

Public Document Pack



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Wednesday 11 February 2026

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 19 February 2026**.

(A coach will depart the Town Hall, at 10.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee

Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Susan Lee-Richards
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Mark Thompson

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

D Bellamy
D Hall
J Taylor
C Holt

Green

K Allison
A Cooper

Labour

M Ahmed
S Ullah
B Addy
M Crook
J Rylah
A Sewell
H McCarthy
E Firth

Liberal

Democrat
PA Davies
J Lawson
A Munro
A Marchington
A Smith
C Burke
D Longstaff
A Robinson

Community

Alliance
A Zaman

Kirklees

**Community
Independents**
A Arshad
JD Lawson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 2

To approve the Minutes of the Meeting of the Committee held on 15 January 2026.

3: Declaration of Interests and Lobbying

3 - 4

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations/Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Site Visit - Application No: 2024/93494

Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation at Victoria Tower, Castle Hill, Lumb Lane, Almondbury, Huddersfield (Amended Plans).

Ward affected: Almondbury

Contact: Nick Hirst, Planning Services

(Estimated time of arrival at site – 10:45am)

8: Planning Applications

5 - 8

The Planning Committee will consider the attached schedule of Planning Applications.

Public representations

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 16 February 2026.

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000 (ext 74993).

Note: If you do not receive acknowledgement of an email by 5:00pm on Tuesday 17 February, please telephone the Governance Team on the above number.

9: Cooper Bridge Improvement Scheme - Acceptance of delegated non-executive functions from Calderdale MBC to Kirklees MBC (Reference to Council) 9 - 42

To receive the report.

Wards affected: Ashbrow, Liversedge and Gomersal, Mirfield

Contact: Farhad Rahman/ Ilyas Ramjan, Major Projects

10: Planning Application - Application No: 2024/93494 43 - 132

Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation at Victoria Tower, Castle Hill, Lumb Lane, Almondbury, Huddersfield.

Ward affected: Almondbury

Contact: Nick Hirst, Planning Services

11: Planning Application - Application No: 2025/92728 133 - 156

Erection of 33 dwellings with associated car parking and landscaping land at Dowker Street, Milnsbridge, Huddersfield.

Contact: Elenya Jackson, Planning Services

Ward affected: Golcar

Planning Update

An update report, providing further information on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 15th January 2026

Present: Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Susan Lee-Richards
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal

42 Membership of the Committee

No apologies were received.

43 Minutes of the Previous Meeting

RESOLVED –

That the minutes of the meeting held on 4th December 2025 be approved as a correct record.

44 Declaration of Interests and Lobbying

No disclosures of interest or lobbying were received.

45 Admission of the Public

All agenda items were considered in public session.

46 Public Question Time

No public questions were received.

47 Deputations/Petitions

No deputations or petitions were received.

48 Planning Applications

49 Site Visit - Application No. 2025/92335

Site visit undertaken.

50 Planning Application - Application No:2020/92350

The Committee considered a report in respect of Planning Application 2020/92350, an outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure on land to the south of Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

RESOLVED –

Strategic Planning Committee - 15 January 2026

That authority be delegated to the Head of Planning and Development to refuse the application for the reason set out below:

The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby, and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and Chapter 15 of the National Planning Policy Framework.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Homewood, Lee-Richards, Pinnock, Scott and Sokhal (6 votes)

Against: (0 votes)

51 **Planning Application - Application No: 2025/92335**

The Committee considered Planning Application 2025/92335 in respect of the discharge of details reserved by Condition 5 (retaining walls) of previous Reserved Matters approval 2022/91047 for the development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access) on land at Blue Hills Farm, Whitehall Road West, Birkenshaw.

In accordance with Council Procedure Rule 36(3), the Committee received a representation from Councillor Elizabeth Smaje.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Poyner (on behalf of the applicant).

RESOLVED –

That consideration of the application be deferred to a future meeting and that the Head of Planning and Development be asked to negotiate with the applicant, including engagement with ward councillors, on other options such as cladding and green options, for example moss, to achieve a more acceptable, high-quality solution in terms of the visual impact of the wall.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Homewood, Lee-Richards, Pinnock, Scott and Sokhal (6 votes)

Against: (0 votes)

KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Agenda Item 8

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published December 2024 and updated February 2025, the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

The Council's Development Management Charter (December 2024) sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 56 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as Section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

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Cooper Bridge Improvement Scheme – acceptance of delegated non-executive functions from CMBC to KMBC

Meeting	Strategic Planning Committee (Reference to Council)
Date	10th February 2026
Cabinet Member	Councillor Crook
Key Decision Eligible for Call In	No Yes
<p>Purpose of Report: The purpose of this report is to provide information to the Strategic Planning Committee where following the meeting the decision will progress to Full Council to approve acceptance of the delegated powers. At Full Council we will seek approval for non-executive powers to be delegated by Calderdale Council (CMBC) to Kirklees Council (KMBC) (the Authorities) to enable the delivery of the A62 to Cooper Bridge Corridor Improvement Scheme (the Scheme). The specific powers KMBC require to deliver the Scheme within the administrative areas of both Authorities are within the Town and Country Planning Act 1990 (TCPA 1990) and the Highways Act 1980 (HA 1980). This report relates solely to the delegation of functions and powers within those Acts deemed to be 'non-executive powers'. Subject to Full Council's approval, the Authorities have agreed to enter into a legal agreement (the Agreement) to effect the delegation.</p>	
<p>Recommendations:</p> <p>It is recommended that Strategic Planning Committee:</p> <ol style="list-style-type: none"> Note the contents of this report and the attached appendices which include: <ul style="list-style-type: none"> Appendix A: Executive and non-executive functions Appendix B: Preferred option Appendix C: Cabinet Report (January 2024) <p>Reasons for Recommendations</p> <p>To enable KMBC to determine the planning application for both KMBC and CMBC and subsequently monitor the implementation of the planning permission for the Scheme in its entirety within both Authority's land, in a lawful manner, KMBC requires particular non-executive powers and functions to be delegated from CMBC.</p> <p>As discussed later within this report, having considered the options available to deliver the Scheme in an efficient and timely manner, both Authorities agree that it will be more efficient for KMBC to determine a single planning application for the entirety of the Scheme, despite it falling within both Authorities' boundaries. This report provides information so that SPC can comment before the decision goes to Full Council for approval. If Full Council do not accept the delegation of non-executive functions, there would remain a significant risk of the Authorities taking inconsistent approaches when determining the planning application and discharging its conditions, which is</p>	

likely to lead to confusion for both public stakeholders and officers of each Authority and result in consequent delays. The associated risks are detailed within Section 3.5.

A separate report is being taken to Cabinet in relation to approving the acceptance of executive functions being delegated by CMBC to KMBC, and Members can review these executive functions in Appendix A for information purposes if necessary. In summary, they relate to executive functions under the TCPA 1990, HA 1980 and Road Traffic Regulation Act 1984.

Resource Implication:

KMBC are the lead Council for the Scheme and responsible for progressing the various stages in the process, including preparing the business case, the joint planning application and the design, securing funding and managing all associated costs.

The additional resources required for the delegation of non-executive powers from CMBC to KMBC includes time spent by the Authorities in appointing and instructing external solicitors for the provision of legal advice and the drafting and negotiation of the Agreement. KMBC will cover CMBC's professional costs in connection with negotiation and completion of the Agreement.

It should also be noted that the Scheme will fully be funded up to a defined amount by WYCA. If the costs of the Scheme exceed this defined amount, there is a risk that WYCA will not fund the shortfall. As KMBC are the contracting party with WYCA, the financial risk falls entirely to KMBC. However, there are measures in place to ensure the risk of exceeding the funding allocation is minimised through the use of Early Contractor Involvement (ECI) and the WYCA assurance process (see Figure 3) as detailed within the Financial Implications section of this report (section 3.2).

Date signed off by <u>Executive Director</u> & name	David Shepherd – 10.02.26
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – 10.02.26
Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?	Samantha Lawton – 10.02.26

Electoral wards affected:

Liversedge and Gomersal, Mirfield and Ashbrow.

Ward councillors consulted:

Ward Councillors have been consulted at previous stages of the Scheme during November and December 2024.

Public or private

Public.

Has GDPR been considered?

This report contains no information that is considered as being personal data nor does it identify any individuals.

1. Executive Summary

It is intended that the delivery of the Scheme will provide highway benefits by improving bus journey times and reliability, supporting future bus franchising, in alignment with regional growth priorities and WYCA's LTP4 ambitions for a more efficient, sustainable transport network. The successful delivery of the Scheme will also unlock new housing and employment land in accordance with KMBC's Local Plan. The Scheme's extent (Figure 1 below) spans the administrative boundaries of both Authorities.

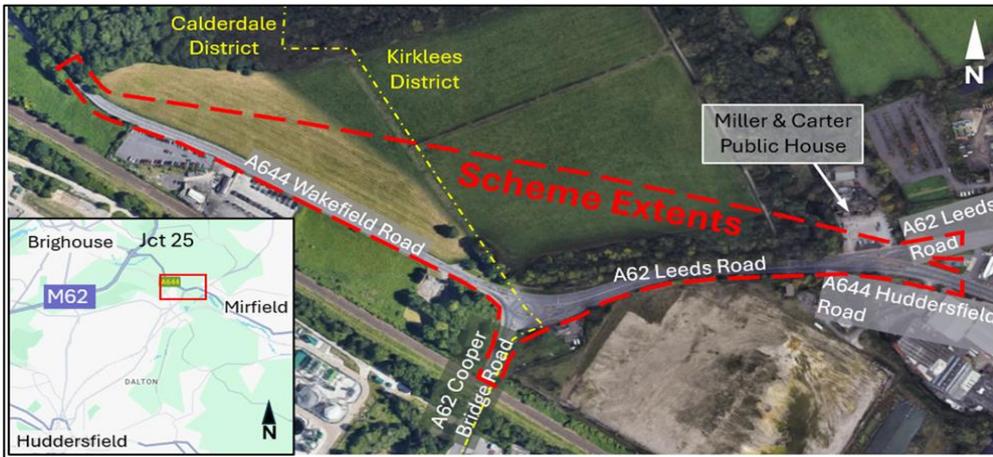


Figure 1: Scheme extent

Although the Scheme is jointly promoted by KMBC, CMBC and WYCA, the majority of the Scheme lies within KMBC's administrative area and, as such, is led by KMBC. The Authorities have agreed in principle, subject to the necessary delegation of powers, that KMBC shall have the ability to determine the planning application, implement the planning consent and monitor compliance with its conditions or obligations within its own and CMBC's boundaries.

The non-executive powers to be delegated by CMBC to KMBC are limited to specific powers within the TCPA 1990 and the HA 1980 and limited to those powers required to deliver the Scheme. Following the delegation of the requisite powers and functions, KMBC may only exercise those powers within the defined boundary of the Scheme permitted by the planning consent.

The delegation of powers is effected by the Authorities entering into the Agreement. The Authorities have agreed many of the principles of the Agreement and are in the process of finalising Heads of Terms (HOTs) capturing these. The HOTs shall then inform the drafting of the Agreement.

This report relates solely to the delegation of non-executive functions from CMBC to KMBC under the HA 1980 and the TCPA 1990. The receipt of such powers will enable KMBC to prepare a single planning application rather than separate applications to each Authority. KMBC will be able to determine the planning application for the entirety of the Scheme, acting as the local planning authority for both Authorities by using the powers delegated to it by CMBC to do so. A full list of the specific non-executive powers is set out at Appendix A, alongside the executive ones that will be decided upon by Cabinet.

