (August 2004) which is more up to date than Development Plan Policy.

There are a number of policies within the Development Plan which are relevant to the consideration of this application. A principle policy is HDLP Policy TR2 "New Hotel Development". This refers amongst other types of visitor accommodation to "Other Serviced Visitor Accommodation". Since the proposed development is not a hotel in the conventional sense it can reasonably be described as serviced visitor accommodation which is ancillary to and annexed to an established roadside facility which provides a full range of requirements for the traveller/visitor other than, at the moment, visitor accommodation.

In relation to Policy TR2 it is clear that it allows support "in exceptional circumstances" for visitor accommodation to be permitted outside main settlements provided three criteria are met and additionally that there is "no adverse effect on the character and appearance of the countryside" or harm to the "environment policies of the plan". We consider the amended and revised scheme now before you adequately demonstrates compliance with Policy TR2.

The Local Planning Authority previously indicated that the earlier application did not satisfy these requirements in relation specifically to Criteria B of Policy C1 and TR2. This revised proposal addresses this concern.

Policy C1 "Conservation of the Nidderdale Area of Outstanding Natural Beauty (AONB)" sets out the Council's stance in relation to development in the AONB. Criteria B states: "development should, wherever possible, be allocated in or adjacent to existing settlements". This is the only issue raised by the Local Planning Authority in wanting to refuse the previous application which acknowledges that the rest of Policy C1 is satisfied.

In relation to whether or not this proposal can reasonably be provided within a main settlement it has to be said that the only reason our clients are now proposing the accommodation is because it would be ancillary to and complimentary to the established roadside facilities at Millstones. The Council does acknowledge in the justification for Policy TR2 that visitor accommodation is beneficial in terms of tourism generation and economic benefits. Whilst it is understandable that they direct the majority of this type of development to established main settlements, there is a clear role for visitor accommodation in the rural areas.

In this instance there is a fundamentally sound and robust case which amount to "exceptional circumstances" to meet a need for travellers and visitors to the area. This has already been proven by the success of our clients facility in providing for a particular sector of the market.

Unilateral Planning Obligation

The intention of our client to carry out off site tree planting of indigenous species is to be confirmed by the completion of a Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990 before determination of the application.

This will give the Local Planning Authority confidence that the advice and guidance of our clients Landscape Architect Richard Hughes will be adhered to. The agreement is in the process of completion and will be delivered as soon as possible.

Conclusions

This revised planning application sets out amended proposals for an accommodation Annex including a managers flat adjacent to the Millstones Restaurant, Skipton Road, Felliscliffe. The objective is to provide specifically for the needs of those people already using the restaurant which includes function facilities. It is a successful, vibrant and viable business.

The proposals for the Annex are modest. They are integrated in building and landscape terms in a way which ensures that there will in fact be substantial improvements to the natural beauty of the area and in particular the wider Nidderdale AONB landscape in a way which ensures that the exceptional circumstances demonstrated in the supporting statements will enable Harrogate Borough Council to support and approve the application.

Yours sincerely



JOHN D GOODWIN Dip TP MRTPI
Partner
For and on behalf of Carter Jonas LLP

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Date: 10 February 2006

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Dear «Salutation»

**ITEM 9: HARROGATE BOROUGH COUNCIL PLANNING COMMITTEE:
REVISED PROPOSALS FOR ACCOMMODATION, ANNEX AND MANAGERS
FLAT AT THE MILLSTONES RESTAURANT, FELLISCLIFFE**

On Tuesday 14 February you will be asked to determine an application for revised proposals for accommodation for visitors together with an integral managers flat at The Millstones Restaurant. I am writing to you to seek your support to approve the application.

I am disappointed that the Officers Report does not properly reflect either the revised proposals or the robust planning cases which have been submitted to address the Officers previous concerns.

It does seem to us that Officers have wilfully ignored the role that Millstones plays in the buoyant tourist economy of Harrogate District and indeed the new landscape context following the Windfarm approval.

Millstones Restaurant is an established visitor facility. It is popular with numerous coach based tours and for special events. It has developed over a long period since 1965 specifically to satisfy these locally based needs. The annex seeks to expand on the existing facility and provide bedroom accommodation because there is a demand not being satisfied in the town or nearby. It seems to us that this can be accommodated on the site without compromising either planning policies or landscape issues.

The revised planning application fine-tunes the design and landscape proposals and addresses matters of concern raised by Officers. It demonstrates how the facility can be accommodated on site without being intrusive in the immediate or wider locality.

Furthermore the application was accompanied by a full and robust statement justifying the design, the visitor accommodation in a rural area and the integral managers flat.

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There can be no doubt that such a facility is sustainable by the tests set out in PPS1 and National Planning Policy for rural tourist accommodation set out in PPS7. As a consequence there is no requirement to address the so-called sequential test referred to in PPS6 which relates to planning for Town Centres.

It is clear from the response of the AONB Committee that the proposals will not harm the AONB and it is therefore puzzling that Officers take a different view.

Similarly the comments of the Economic Development Officer on the one hand acknowledge that additional tourist accommodation is required and on the other hand then suggests that it may undermine other facilities in the vicinity or along the A59. This is not the case. My client has visited these establishments and discussed his proposals. There are no objections. Such a commentary totally ignores the fact that the accommodation is intended to satisfy a need found specifically at The Millstones Restaurant. This need is not currently being sustainably met and can only be met on site in the manner suggested.

Accordingly we ask that the Committee exercises its discretion and common sense to support and approve this application.

Yours sincerely

JOHN D GOODWIN Dip TP MRTPI
Partner
For and on behalf of Carter Jonas LLP

Cc: A Ashby Esq
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Harrogate Borough Council