Due to the Full Council's status as a non-executive body, it may only make decisions concerning the non-executive functions of KMBC. A separate report will therefore be submitted to Cabinet in respect of decisions concerning the delegation of those executive functions required to deliver the Scheme.

It is advised that the SPC note that this be brought to Full Council. It will be the Full Council's decision if the transfer of non-executive functions from KMBC to CMBC in accordance with Appendix A is to be approved.

2. Information required to take a decision

Background

The existing A62/A644 Cooper Bridge junction operates as a signalised three arm roundabout linking the A62 Cooper Bridge Road to the south, the A644 Wakefield Road to the west, and the A62 Leeds Road to the east. The junction forms one of the busiest corridors in the district and currently experiences significant congestion during both morning and evening peak periods, contributing to slow journey times and poor air quality.

The area is constrained, with protected trees located to the north and several key transport structures, including railway, river, and canal bridges, immediately to the south.

To achieve the Schemes objectives the proposed improvements are to:

- Increase the junction's capacity and improve traffic flow for all vehicles through targeted highway upgrades and optimised signal timings to help relieve congestion and improve journey time reliability.
- Deliver segregated cycling infrastructure around the Cooper Bridge junction to encourage safer and more attractive active travel options.
- Improve walking and shared use routes by upgrading footways and providing enhanced pedestrian and cyclist environments.
- Introduce new and improved signal-controlled crossings to support safer and more accessible movements for both pedestrians and cyclists throughout the junction area
- Contribute to public transport improvements across the wider corridor.

Further detail on the preferred option for the improvements is provided in Appendix B.

These improvements will require additional land in third party ownership to the north of the existing highway boundary. KMBC are negotiating with landowners to purchase this land by agreement. The land requirements are highlighted within Figure 2 and include:

- Land 1: land in third party ownership which crosses the CMBC and KMBC administrative area boundary line.
- Lands 2, 3 and 4: land in third party ownership which is wholly within the KMBC boundary.



Figure 2: Landownership plan

The Scheme will be subject to the grant of planning permission for the Scheme. The planning application is being prepared by and will be submitted on behalf of KMBC. The Authorities agree (subject to obtaining the necessary Cabinet and Full Council approvals) that KMBC shall then determine the application, grant the planning consent, if minded to do so, and then implement and monitor the Scheme within both Authority's areas.

Cost Breakdown

The Scheme is projected to cost in the region of £53.5 million which shall be funded by WYCA. KMBC is the lead Authority and therefore shall incur the costs associated with the delivery of each element of the Scheme, from start to finish. In addition to the costs associated with the preparation of the planning application, KMBC has met the cost of preparing the business case to secure funding, designing the Scheme, carrying out stakeholder and public consultations and negotiating the sale of land required for the Scheme currently in third party ownership. KMBC will meet all future costs associated with the determination of the planning application and monitoring its implementation.

The Scheme is currently at the Outline Business Case (OBC) stage (Activity 3) of the WYCA Assurance process (see Figure 3).

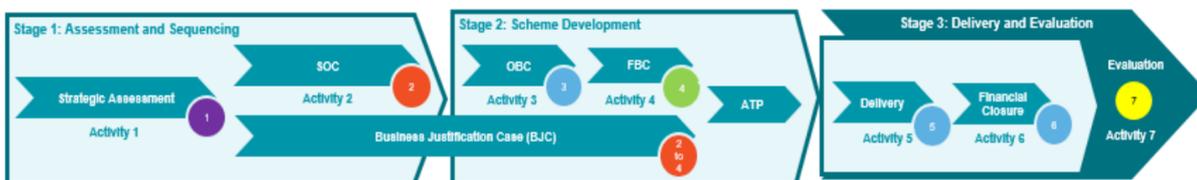


Figure 3: Overview of the WYCA assurance process

The costs associated with the delegation of the required non-executive powers detailed in this report are included within the overall cost of the Scheme. The costs associated with the lawful delegation of powers and functions from CMBC to KMBC include the cost of officer time, of appointing and instructing external solicitors for the provision of legal advice and for the drafting

and negotiation of the HOTs and the Agreement. KMBC will also cover CMBC's professional costs in connection with the Agreement.

Timescales

Subject to receiving CMBC's and KMBC's respective Cabinet and Full Council approvals to delegate and accept executive and non-executive functions the Scheme shall be progressed in accordance with the following timeline:

- Consultation: Summer 2026
- Submission of planning application: Autumn 2026
- Approval to proceed to Full Business Case: Early 2027
- Construction: Early 2028 to late 2029 (subject to WYCA approval through the assurance process – see Figure 3 above).

Expected impacts, outcomes, benefits and risk management

As highlighted within Section 6, two options have been considered.

- Option one proposed the delivery of the Scheme without a delegation of functions to KMBC.
- Option two proposed the delivery of the Scheme following the delegation of functions to KMBC.

Option two was determined to be the most effective and efficient use of public funds and allowed the delivery of the Scheme in an expedient manner. It is anticipated that option two would avoid the duplication of both work and costs by the Authorities, reduce any confusion as to which Authority is responsible for discrete elements or phases of the Scheme and remove any inconsistency of approach between the two Authorities. It would provide reassurance to the residents of both Authorities, WYCA and the third-party landowners that the Scheme can be delivered (or the Secretary of State in the event a compulsory purchase of land is required).

Risks associated with the delegation of the non-executive powers have been highlighted within Section 3.5 of this report. All associated risks have been logged within the risk register and all risks will be managed by KMBC.

The risks of the Scheme are captured, assessed and reported upon on a continual basis. The topic of 'Risk' is a standing agenda item at all Cooper Bridge Board meetings, which take place at six weekly intervals and are chaired by the Service Director for Skills and Regeneration for KMBC and attended by KMBC's Head of Risk, who sits as a board member. Reassurance should be taken from the continuous monitoring and reporting of risks to the board, which enables risks to be addressed, and mitigated where possible, at an early stage.

Services and agencies involved

The Scheme is a complex, multi-disciplinary project involving a number of KMBC's services and the appointment of external professional and construction services from the following:

- KMBC Major Projects
- KMBC Highways
- KMBC Legal

- Professional external consultants from disciplines such as planning, land strategy and acquisition, surveying and legal.

CMBC officers attend the Cooper Bridge Board meetings and have been involved in reviewing and approving designs produced by the lead designers at KMBC.

Should Full Council decide not to approve KMBC's acceptance of the delegation of the non-executive functions from CMBC, there could be an appreciable impact upon the agreed timeline for the delivery of the Scheme. Should the required non-executive functions not be delegated to KMBC, CMBC would be required to play a far greater role and incur additional time and costs. CMBC would also need to provide additional resources to carry out its statutory functions. Without the benefit of non-executive powers being delegated to KMBC, the delivery of the Scheme would be far more complex and risk being delayed, which may also affect its funding by WYCA.

3. Implications for the Council

Approval by Full Council of KMBC's acceptance of the delegation of non-executive powers from CMBC would allow for the most cost effective and efficient delivery of the entire Scheme by KMBC in both Authorities' administrative areas.

The delivery of the Scheme will support the objectives for development and infrastructure set out in KMBC's adopted Local Plan, which is currently being revised and updated, including the target of delivering 31,140 new homes during the current Local Plan period. This is highlighted within Figure 4 and 5 below which shows Cooper Bridges location in relation to KMBC's site allocation within the Local Plan and a table showing the location and size of the site allocations near Cooper Bridge.

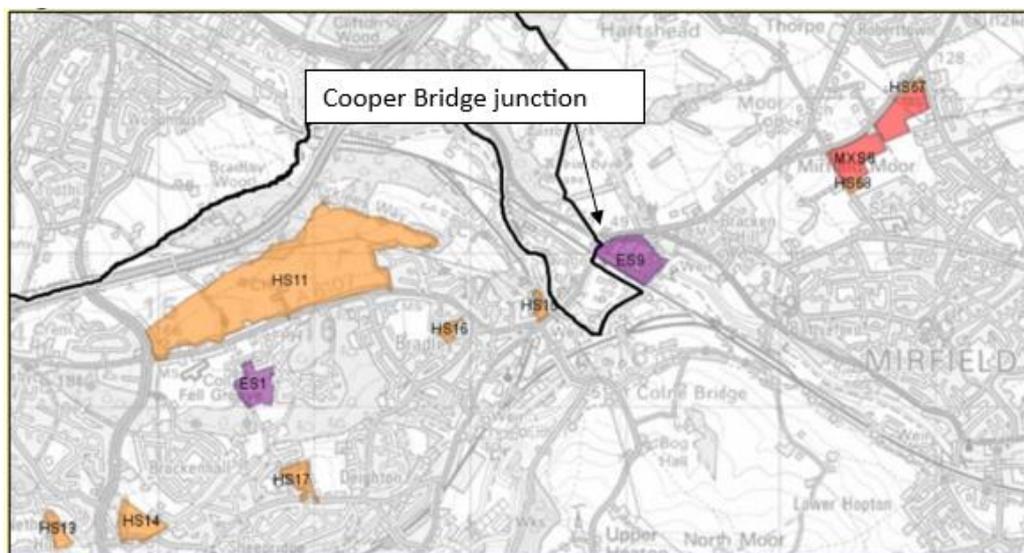


Figure 4: Site allocation map within the Local Plan

Ref:	Site Description	Size & Site Allocation
ES9	Site of former Cooper Bridge Waste Water Treatment Works	8.49 hectares 14,910m ² employment space
ES1	Land south of Bradley Business Park, Dyson Wood Park, Bradley	4.76 hectares 15,155m ² employment space
HS11	Land north of Bradley Road, Bradley	68.32 hectares Housing capacity 1,958No.
H16	Land south of St Thomas Gardens, Bradley	0.95 hectares Housing capacity 18No.
H10	Land west of Lower Quarry Road, Bradley	0.87 hectares Housing capacity 30No.
MXS6	Land at Slipper Lane, Leeds Road	12.26 hectares mixed use 21,528m ² employment space and 166No. housing capacity
HS67	Former allotments, Leeds Road, Mirfield	0.65 hectares Housing capacity 22No
HS68	Land to the east of Slipper Lane, Mirfield	0.69 hectares Housing Capacity 21No

Figure 5: Table showing site allocation within the Local Plan

The Local Plan references Cooper Bridge within Allocations and Designation document, Policy Site TS1- A62:

‘Improved access to the M62 will provide wider connectivity improvements. The Scheme also supports employment growth in the Cooper Bridge area and general development growth along Leeds Road corridor by providing better access to and from existing and new housing in Huddersfield, Dewsbury, North Kirklees and parts of Calderdale, in particularly South Dewsbury and Bradley’.

Without Full Council approval for the acceptance of the delegation of the non-executive powers set out at Appendix A from CMBC to KMBC, the deliverability of the Scheme would be compromised. This would further impact KMBC’s ability to achieve the objectives of its adopted Local Plan.

3.1 Council Plan

The A62 Cooper Bridge junction is the primary link between Huddersfield and North Kirklees as well as linking Huddersfield with Leeds (via the M62). Current and future congestion and its impact at Cooper Bridge, as well as the relatively poor public transport services result in a significant constraint in the labour market, future job opportunities and capacity to facilitate the transformational growth opportunities identified in the Local Plan. Delivery of the Cooper Bridge Scheme will facilitate transformational growth and in doing so support the Council Plan.

The Scheme supports Council Plan priorities such as promoting sustainable and inclusive economic growth and development and delivering an effective road network.

Without the delegation of non-executive powers from CMBC to KMBC, delivering the Scheme and the associated objectives of the Local Plan will be more difficult.

3.2 Financial Implications

Without Full Council approval for the acceptance of the delegation of non-executive powers from CMBC to KMBC both Authorities would need to progress and implement the Scheme within their own land. Both Authorities would have to resource for procuring contractors and professional services, resulting in additional costs and a less efficient use of public funds. In addition to the risk of cost escalation, this approach may risk uncertainty or inconsistencies in timings due to potential delays in the Authorities being able to resource the additional work required.

It should be noted that this Scheme is funded by WYCA under a contract with KMBC alone. The Scheme does not currently include any requirement for borrowing. Should Scheme costs escalate and exceed the funding allocation there is no guarantee that WYCA would fund any shortfall.

Various measures are in place to ensure the risk of exceeding the funding allocation is minimised. This includes:

- The appointment of Early Contractor Involvement at the Outline Business Case stage to provide a greater level of cost assurance during the development phase which minimises the chance of high-cost fluctuations.
- The business case is subject to the WYCA assurance framework (see Figure 3). This ensures that if any cost shortfalls are identified they can be reviewed at the Gateways.

3.3 Legal Implications

The relevant legal provisions regarding delegation of functions between local authorities are Section 101 of the Local Government Act 1972 and Section 9EA of the Local Government Act 2000 (LGA 2000).

When dealing with the issue of delegation of functions between local authorities, it is important to distinguish which of the functions to be delegated are executive functions (i.e. responsibility of Cabinet) and which are non-executive functions (i.e. responsibility of Full Council). In this regard, Section 9D of the LGA 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the 2000 Regulations) provide clarity on this point. The 2000 Regulations set out a list of powers which cannot be executive functions and provide that, as a starting point, any function which is not expressly set out in the 2000 Regulations as a non-executive function can (subject to a small number of exceptions) be considered as an executive function.

The Parts and Sections of the legislation set out at Appendix A of this report have been considered against the provisions of Section 9D of the LGA 2000 and the 2000 Regulations to ascertain the classification of each power or function. This ensures that the delegation of such functions is subject to the proper scrutiny and approval of the appropriate committees and persons within the Authorities (i.e. Cabinet or Full Council).

Depending on the terms of the Agreement it might also be necessary to utilise the powers under Section 8 of the HA 1980. This section empowers local highway authorities to enter into a legal agreement to carry out works upon another local highway authority's highway. Each of the Authorities is a local highway authority.

Article 11.4(a) of CMBC's Constitution, which provides for delegation of non-executive functions to other local authorities, permits CMBC to delegate all non-executive functions set out in Appendix A to KMBC. Article 11.4(c) of KMBC's Constitution enables KMBC to accept the delegation of non-executive functions from another local authority.

3.4 Climate Change and Air Quality

A Full Council decision to approve the acceptance of the delegation of non-executive functions would not have a direct impact on climate change and air quality.

3.5 Risk, Integrated Impact Assessment (IIA) or Human Resources

Risk

The non-executive functions delegated from CMBC to KMBC will enable KMBC to deliver the Scheme. Discrete activities KMBC must undertake include designing the Scheme, undertaking surveys, submitting the planning application, discharging planning conditions, progressing the business case through the WYCA assurance process, procurement for construction, overseeing construction, managing finance and monitoring compliance with ongoing planning obligations and conditions, for example. Some of which are executive and others non-executive decisions.

Should the Agreement not be entered into by the Authorities and all non-executive functions not be delegated to KMBC, the Scheme would not be deliverable without significant additional resources required.

As KMBC is the contracting party it will be taking any financial risks associated with the project. It should also be noted that the Scheme will fully be funded by WYCA from a defined amount. If the project should exceed the defined amount, then there is a significant risk that WYCA will not fund the shortfall. However, this risk has largely been mitigated against as explained in section 3.2 Financial Implications.

High level risks associated with not delegating non-executive functions for the Scheme are summarised within Figure 6.

Figure 6: Risk assessment

Category	Risk	Impact	RAG
Planning	Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities	Additional resources required to submit two planning applications.	Green
Planning	Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities	Could lead to public and stakeholder confusion on who is responsible for progressing discrete elements or phases of the scheme.	Green
Planning	Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities	Could lead to delays to achieving planning consent. This is due to two separate authorities determining the respective planning applications.	Green
Planning	Two separate applications will have to be submitted to each authority with CMBC and KMBC both being the determining authorities	May result in slightly different requirements to discharge the associated planning conditions from each authority. This will require additional resources and add complexities to the process.	Green

Integrated Impact Assessment

The decision for KMBC to accept delegated non-executive powers and functions from CMBC has no impact on protected characteristic groups as defined in the Public Sector Equality Duty, under the Equality Impact Act 2010. As such an IIA has not been included with this report.

4 Consultation

There has been no public or external stakeholder consultation in respect of the delegation of non-executive functions from CMBC to KMBC. The decision would have no direct impact on the public or external stakeholders and is an agreement between CMBC and KMBC.

The previous iteration of the scheme was subject to two public engagement exercises the first being in 2019 and the second 2021. However, in September 2024 there was a change request approval to phase the works with the funding being reduced from £75.1m to £53.5m.

As part of the reduced scope three designs were put forwards which included option A (roundabout), option B (gyratory) and option C (T-junction). From 28 October to 8 December 2024 these three options were consulted on with the consultation being hosted on the YourVoice webpage ([A62 to Cooper Bridge Corridor Improvement Scheme - second consultation | Your Voice](#)). The consultation also included two face-to-face events held at Battyeford Sporting Club on 13th and 19th November 2024.

During the consultation period 1,725 visits were made to the YourVoice page and 123 survey responses were submitted. The consultation outcome report concluded that there was support for each of the three options.

In addition to the public consultation two stakeholder workshops were held which helped inform the optioneering process. The workshops were held on 28th October 2024 and 11th December 2024.

The feedback received from the 2024 public consultation and stakeholder engagement was used as part of a sifting exercise to help determine the preferred option. The preferred option is presented as Appendix B.

A further consultation is planned summer 2026 on the preferred option (Appendix B). The consultation is a requirement for a planning application which will be submitted late summer 2026.

5 Engagement

There has been no wider stakeholder engagement in respect of the delegation of non-executive functions from CMBC to KMBC, as the decision is an operational matter between CMBC and KMBC

As highlighted previously, public consultation and stakeholder engagement were undertaken most recently in 2024, with the stakeholder engagement element occurring over two workshops on the 28th October 2024 and 11th December 2024. The feedback was used as part of a sifting exercise to help determine the preferred option. The preferred option is presented as Appendix B.

6 Options

6.1 Options Considered

Two options for the delivery of the Scheme were considered:

- Option 1: KMBC Major Projects Service, being the applicant, shall submit separate and distinct planning applications to each Authority, each planning application limited to development on the determining authority's land. Each Authority may determine the planning application for that part of the Scheme within its boundary and subsequently determine applications for the discharge of planning conditions and be responsible for the monitoring of ongoing conditions and any planning obligations.
- Option 2: pursuant to all necessary powers and functions being delegated to them by CMBC, KMBC would determine one planning application for the entirety of the Scheme as it falls within both Authorities' boundaries. It would subsequently determine applications for the discharge of planning conditions and be responsible for the monitoring of ongoing conditions and any planning obligations. CMBC would remain involved in a supporting role and as a statutory consultee.

6.2 Reasons for recommended Option

Option 1 was considered and dismissed. KMBC intend to deliver the Scheme in an efficient, cohesive and expedient manner using grant funding (of which KMBC is the sole recipient), to meet only those costs reasonably and properly incurred. The risk of duplication of work and consequent increased cost is high and further may lead to the confusion of stakeholders and residents of each Authority in respect of consultation and engagement. In addition to the potential increased cost, this approach may risk delay due to lack of resources available, uncertainty or inconsistencies in decision making, planning judgment or timing which would risk the Scheme not being delivered in its entirety or only being part built within one Authority's land.

Option 2 was determined to be the most efficient use of public funds and the most expedient way the Scheme could be consented. It would reduce the burden to CMBC of resourcing the time and cost of playing a substantial role. A single planning application to a single determining Authority would avoid duplication of work, and, broadly, halve the number of internal governance requirements, decisions to be made at committee and procedural steps to be taken, which then lowers the risk of delays stemming from postponed committees or the availability of persons with authority to make decisions.

A single planning consent and one set of planning conditions provides clarity and ease of understanding to the public and stakeholders as to the nature of the development consented, the limitations imposed through planning conditions and the way in which the impact of the development is mitigated through any planning obligations. It would reduce any public or stakeholder confusion as to which Authority is responsible for consenting or monitoring discrete elements or phases of the Scheme. This option would also remove any inconsistency of approach between the two Authorities, providing reassurance to the residents of both Authorities, WYCA and third-party landowners the Scheme can be delivered.

6 Next steps and timelines

Should the delegation and acceptance of both executive and non-executive functions from CMBC to KMBC be approved by the Cabinet and Full Council of each Authority, the Authorities shall progress the drafting, negotiation and completion of the Agreement, subject to the terms of the Agreement being approved by the respective Executive Directors for each Authority.

This report is intended for the SPC to note the information as the report progresses to full council and provide any comments. It will be the decision of Full Council to consider approval to accept the delegation of non-executive functions under the TCPA 1990 and the HA 1980 which are required to deliver the Scheme

CMBC Cabinet decision to cover executive functions was 09/02/26, where the transfer of powers was approved. CMBC Full Council Decision to cover non-executive functions is 11/02/26, and

A separate Cabinet Report has been submitted to cover the executive functions and will be considered on 24 March 2026. The approval to accept the delegation of executive functions are under the TCPA 1990, the HA 1980 and the Road Traffic Regulation Act 1984 which are required to deliver the Scheme. For clarity, as the Cabinet decision relates to separate powers and functions, it does not need to be considered before Full Council consider this report.

Subject to receiving CMBC and KMBC Cabinet and Full Council approval to delegate and to accept the delegation of executive and non-executive functions (as listed in Appendix A) the following timelines apply:

- Submission of planning application: Autumn 2026
- Approval to proceed to Full Business Case: Early 2027
- Construction: Early 2028 to late 2029 (subject to relevant approvals).

8 Contact officer

Farhad Rahman, Project Manager, Major Project

Ilyas Ramjan, Head of Major Projects

9 Background Papers and History of Decisions

Cabinet report 23 January 2024 has been attached (Appendix C). The key decisions the Cabinet report approves include:

- To phase Cooper Bridge Scheme due to escalating cost. The report states '*to make Phase 1 the Coper Bridge roundabout element only. Subsequent phases could then look to address widening under the rail bridge and improvements to Bradley junction at a later date if traffic modelling demonstrated the need still existed and other funding sources were available*'.
- To allocate £53.5m to Cooper Bridge Phase 1. The previous allocation from the WYTF programme was £75.1m. The difference is to be allocated to other projects within the WYTF which had a shortfall.

10 Appendices

Appendix A: Executive and non-executive functions

Appendix B: Preferred option

Appendix C: Cabinet Report 23 January 2024 (error with the date on the Cabinet Report)

11 Service Director responsible

David Wildman, Service Director for Skills & Regeneration.

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Act	Parts of Act	Sections within Part	Sections of Parts containing Executive Powers	Sections of Parts containing Non-Executive Powers
Town and Country Planning Act 1990	Part III (Control over development)	Ss 55 to 106D	<i>All sections between Ss 55 to 106D (inclusive) not listed in next column</i>	S59A(1)(b) S69 S70(1)(a) S70(1)(b) S70A S72 S73 S73A S76 S92 S94(2) S102 S106
	Part VI (Blight)	Ss 137 to 171	<i>All sections</i>	
	Part VII (Enforcement)	Ss 171A to 196E	<i>All sections between Ss 171A to 196E (inclusive) not listed in next column</i>	S171C S171E S172 S183(1) S187A S187B S191(4) S192(2) S196A
	Part VIII (Special controls)	Ss 197 to 225E	<i>All sections between Ss 197 to 225E (inclusive) not listed in next column</i>	Ss 197-214D S215(1) S220
	Part IX (CPO powers)	Ss 226 to 246	<i>All sections</i>	
	Part X (Highways)		<i>All sections between Ss 247 to 261 (inclusive) not listed in next column</i>	S247 S257 S258
	Part XII (Validity)	Ss 284 to 292	<i>All sections</i>	
	Part XIV (Financial provisions)	Ss 303 to 314	<i>All sections</i>	
Highways Act 1980	Part I (Highway Authorities and agreements between	Ss 1 to 9	<i>All sections including specifically S8</i>	

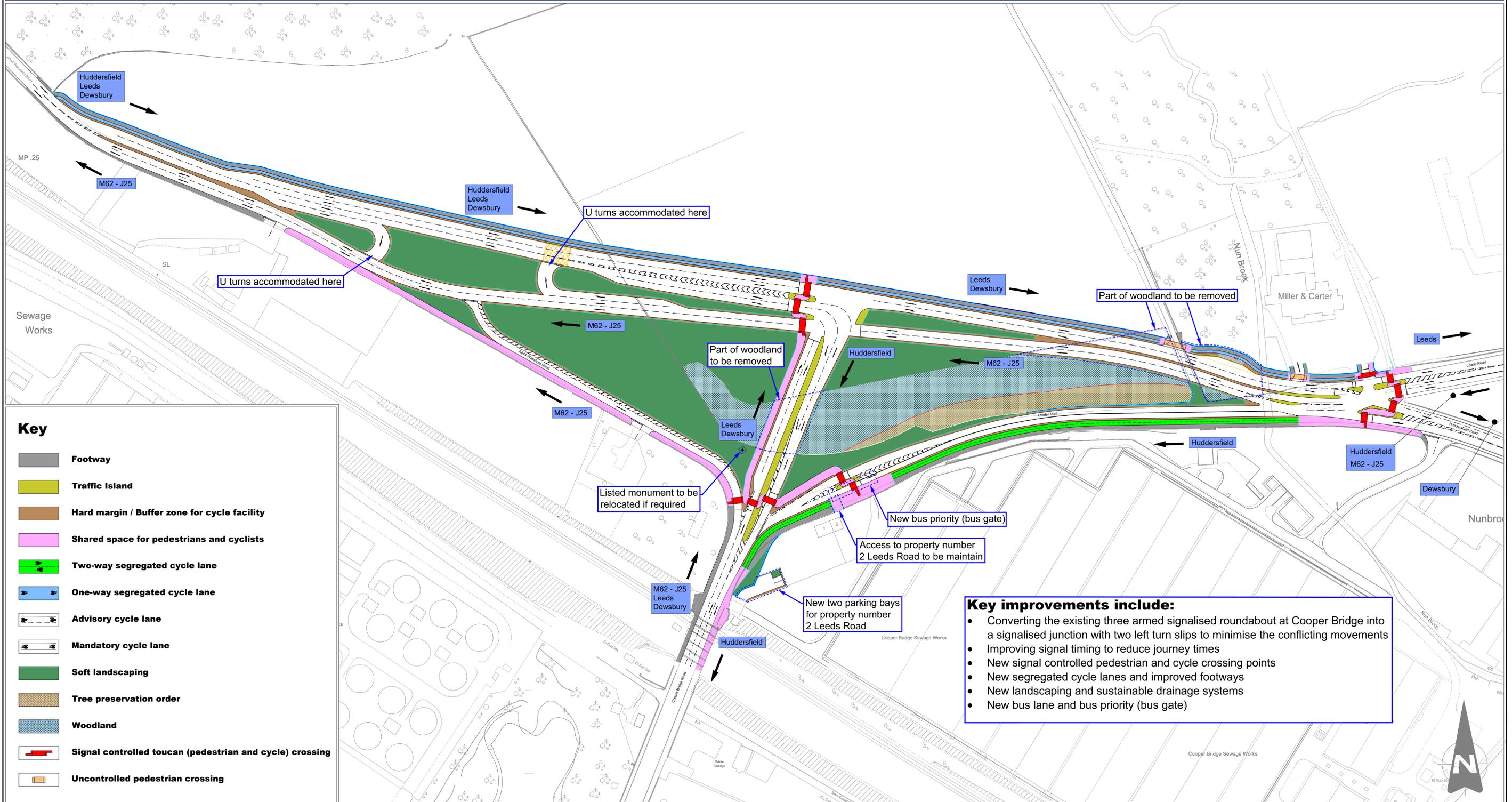
	Authorities)			
	Part III (Creation of highways)	Ss 24 to 35	<i>All sections between Ss 24 to 35 (inclusive) not listed in next column</i>	S25 S26 S31A
	Part IV (Maintenance of highways)	Ss 36 to 61	<i>All sections</i>	
	Part V (Improvement of Highways)	Ss 62 to 105.	<i>All sections</i>	
	Part VIII (Stopping up and diversion)	Sections 116-129	<i>All sections between Ss 116 to 129 (inclusive) not listed in next column</i>	S118 S118ZA S118C(2) S118A S118B S119 S119ZA S119C(4) S119A S119B S119C(3) S119D S121B S121C
	Part IX (Enforcement)	Ss 130 to 185	<i>All sections between Ss 130 to 185 (inclusive) not listed in next column</i>	S130 S130A S130B(7) S135 S135A S135B S139 S142 S147 S149 S169 S171 S172 S178 S179 S180
	Part XII (CPO powers)	Ss 238 to 272	<i>All sections</i>	
	Part XIII (Financial Provisions)	Ss 272 to 281A	<i>All sections save for section 278 which is</i>	Section 278 if so deemed by

			specified as being a function which can be an executive function but need not be	Authority
	Part XIV (Miscellaneous)	Ss 282 to 345	<i>All sections</i>	
Road Traffic Regulation Act 1984	All parts	All sections	<i>All sections</i>	

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A62 - A644 Cooper Bridge Junction Improvement Scheme

Option - C (T - Junction Layout)



Developed and supported by:



Tracy Brabin
Mayor of West Yorkshire



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Name of meeting: Cabinet

Date: 23 January 2023

Title of report:

Kirklees Major Transport Schemes; West Yorkshire Transport Fund (WYTF) and City Region Sustainable Transport Settlement (CRSTS) Programmes

Purpose of report:

- To report progress on the delivery of the West Yorkshire Transport Fund (WYTF) and City Region Sustainable Transport Settlement (CRSTS) Programmes in Kirklees;
- To set out a new funding strategy and request a reprofiling of the West Yorkshire Transport Fund (WYTF) Programme in order to ensure schemes remain deliverable; and
- To seek the necessary Delegated Authorities to progress the schemes as set out in this report.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes</p> <p>If yes give the reason why It involves a decision that will result in the Council spending over £500K and will effect more than 2 wards.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</p>	<p>Key Decision Yes</p> <p>Private Report/Private Appendix No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd 3rd January 2024</p> <p>Isabel Brittain</p> <p>Julie Muscroft 3rd January 2024</p>
<p>Cabinet member portfolio</p>	<p>Cllr Moses Crook</p>

Electoral wards affected:

- Ashbrow/Mirfield/Liversedge & Gomersal – A62 Cooper Bridge
- Mirfield, Dewsbury West & East, Batley East - Mirfield to Dewsbury to Leeds Corridor Scheme (M2D2L)
- Lindley/Greenhead – A629 Phase 5
- Crosland Moor & Netherton/Newsome – Huddersfield Southern Corridors
- Newsome – Huddersfield Station Gateway
- Holme Valley South – Holmfirth Town Centre Action Plan
- Ashbrow, Cleckheaton, Liversedge & Gomersal, Mirfield, Dalton, Heckmondwike, Dewsbury West, East & South, – North Kirklees Orbital Route scheme.
- Dalton/Newsome - A62 Smart Corridor
- Ashbrow – CityConnect Phase 3 – Bradley to Brighouse
- Newsome – CityConnect Phase 3 - Cross Church Street
- Newsome – Huddersfield Queensgate Ring Road

Ward councillors consulted: All Ward Councillors are consulted where schemes are being planned and at various points throughout a scheme's development.

Public or private: Public.

Has GDPR been considered? Yes.

1. Summary

- This report updates Cabinet on progress towards delivering major transport schemes contained within the West Yorkshire Transport Fund (WYTF) and City Region Sustainable Transport Settlement (CRSTS) Programmes.
- Very significant cost increases in recent years mean that it is no longer possible to deliver the programme as previously envisaged. Remedial action is therefore required to bring the programme back into affordability before decisions can be taken to progress individual projects into their final delivery contracts.
- This report sets out a new funding strategy and associated reprofiling request of the West Yorkshire Transport Fund (WYTF) Programme developed in discussion with the West Yorkshire Combined Authority (WYCA); and
- Seeks the Delegated Authorities needed to progress the schemes to delivery, as set out in this report.

2. Funding position

2.1 Summary of main funding streams

The Kirklees transport programme covers a wide range of activity, including;

- Promoting active travel (walking and cycling)
- Congestion relief; unlocking economic growth via interventions on the highway network
- Bus improvement, prioritisation and reform
- West Yorkshire Mass Transit
- Enabling major rail improvement (TransPennine Rail Upgrade and Penistone Line), and
- Supporting modal shift and decarbonisation

Delivery is supported by a range of different projects and funding sources, many of which are managed by the West Yorkshire Combined Authority (WYCA), with the Council acting as scheme promoter for delivery. These funding streams include;

- West Yorkshire Transport Fund (WYTF)
- City Region Sustainable Transport Settlement (CRSTS)
- Transforming Cities Fund (TCF)
- Active Travel Fund
- City Connect funding
- Kirklees Council capital
- Levelling Up Fund
- Third party investment e.g. Network Rail

This report focuses on decisions needed to progress delivery of the **West Yorkshire Transport Fund (WYTF)** and **City Region Sustainable Transport Settlement (CRSTS) / Transforming Cities Fund (TCF)** programmes in Kirklees.

The **West Yorkshire Transport Fund (WYTF)** is designed to facilitate long term economic growth and is funding made available to West Yorkshire from the Department for Transport. A number of strategic transport projects were originally put forward by Kirklees, often related to addressing key infrastructure constraints identified in the Local Plan. The WYTF is approaching the end of its life with many schemes delivered successfully across West Yorkshire. It's therefore imperative that Kirklees moves its remaining projects swiftly into delivery to ensure full advantage is taken of this funding opportunity.

The **City Regional Sustainable Transport Settlement (CRSTS)** is the most recent, multi-year, tranche of devolved transport funding to West Yorkshire, focussing on public and sustainable transport investment. The **Transforming Cities Fund (TCF)** was a devolved programme of transport infrastructure investment secured as part of the West Yorkshire Devolution Deal, designed to support more accessible, affordable and attractive green transport options; connecting people to economic and education opportunities and healthier communities for the future. The Transforming Cities Fund has since been incorporated into the City Regional Sustainable Transport Fund (CRSTS).

2.2. Kirklees WYTF and TCF/CRSTS Programme Overview

WYTF and TCF/CRSTS are funding a number of critical infrastructure projects across Kirklees. The scale of the delivery programme is very significant.

Summary positions of the schemes being progressed is provided in **Appendix 1**. It summarises key achievements and milestones towards completion, such as:

- Land/asset secured
- Consultations completed or planned
- Demolitions undertaken
- Planning permissions granted
- Detailed design and tender documents status,
- Forecast financial outturn

2.3 Previous Programme Reviews

In the last few years, all capital programmes have come under significant strain with very high inflation on materials and significant instability in the construction sector.

As a result, an 'inflation review' was instigated in West Yorkshire in late 2021 which led to a decisions at the WYCA Place & Regeneration Committee on 8th March 2022. The outcome of the review paused a number of schemes across all parts of West Yorkshire.

The impacts for Kirklees at that time were as follows:

Scheme	Details	Inflation Review outcome
Mirfield to Dewsbury to Leeds Corridor Scheme (M2D2L)	Cross boundary walking and cycling scheme between Kirklees and Leeds between Mirfield and Leeds via Dewsbury.	Pause at Full Business Case stage.

A629 Phase 4	<p>Part of a wider package of schemes along the A629 corridor between Halifax and Huddersfield designed to speed up public transport and car journeys along the route, unlock key development sites and deliver improved facilities for cycling and walking.</p> <ul style="list-style-type: none"> • Phase 1: Jubilee Road to Shaw Hill and Elland Wood Bottom to Salterhebble Hill (Calderdale). • Phase 2: Halifax Town Centre (Calderdale) • Phase 3: Free School Lane into Halifax (Calderdale) • Phase 4: Cycling, walking and public transport interventions (joint Kirklees/Calderdale). • Phase 5: Ainley Top into Huddersfield (Kirklees) (see below). 	Paused (Phase 4)
A629 Phase 5	<p>Corridor scheme between Ainley Top and Huddersfield designed to speed up public transport and car journeys along the route, unlock key development sites and deliver improved facilities for cycling and walking.</p> <p>Planned measures include highway widening, remodelling junctions and signals, and improved public transport including improvement to cycling and walking infrastructure, at the following junctions:</p> <ul style="list-style-type: none"> • Ainley Top • Prince Royd • Cavalry Arms • Blacker Road (removed) 	Blacker Road element removed. Remainder of the scheme to proceed.
A629 Wakefield Road Sustainable Transport Corridor	<p>The A629 Wakefield Road corridor stretches for approximately 3 kilometres from Shorehead Roundabout, southeast of Huddersfield town centre to the A629/ A642 Waterloo junction in Waterloo.</p> <p>The objectives of the project are to improved pedestrian environments; provide continuous high standard cycle facilities; improve access to bus services; improve safety on the highway for all users; improve air quality and improve reliability for cars along the corridor.</p>	Pause at Outline Business Case stage
Huddersfield Station Gateway	<p>Huddersfield Station Gateway will complement live investment in the Transpennine Route Upgrade (TRU) between Manchester and York. The Station Gateway project seek to maximise the benefits of this investment for Huddersfield, by helping to regenerate the area around the town's railway station. A revised masterplan document will be prepared to help develop the Outline Business Case.</p>	Develop revised masterplan and then pause at Outline Business Case stage
City Connect Phase 3 – Bradley to Brighouse	Walking and cycling scheme between Bradley and Brighouse	Paused

City Connect Phase 3 - Cross Church Street	Pedestrianisation and creation of key active travel route providing links to employment and education establishments, the town centre and to other parts of the wider active travel network.	Paused
North Kirklees Orbital Route	This project formed part of a package of longer-term transformational projects with funding only allocated to develop a Strategic Outline Case for a new link road within North Kirklees. The scheme was stopped at this point.	Stopped
Huddersfield Southern Corridors	A package of junction improvements designed to improve safety and traffic flows for highway users and active travel (walking and cycling) <ul style="list-style-type: none"> • Longroyd • Lockwood • Queensgate • Folly Hall (delivered) 	Queensgate element removed. Remainder of the scheme to proceed.

This resulted in £22.3 million of previously allocated WYTF funds to Kirklees being returned to WYCA to be reallocated to other schemes. All districts within West Yorkshire were subject to the inflation review process, with each returning significant sums or being subject to reprofiling. Paused schemes now effectively become pipeline schemes for the future. No decisions about these previously paused schemes are being sought.

2.4 Current Funding Gaps

The nature and scale of the infrastructure projects being delivered mean that they are developed over a number of years. The original budget envelopes for WYTF and TCF/CRSTS scheme were set several years ago, some as far back as 2014. Whilst some allocations have been amended via subsequent approvals ('Change Requests') to WYCA and the 2021/22 Inflation Review referenced above, many of the projects have retained their original allocations.

Against this position many projects have taken longer to develop than originally envisaged due to factors such as land negotiations, staff turnover, securing resources in a challenging market, compliance with the necessary consents/approvals needed, scope change to meet stakeholder expectations, changes in policy and design guidance, the impact of Covid and then rapid inflation. The combined effect of all of these factors mean than in most cases, the budgets are no longer sufficient to deliver the scheme objectives in today's construction market.

During this period the Council's own financial position has also worsened considerably as a result of many of the very same factors. The Council had originally committed to underwrite a total of £12.93m of funding towards the WYTF Transport programme. To date, the Council has contributed c£6.52m of that funding. Given the Council's overall financial position, it is now no longer possible to make any future contributions and £6.4m of the remaining Council capital contribution has been removed from the WYTF programme during 2023. This means there is then a further gap on project budgets.

There has been no proposal to remove Council match funding from the TCF/CRSTS projects.

The collective impacts of these factors means that the WYTF and TCF/CRSTS programmes now have considerable funding gaps that need addressing before individual projects can proceed.

The current financial position for the remaining WYTF schemes is set out in Table 1.

The current financial position for the TCF/CRSTS schemes that have funding gaps is set out in Table 2.

Table 1 - Kirklees WYTF Programme Funding Forecast Gap – current summary position

Project	Total Current Funding	Removal of Council Contribution	Forecast Cost	Forecast Funding Gap (B – D)
A	B	C	D	E
A62 to Cooper Bridge (full scheme)	£75,100,000	£0	£94,000,000	-£18,900,000
M2D2L (Mirfield to Dewsbury to Leeds)	£1,335,000	£0	£1,345,000	-£10,000
A629 Halifax Road Phase 5	£10,621,347	£836,896	£13,876,870	-£3,255,523
Huddersfield Southern Corridors	£11,845,264	£280,386	£13,617,159	-£1,771,895
North Kirklees Orbital Route	£248,000	£0	£283,409	-£35,409
Holmfirth Town Centre Action Plan	£5,409,889	£2,063,932	£14,606,494	-£9,196,605
A62 Smart Corridor	£13,934,504	£3,110,033	£21,000,000	-£7,065,496
CityConnect Phase 3 - Huddersfield town centre	£544,568	£60,189	£646,901	-£102,333
A629 Wakefield Road	£1,300,000	£0	£1,450,000*	-£150,000
Land acquisition fund	0.00	£55,362	£0	£0
	£120,338,572	£6,406,798	£160,825,833	-£40,487,261

* Includes the £700K in TCF A629 Wakefield Rd Scheme, Table 2

Table 2 - Kirklees TCF/CRSTS Programme Funding Forecast Gap – current summary position

Title	Indicative WYCA Funding	Council Borrowing (Match)	Total Funding	Forecast Cost	Funding Gap (D-E)
A	B	C	D	E	
Heckmondwike Bus Station	8,666,152	0.00	8,666,152	8,666,152	£ 0.00
Dewsbury/Cleckheaton Sustainable Travel Corridor	15,799,000	0.00	15,799,000	15,799,000	£ 0.00
Dewsbury Town Centre Walking & Cycling	10,250,000	1,500,000	11,750,000	12,250,000	-£ 500,000
Huddersfield Rail Station Connections	13,000,000	3,000,000	16,000,000	18,702,477	-£ 2,702,477
A629 Wakefield Rd Sustainable Travel Corridor	700,000	0.00	700,000	700,000	£ 0.00
Huddersfield Bus Station	6,449,000	1,000,000	7,449,000	7,449,000	£ 0.00
Dewsbury/Batley/Chidswell Sustainable Travel Corridor	6,000,000	500,000	6,500,000	9,992,299	-£ 3,492,299
Huddersfield Rail Station Access	1,735,000	451,643	2,186,643	2,257,000	-£ 70,357
Dewsbury Rail Station Access	160,000	0.00	160,000	161,000	-£ 1,000
Totals	62,759,152	6,451,643	69,184,152	75,976,928	-£ 6,766,133

2.5 Proposed Funding Strategy; WYTF Programme

The strategy to address the funding gaps on Kirklees WYTF programme primarily centres around phasing of Cooper Bridge scheme. The current estimate for the Cooper Bridge scheme is estimated at £94m which exceeds the current funding allocation. A phased approach has therefore been explored. This would reduce the current funding requirement and, with WYCA's agreement, allow the balance of funds to be redistributed to other schemes within Kirklees that have funding gaps.

The most logical way of phasing delivery of the Cooper Bridge scheme would be to make Phase 1 the Coper Bridge roundabout element only. Subsequent phases could then look to address widening under the rail bridge and improvements to Bradley junction at a later date if traffic modelling demonstrated the need still existed and other funding sources were available. Delivery of strategically important housing sites in the local area will continue to be facilitated by delivery of Phase 1 of the Cooper Bridge project.

It is currently estimated that a meaningful intervention at Cooper Bridge roundabout as a first phase would cost approximately £53m and the scheme currently has £75.1 of funding allocated.

It is important to note the figures above are forecast estimates, based on the best information available at this time. Whilst forecast budgets include sums for risk and

contingencies, it must be recognised that given the volatility of construction prices, these forecast costs could increase.

A summary of Cooper Bridge Phase 1 is included at Appendix 2. Detailed traffic modelling required to assess the business case for this scheme and impacts on things like bus journey times is currently underway to fully understand its implications and benefits therefore, the layout is indicative and is subject to change to meet stakeholder requirements. Discussion on this will continue with the West Yorkshire Combined Authority through their normal quality assurance procedures.

These proposals have been discussed at length with WYCA and are going through their assurance and decision-making processes. In order to support the proposed phasing of Cooper Bridge and re-allocation of funding to other projects, WYCA have highlighted that they will be unlikely to support further increases to budgets in later years. Furthermore, WYCA highlight that a new Outline Business Case for Phase 1 of Cooper Bridge will need to be submitted and appraised. The scheme will need to demonstrate a positive business case, bus benefits and promotion of active travel if it is to be successful.

This report therefore asks Members to agree the phasing of Cooper Bridge scheme, with Phase 1 to focus on the Cooper Bridge roundabout only, and to seek agreement from WYCA to redistribution the subsequent saving of around £21.6million of external funding to support funding gaps on the other WYTF schemes (see Table 3).

Table 3 - Proposed Indicative allocations for each WYTF project with a phased Cooper Bridge

Project & Assurance Stage	Current WYCA only funding allocation	Forecast Cost	Funding Gap (all sources of funding considered)	Proposed Indicative WYCA Funding	Reprofiled from A62 Cooper Bridge	Overall WYCA funding change
A	B	C	D	E	F	G
A62 to Cooper Bridge- Phase 1	£75,100,000	£53,512,739	0	£53,512,739		-£21,587,261
M2D2L (Mirfield to Dewsbury to Leeds)	£1,335,000	£1,345,000	£10,000	£1,345,000	£10,000	£10,000
A629 Halifax Road Phase 5	£10,546,347	£13,876,870	£3,255,523	£13,801,870	£3,255,523	£3,255,523
Huddersfield Southern Corridors (excl Queensgate)	£10,315,765	£13,617,159	£1,771,895	£12,087,660	£1,771,895	£1,771,895
North Kirklees Orbital Route (OBC - stopped)	£248,000	£283,409	£35,409	£283,409	£35,409	£35,409
Holmfirth Town Centre Action Plan	£5,173,821	£14,606,494	£9,196,605	£14,370,426	£9,196,605	£9,196,605
A62 Smart Corridor (Defects maintenance period)	£8,350,000	£21,000,000	£7,065,496	£15,415,496	£7,065,496	£7,065,496

CityConnect Ph3 - Huddersfield town centre (OBC-Paused)	£180,000	£646,901	£102,333	£282,333	£102,333	£102,333
A629 Fenay Lane	£600,000	£1,450,000	£150,000	£750,000	£150,000	£150,000
	£111,848,933	£120,338,572	£21,587,261	£111,848,933	£21,587,261	£0.00

* Plus other (non-WYCA) funding sources brings total funding to £120,338,010

2.6 Proposed Funding Strategy for TCF/CRSTS Programme

The funding shortfall on the TCF/CRSTS schemes is less significant in overall terms and it is hoped these can be addressed through the WYCA Quality Assurance process. This means either receiving additional funding from TCF/CRSTS reserves held by WYCA (unlike WYTF where there are no such reserves) or to progress with 'do minimum' options identified in the business planning process which will make the overall programme affordable and deliverable.

We continue to work closely with colleagues at WYCA who are aware of the financial position of the Council's budget challenges. There is no proposal to remove Council match or reprofile funding away from other TCF/CRSTS projects at this time.

2.7 Delivery; approvals sought

2.7.1 Holmfirth Town Centre Action Plan

As part of the Holmfirth Blueprint, the proposed Holmfirth Town Centre Access Plan project aims to support economic growth through investment in the public realm and improvements at key junctions. The package of measures includes upgrading of existing signal-controlled junctions, widening of footways, improvements to pedestrian crossings, inclusion of Electric Vehicle charging points, improvements to the public realm, improvements to bus stop facilities, improvements to car parks and introduction of 20mph areas in the town.

On 5th July 2022 the Cabinet gave authority for the full business case (FBC) to be submitted to West Yorkshire Combined Authority (WYCA), authorised scheme delivery and acceptance of further grant funding from WYCA. Cabinet authorised all requests with a condition highlighting a '*spending tolerance of circa 15% (£1,129,130) of forecast cost (£7,473,821) to be funded through the Council's capital plan*'.

Final tender costs received in 2023 were outside this tolerance and therefore the final contract has not been let to construct the scheme. Instead, a re-procurement exercise is underway and, subject to confirmation of the overall funding strategy and reprofile from WYCA outlined above, the intention would be to let a new contract for delivery of the Holmfirth scheme in mid-2024.

Cabinet is requested to note the changes to the project, authorise submission of any necessary business case to the West Yorkshire Combined Authority (WYCA) to secure

additional funding, and to seek delegated authority to the Strategic Director of Growth & Regeneration and to the Service Director Legal, Governance and Commissioning to award contracts to facilitate delivery and to enter into any funding agreements.

2.7.2 Huddersfield Southern Corridors

The Huddersfield Southern Corridors Project comprised a package of highway and active travel improvements on the A62 and A616 corridors in southern parts of Huddersfield. This includes improvements at Longroyd Lane, Lockwood Bar, Queensgate and Folly Hall. The latter of which has now been built out and is open to the public.

On 30th April 2023 a Change Request to WYCA was approved which highlighted an indicative funding of £8.7m of West Yorkshire Transport Fund funding. The project also included £3.25m of Kirklees Capital Funding at that time however, following an inflation review it was decided to pause the Queensgate element of the package to bring costs back in line. Kirklees Capital funding was also reduced to £1.530m. This has left a funding shortfall of £1.77m (see Table 1).

This report requests Cabinet notes the changes to the project, authorise the submission of any necessary business case to the West Yorkshire Combined Authority (WYCA) to secure funding, and to seek delegated authority to the Strategic Director of Growth & Regeneration and to the Service Director Legal, Governance and Commissioning to award contracts to facilitate delivery and to enter into any funding agreements.

3. Implications for the Council

3.1 Working with People

Collaborating with partners is key to ensuring the Council get the best outcomes for citizens, communities, and Kirklees as a whole. As part of the transport programme considerable engagement through public events has been undertaken including promotion through our social media channels.

This process will continue as projects move through the development phases. Further engagement with businesses and town centre users will be required as the schemes get developed in more detail. This should help shape the projects.

3.2 Working with Partners

The Council has engaged with landowners, businesses and stakeholders during development of the projects. This will continue as individual project proposals are worked up.

3.3 Place Based Working

All our projects with are developed with the communities and local Councillors to ensure we get the best outcomes for the residents. The development of our projects are influenced and shaped by the Blueprints in the towns/villages where we have a scheme. There remains a close coordination with our Blueprint colleagues to ensure our projects works are and remain aligned.

3.4 Climate Change and Air Quality

Both climate change and air quality will be considerations through the development phases of projects moving forward, informing the planning processes and the future detailed design work. The schemes ensure promotion of better connectivity through the area and to surrounding communities particularly using active travel to contribute to reducing adverse transport derived impacts on communities and improve public health.

3.5 Improving outcomes for children

The design approach seeks to create more safe environments for all. Our streets and spaces will be designed with all generations in mind making them both safe and inclusive at the same time by improving crossing facilities for walker and cyclists and seek speed reducing measures where appropriate to strategic location like schools and play areas.

3.6 Financial Implications for the people living or working in Kirklees

None.

3.7 Other (eg Integrated Impact Assessment/Legal/Financial or Human Resources)

All projects where required undergo an Integrated Impact Assessment and are reviewed by our corporate policy colleagues. This ensures we maintain a high consistent standard and our schemes align with the Council's wider strategies on inclusion, diversity, inclusion and on our environmental/climate strategies. The Council has the power to enter into funding agreements with the West Yorkshire Combined Authority; together with the statutory powers to carry out the projects referred to in this report. The Council will comply with its' Financial Procedure Rules, Contract Procedure Rules and the Public Contracts Regulations.

4 Consultation

Consultation is a key part of the development of these projects and will continue through various stages as part of our quality assurance process. Project specific consultation activities will be detailed in subsequent cabinet reports for each scheme.

5 Engagement

Engagement is a key part of the development of these projects and will continue through various stages as part of our quality assurance process. Project specific activities will be detailed in subsequent cabinet reports for each scheme.

6 Risk

WYCA have made clear throughout discussions about the proposed reprofiling of WYTF monies that they are unlikely to be able to support any future changes or requests for additional funding. Revised funding allocations for projects are therefore likely to be final. Given the stage of the projects, the cost information is based on estimates. This inserts an inevitable development risk that costs increase without an identified source of funding for it.

To mitigate this risk, each project budget contains an industry standard element for risk and contingency. With limited prospect of additional funding from either WYCA or the Council, should these contingency sums not be sufficient, the consequence is that scope may need to be reduced in response to any future cost increases in order for projects to remain within budgets, or that the projects themselves do not pass Full Business Case approval and therefore do not proceed should they no longer demonstrate value for money.

At the point of awarding construction contracts, the schemes will pass the Approval to Proceed process to confirm tender prices are within secured funding envelopes and can still demonstrate value for money for them to proceed. This will mitigate financial risk but will not remove it altogether.

7 Next steps and timelines

Officers to continue in progress the projects as set out in this report in accordance internal and WYCA quality assurance processes. Where individual projects require Cabinet Decisions they will be brought separately to Cabinet for decision.

Cabinet authority is sought to formally receive grant funding and incur expenditure in line with this report and the grant funding rules to progress each project.

8 Officer recommendations and reasons

Cabinet is requested to:

- 8.1 Note the update on the projects highlighted in the report including the outcomes of the previous inflation review set out in 2.3.
- 8.2 Approve the phasing Cooper Bridge and to request from WYCA the virement of £21.6m allocated for Cooper Bridge scheme to other WYTF Kirklees schemes as noted in this report. This will allow key transport infrastructure works to progress to bring much-needed improvements more widely across the district.
- 8.3 To note that a Phase 1 Cooper Bridge scheme with a significantly reduced budget of £53.5m will need to achieve a satisfactory business case for it to proceed.
- 8.4 Note changes to the Holmfirth Town Centre project at paragraph 2.7.1 of this report, to support the submission of any necessary business case to the West Yorkshire Combined Authority (WYCA) to secure funding, and to delegate authority to the Strategic Director of Growth & Regeneration to award contracts to facilitate delivery on Holmfirth Town Centre Action Plan once all funding has been secured.
- 8.5 Note changes to the Huddersfield Southern Corridors project at paragraph 2.7.2 of this report, to support the submission of any necessary business case(s) to the West Yorkshire Combined Authority (WYCA) to secure funding, and to delegate authority to the Strategic Director of Growth & Regeneration award contracts to facilitate delivery on Huddersfield Southern Corridors project once all funding has been secured.

8.6 Delegate authority to the Service Director Legal, Governance and Commissioning to enter into any funding agreements and ancillary contracts on the Council's behalf with West Yorkshire Combined Authority that is referred to in 2.5.1 and 2.5.2.

9 Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio Holder recommends that Cabinet accepts and endorses the officer recommendation stated in paragraph 8.1 to 8.6.

10 Contact officer

Rashid Mahmood
Head of Major Projects (interim)
01484 22 1000
Rashid.Mahmood@kirklees.gov.uk

11 Background Papers and History of Decisions

Appendix 1 – Summary Project Status (Live Schemes)

Appendix 2 – Cooper Bridge Phase 1 (concept layout)

Cabinet Report – 19 December 2017 WY + Transport Fund Scheme update

Cabinet Report – 18 September 2018 Huddersfield Town Centre Works

Cabinet Report – 16 October 2018 A629 Phase 5 scheme approval/CPO

Cabinet Report – 13 November 2018 WY plus Transport Fund Scheme update

Cabinet Report - 26 May 2020 HSC Scheme Approval/Land Acquisition

Cabinet Report – 28 July 2023 Transport Major Scheme Approvals/Update

Cabinet Report – 01 September 2020 Transforming Cities Fund Programme

Cabinet Report – 22 June 2021 Kirklees Active Travel Fund (Tranche 2)

Cabinet Report – 22 June 2021 Huddersfield Station Gateway/Trinity St. Access

Cabinet Report – 12 October 2021 A62 Cooper Bridge Improvement Scheme

Cabinet Report – 16 November 2021 A62 Cooper Bridge Call In/Additional Information

Cabinet Report – 05 July 2022 Holmfirth Town Centre Access Plan.

12 Service Director responsible

Edward Highfield – Service Director, Skills and Regeneration

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 19-Feb-2026

Subject: Planning Application 2024/93494 (amended plans) Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation Victoria Tower, Castle Hill, Lumb Lane, Almondbury, Huddersfield, HD4 6TA

APPLICANT

The Thandi Partnership

DATE VALID

10-Dec-2024

TARGET DATE

11-Mar-2025

EXTENSION EXPIRY DATE

19-Mar-2026

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1) **Sustainable transport:** Measures to encourage the use of sustainable modes of transport, including the submission, approval, and implementation of a Travel Plan, and monitoring fees of £10,000.

2) **Public benefits:** Package of obligations to provide certainty that the identified public benefits are delivered, including confirmation of the arrangement and agreement of funding for the development to take place and reassessment clauses, after a given time, of the business case.

3) **Management:** Implementation of a management plan for the exhibition/interpretation room and WCs (including the securing of public access without charge), and management of any new infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

1.1 This is an application for planning permission for the erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (amended plans).

1.2 The application is presented to Strategic Planning Committee as the proposed development represents a departure from the Kirklees Local Plan and given the substantial number of representations received. Additionally, Councillor Munro has requested the application be brought to committee.

2.0 SITE AND SURROUNDINGS

2.1 The application site is 0.5 hectares in size and includes part of Castle Hill, a prominent flat-topped hill location to the southeast of Huddersfield. The site is of an irregular shape and includes the lane that runs to the southeast side of Castle Hill. The site is currently used for informal parking.

- 2.2 Castle Hill is a Scheduled Ancient Monument (Historic England ref: 1009846) described as follows:

“Castle Hill is situated south of Huddersfield at Almondbury, on a hill top above the Holme Valley south of its confluence with the River Colne. The monument includes the remains of a late Bronze Age or early Iron Age univallate hillfort, a later Iron Age multivallate hillfort, a twelfth century motte and bailey castle and the site of a deserted medieval village”.

- 2.3 The Grade II listed Victoria Tower is the only significant building on Castle Hill. The site is not within a conservation area. Undesignated heritage assets close to the site include nearby footpaths, dry stone walls and field patterns.
- 2.4 The site is designated Green Belt in the Kirklees Local Plan and is bounded by low dry stone retaining walls. A number of Public Rights of Way surround the site, with HUD/171/10 and HUD/171/20 (both byways) and HUD/169/60 (footpath) all running across it and down the proposed access track.
- 2.5 The area surrounding the site is predominantly greenfield (in agricultural use) with the nearest residential dwellings located downhill from the application site, on Ashes Lane, Castle Hill Side and Lumb Lane. The site is also a Local Wildlife Site, a Local Geological Site, and an SSSI Impact Risk Zone. There are no trees close to the site are the subjects of Tree Preservation Orders (TPOs).
- 2.6 Planning permission for the erection of a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, and ancillary accommodation, along with the provision of outdoor terraces, and car parking, was granted in February 2022 under application 2018/93591. Whilst this permission has now expired, it will form a material planning consideration for this current planning application.

3.0 PROPOSAL

- 3.1 The application is for full planning permission for the erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (amended plans).
- 3.2 The proposed building would be located to the northeast of the site and would comprise three levels, the basement of which would be entirely beneath the existing ground level and would include a kitchen/preparation area, laundry room, staff room, officers, WCs and a shower room. The earth sheltered ground floor would include a reception and ancillary shop area, interactive rooms and a gallery, WCs and six bedrooms and a staff entrance. The first floor which would be fully above ground would include the restaurant/café with a lift and a viewing terrace.
- 3.3 Externally, a delivery and service yard would be created to the east of the building with a landscaped area directly to the south which would allow for pedestrian access into the building, along with a 41-space car park¹. Additional landscaping and planting are proposed to the eastern edge of the site, adjacent to the vehicle access to and from the site.

While the plans showed 42 spaces, as reported in the committee update at that time 1 space was lost to provide access to a walking route.

Comparison against previous approval

- 3.4 Planning permission has been previously granted on the site for the 'erection of a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation', under application 2018/93591. That permission expired 10/02/2025, without having been commenced.
- 3.5 The current application has the same description of development and seeks permission for a very similar proposal, although differences are proposed. These are summarised below:
- **Ground floor layout changes:** Update to the interior, including the introduction of a feature fire and the shape of the bar / servery area. Lift design amended. Seating area directly shown on external viewing terrace.
 - **Lower ground floor layout changes:** Redistribution of space, including the provision of ancillary shop facility, separation of former exhibition space into exhibition / interpretation room, immersive experience room, and interactive room. Slight encroachment of internal floor space (bedrooms) into lightwell area.
 - **Basement layout changes:** Nominal layout changes, principally to the location of the dumb waiter.
 - **External:** The groundworks, between the building and car park, are altered. This includes more cutting to the west of the ramp to the lower ground floor, a chamfered design to the retaining wall to the west of the ramp, the inclusion of a sitting area,
 - **External:** Reduction in the area of the café terrace. This has the effect of increasing the area of the roof glazing over the exhibition space.
 - **Service yard:** Hedgerow proposed around the service yard for screening.
 - **Car Park:** Clearer delineation between car park and pedestrian area, via either kerb or material change. Introduction of dedicated cycle storage facilities (eight Sheffield stands). Following amendments to the proposal, 41 visitor parking spaces are proposed, as approved previously.
 - **PROW works:** In the previous application a 'new public footpath' was proposed around the north part of the site. However, this is an existing footpath and is no longer 'proposed' as part of the application, given it already exists. The diverting of PROWs HUD/171/70 and HUD/169/60, which would run through the footprint of the new building along a new footpath, is still proposed.
- 3.6 The location, size and overall appearance of the building remain as per the previous application.

4.0 RELEVANT PLANNING HISTORY

Application site

88/04690: Change of use of first floor into hotel bedrooms and new windows – Planning permission granted.

2000/91424: Demolition of flat-roofed and mansard roof extensions, and erection of front and rear extensions to form lobby, stairwell, toilets, conservatory and additional kitchen floorspace, and internal bin store – Planning permission granted.

2004/92962: Deemed application via enforcement appeal for erection of a hotel and the unauthorised excavation of the basement area – Withdrawn.

2004/93324: Rebuilding of public house/restaurant/hotel on the site of the former Castle Hill Hotel – Refused.

2009/93504: Erection of replacement bar and restaurant including first floor guest accommodation and other associated works – Refused.

2012/91867: Erection of public house/hotel with associated parking – Refused.

2012/93683: Erection of public house/hotel with associated parking – Withdrawn.

2018/93591: Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Section 106 Full Permission granted.

2024/92790: Discharge of details reserved by conditions 9 (car park), 10 (cycle parking), 11 (electric charge points), 12 (waste), 16 (interpretation boards), 19 (crime prevention), 22 (materials), 25 (boundary treatment), 26 (external lighting) and 28 (landscaping) – Split decision.

2024/92519: Discharge of details reserved by conditions 3 (Construction (Environmental) Management Plan), 8 (access road works), 18 (kitchen waste water), 20 (archaeological investigation), 29 (biodiversity) and 30 (public right of way) of previous permission 2018/93591 for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Pending consideration.

2024/92517: Variation of condition 17 (drainage) of previous permission 2018/93591 for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Pending consideration.

Surrounding area

None relevant to the current proposal.

Enforcement history

COMP/04/681/W: Enforcement investigation into development not built in accordance with approved plans – Case closed 17/06/2005.

5.0 HISTORY OF NEGOTIATIONS

5.1 A pre-application was not submitted prior to this specific application being received. However, consideration must be given to the work and negotiation undertaken as part of the previous application, ref. 2018/93591 and work proceeding that. The following is the History of Negotiations section from the committee report of 2018/93591, to provide an understanding of the past engagement:

The applicant requested pre-application advice from the council in mid-2017 (ref: 2017/20249). Members considered “in principle” proposals (with no specific drawings tabled for consideration) at the meeting of the Huddersfield Planning Sub-Committee on 12/10/2017.

Following that meeting, written pre-application advice was issued by the council on 20/10/2017. That written advice included the following points:

- *Broad consensus among Members that Castle Hill would benefit from additional facilities for visitors including toilets, somewhere to eat and drink, and interpretation. A viable business would be needed to deliver these facilities.*
- *Any new facility would by definition be harmful to the green belt, and applicant would need to demonstrate very special circumstances to outweigh harm.*
- *Modern, contemporary design approach (rather than pastiche of demolished hotel), and a low rise structure utilising the surrounding topography to restrict visibility, were generally well received.*
- *For the then-current planning application to be validated, applicant would need to submit:*
 - *Full archaeological survey.*
 - *Heritage Impact Assessment (considering impact upon Victoria Tower and Scheduled Ancient Monument).*
 - *Planning Statement (addressing green belt issues, site’s sustainability, and NPPF policy on town centre uses).*
 - *Assessment of the proposal set against the Castle Hill Settings Study.*
 - *Transport Statement.*
 - *Travel Plan.*
 - *Ecological Impact Statement (the already-submitted statement is a Preliminary Ecological Assessment).*
- *All the above are needed to enable assessment of the development’s impacts, and any case for mitigating harm cannot be considered until these impacts are identified.*
- *Scheduled Monument Consent needed from Historic England (HE) in addition to planning permission. Applicant should make use of HE’s pre-application service.*

During the life of the current planning application, officers raised the following queries and concerns regarding the earlier iteration of the applicant's proposals:

- Transport Statement, Ecological Impact Statement, site management information (including opening hours, public access and staff responsibilities), details of the proposed interpretation room, and foul drainage proposals required.*
- Errors in drawings noted.*
- Anticipated contribution from proposed photovoltaic array queried. Also queried if alternative sustainable energy measures and green roof would be possible.*
- Queried viability of proposed business, in particular the attraction of hotel rooms with no view.*
- Advised applicant team that Historic England concerns will need to be addressed.*

The applicant team responded to some of the above queries and concerns. A detailed Heritage Assessment was submitted on 19/11/2018, corrected drawings were submitted on 21/11/2018, and further details of the management of the proposed development were submitted on 21/11/2018. An archaeological trial trenching report was submitted on 14/02/2019. An Updated Ecological Impact Assessment was submitted on 18/07/2019.

Most significantly, however, the proposals were redesigned and new drawings were submitted on 22/11/2019. Supporting information was also submitted on 22/11/2019. Revised access and parking proposals were provided by HDC Support on 22/11/2019 and 18/05/2020. Further information regarding parking was submitted on 25/09/2020 and 13/10/2020.

Further drawings (including minor changes to the proposed building's entrance, and the location of an outdoor terrace) and 3D images were submitted on 11/03/2020, along with an Updated Planning Support Statement.

Officers met members of the applicant team on several occasions since November 2011, in some cases with Historic England officers present.

A scale model of the proposed development has been built by the applicant team.

- 5.2** On receipt of the current application, initially, the applicant sought additional changes to the proposal, compared to that previously approved, which were considered intensifications. Officers advised to return to the scheme as previously approved.
- 5.3** Notwithstanding the above, during the course of the application several amendments have been made, along with corrections and the submission of further details. These include:

- Removing the gate from the proposed service area.
- Updating the Biodiversity Net Gain baseline assessment from 4.0 version to the Statutory Metric.
- Submission of the Ecological Impact Assessment from the previous application, with addendum report.
- Corrections to the elevations, which included correcting an erroneous door.

5.4 The above amendments / further details were advertised across additional representation periods commencing 08/07/2025 and 24/12/2025.

5.5 Final amendments have been received pertaining to highway matters. This includes amendments to the access / passing place drawings, which confirms that an existing damaged drystone wall will be repaired / rebuilt (like for like) as required, which was identified in the Road Safety Audit as a potential risk. The other change was amendments to the layout of the car park, to deliver 41 car parking spaces as opposed to 37, so as to match the original approval. Given the betterment these changes represent and their nominal nature readvertisement was not considered necessary.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

6.2 The site is subject to the following designated:

- Green Belt
- Scheduled Ancient Monument
- Local Wildlife Site (LWS2)
- Wildlife Habitat Network
- Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands)
- Strategic Green Infrastructure Network
- Local Geological Site (LGS1)
- Mineral Safeguarding area (Surface Coal Resource with Sandstone and/or Clay and Shale)

6.3 Relevant Local Plan policies are

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP10 – Supporting the rural economy
- LP13 – Town centre uses
- LP16 – Food and drink uses and the evening economy
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel

- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

Supplementary Planning Guidance / Documents

6.4 Relevant guidance and documents:

- Castle Hill Setting Study (2016)
- Castle Hill Conservation Management Plan (2006)
- Kirklees Landscape Character Assessment
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)

6.5 Regarding small- and medium-scale development at Castle Hill, paragraphs 6.11 and 6.15 of the 2016 Castle Hill Setting Study states:

Slopes and summit of Castle Hill: The profile of the upper slopes of Castle Hill and its rural and essentially undeveloped character are key characteristics of the site and contribute to its setting and significance. These aspects would be adversely affected by small-scale development and it is unlikely that such development could be accommodated on the hill itself.

Slopes and summit of Castle Hill: Medium-scale development on the slopes or summit of Castle Hill would undoubtedly seriously degrade its character and form; adversely affecting its significance. These areas are not suitable for development of this scale.

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

6.7 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents

6.8 Relevant national guidance and documents:

- National Design Guide (2021)
- The Setting of Heritage Assets (2017)
- Scheduled Monuments & nationally important but non-scheduled monuments (2013)

Climate change

6.9 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.10 On 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

7.1 In the council's initial consultation, the application was advertised as a departure from the development plan, and as development affecting Public Rights of Way and the setting of a listed building.

7.2 The application was originally advertised via site notices, within the press and letters delivered to neighbours within the vicinity of the application site. As a result of amendments, corrections, and further details being received through the course of the application, two further public representation periods were undertaken to notify interested parties of the alterations made.

7.3 As a result of the above publicity, 123 representations have been received, a summary of which is provided below.

7.4 Along with the above, officers have been made aware that a number of petitions have been submitted in respect of the application / proposed works. A summary of the petitions, the number of signatures and the representations received are as follows:

Referendum for "Area of Outstanding Natural Beauty" Protection for Agbridge Elmet:

Concerns are raised in relation to the Local Council and partners proposing to put a café on our Ancient Hillfort for many years. Therefore, the purpose of the petition is to get 15,633 signatures to match 5% of our electorate, to trigger local referendum.

To date 1,147 signatures have been received.

Historic England - Please refuse consent for a hotel on Castle Hill

Campaign for the Department for Digital, Media, Culture and Sport to refuse Scheduled Monument Consent for development on this site.

To date 1,220 signatures have been received.

Do You want to Protect Castle Hill?

Campaign to protect Castle Hill from being developed.

To date 3,832 signatures have been received.

The people of Huddersfield want our pub back at Castle Hill not a new cafe!

The campaign is for the former pub back not a new café.

To date 585 signatures have been received.

Rebuilding of the castle hill hotel to the original design using original materials

A campaign for the former Castle Hill Hotel to be re-built.

To date 129 signatures have been received.

Representations

Supportive comments

- The proposal will create jobs and bring income into the area, and may stimulate wider investment.
- The proposal will be an education opportunity and includes free educational aspects.
- The current access road is degraded and in a poor state. Road improvements are proposed that will make accessing the site easier.
- The is currently “depressing with vandalism everywhere”, with that proposing being an attractive alternative that promotes investment and jobs, with good facilities for people going to the site.
- Access to free toilets will make the site more enjoyable.
- The project brings benefits for better facilities, free access, education, free toilets and improved works.
- The proposed use would promote socialisation in the area.
- The loss of the former public house was “a tragedy”. The proposal will welcome more people to a “historical site with a breathtaking view of the area” and may result in the tower being open more.
- “The proposed design is excellent, blends well with the tower and is not too obtrusive. It provides a sleek, modern facility that genuinely enhances the attractiveness of tower to locals and tourists, by providing shelter in this exposed area and refreshments. This will encourage visitors around the year instead of mostly when weather is good. The space is imaginative to include areas where lectures and events can happen for example a "Poetry Open Mic" and educational events for children such as school trips. To refuse this opportunity to develop the tower in this way would be a backward step with all the modernisation and facilities improvement of Huddersfield in progress.”

General comments

- The tower and hill are iconic, and often the first thing that comes to mind when thinking of Huddersfield. After the former Inn was illegally destroyed, the solitary Jubilee Tower has become even more iconic a symbol of Huddersfield.
- Request that the site include a fireplace and sauna.

Objections

Principle of development

- Concerns over the planning statement making claims that the site is grey belt due to the previous building. Nationally designated sites such as Castle Hill scheduled ancient monument and the free-standing Jubilee Tower listed at grade I are excluded from the definition of grey belt.

- Proposals constitute inappropriate development in the Green Belt. There are no exemptions for the proposed development within the Green Belt, within in the NPPF. The absence of the former Castle Hill Hotel has enhanced the setting of the Tower and enabled better appreciation of the hillfort and its later embodiment of the C12th fortification.
- There are no very special circumstances which should permit building in the Green Belt.
- This is a commercial development, with a minimal public benefit offering.
- The site is in an environmentally sensitive location where the effects of development would be more significant, and the lack of an Environmental Impact Assessment suggests our inheritance has been woefully undervalued.
- The EIA should consider light, noise and other impacts on nature, such as disruption to birds, bats and other mammals (see 9), and people's health and wellbeing.
- The new plans appear to show the building extending further into the embankment adjacent to the bedrooms and full details of the service area impact was not included in the previous conditionally approved plans. As such, the impact on the scheduled embankments was never factored into the Green Belt and/or SAM assessments.
- The changes to this application include an increased footprint, 50% increased car parking, security fencing and lighting, excavation of historic embankments.
- This is a large urban development proposed for an inappropriate remote rural location. The scale of this development goes far, far beyond the limited facilities required for the heritage site. It is also many times greater than the previous hotel removed many years ago.
- The essence of the development is commercial with approx. 10% of floor-space allocated for interpretation. Between 5pm and 10pm (prev. condition 11pm) the venue would operate purely as a restaurant and bar with guest bedrooms. This type of use is classified as 'town centre' and, according to Kirklees' local validation criteria, a sequential test should have been carried out.

Visual and heritage concerns

- Castle Hill has a high number of designations; and national and local policies should be sufficient for its protection from harmful proposals such as this; yet for some reason there remains an ongoing threat. It is noted that this type and scale of development in a scheduled monument in this type of setting is unprecedented in modern times.
- The application should be refused as it fails to protect the longstanding heritage assets. The National government's advisors on heritage, Historic England (HE), have advised the Authority to refuse the application on heritage grounds. The Victorian Society maintain their objection.
- Any development in the area must be carefully considered in order to minimise impact on the surrounding area and view of the hill and monument. The representative is not convinced the proposal comes anywhere close to meeting this threshold - nor convinced it would provide any public benefit.

- After 20 years of this fiasco residents remain determined that further building on this site is wholly inappropriate and would be the ruination of this treasured, historically significant and iconic site. The developers had their chance years ago but demolished the 'old' public house, failed to adhere to planning procedures and attempted to 'fudge' the rebuild. Given the hugely worrying history that follows these developers, it is clear they cannot be trusted, grossly lack integrity and do not have the best interests of the site at heart.
- Castle Hill is a peaceful place to be enjoyed. The amount of visitors that this development would create would destroy the character of Castle Hill. Over time the number of attendees will cause harm to the area.
- The jubilee tower is enough and enhances the hill from afar.
- Castle Hill is a Scheduled Monument and should be protected as such. This proposal would have a serious impact, not for the better, on this important site. The proposed building would seriously affect the setting of Victoria Tower, which is Grade II listed. The 'public benefits' do not outweigh the harm that would be done to the site.
- Fundamentally this proposed building is still in the wrong place – it should not be sited in the middle of a sensitive and nationally significant scheduled monument.
- Apart from the interpretation room, the proposal offers little public benefit. The proposed modern hotel design is completely out of sympathy with the Victoria Tower, which was itself designed to augment the original Castle Hill Hotel which did capture the spirit of the hill.
- The appearance of the new, fashionable, glass venue will, in no way, make reference to the history of the area, the Victoria Tower, or the historical background to the Hill. It will also be a huge edifice, requiring massive earth moving – entirely inappropriate on a Hill described as 'a scheduled ancient monument of national importance'.
- With the building being partly sunken into the ground it is virtually impossible to understand how far the new structure will stand out if built. Based on the drawings it appears to stand out substantially – which is entirely inappropriate as it removes the open views over the hill top. Surely, it is inappropriate to start excavating into the primary features of an iron age fort, it's flat top with embankments marking its historic defences.
- There is no reference to Kirklees's Heritage Strategy and the applicant/agent does not appear to have drawn the consultant's attention to the consultation response from Kirklees' Museums and Galleries (M&G).
- The planning support, design and access statement fails to fully assess the visual and heritage impact the application would have.
- The Heritage Statement is dated 2021. How have changes on site been taken into consideration in this document. There are a number of material changes to the site which don't appear to have been considered in this document.
- Grave concerns exist regarding the applicant's respect for the site and its unique heritage, given their previous disregard of planning law. The applicant also has the audacity to suggest that there is growing support from the general public for this development.
- The site should be left as it is, the Thandi brothers demolished the public house without permission and sold all the mullions, stone flags,

oak beams and so on and attempted to build an entirely new property at 90° to the original building without planning permission.

- The original building was demolished illegally and is now not there for all to enjoy. Planning permission should only be granted to re-erect what they illegally demolished without planning permission.
- The applicant has no interest in the history or environment of Castle Hill and the plans are not in keeping with the importance of the site.
- Legal concerns regarding the damage to the site by the applicant.
- The applicant has had years to respond to Historic England yet there appears to be no resolution.
- The proposed hotel has little architectural merit and sits low on the ground as if ashamed to be seen. This is the antithesis to the grandeur of the Hill itself and seems to offer little public benefit to counter the damage done to the site and to the environs of the Victoria Tower.
- There are better locations for this development.
- The shape of the proposed development is too modern for this site.
- The proposed development would be a harmful and uncharacteristic urban intrusion into the heart of the site. It is too large. The existing topography is intrinsic to the history of the site, and the proposed changes would inhibit understanding.
- Extensions to the car park will inflict further damage (visually and to the sites heritage).
- The plans proposed would further destroy the remaining archaeology under the scheduled monument and detract from its nature.
- Once the oval appearance of the historic ramparts have been partially removed it will totally ruin the basic shape of the precious hill fort site
- The scheme would include the destruction of an iron age fort just for someone's personal financial gain.
- Question why could the development not match the exact footprint and style of the pub (and was of similar historical value as the folly).
- Anyone wanting to gain in-depth knowledge of the history of Castle Hill can visit the comprehensive exhibition at Tolson Museum, soon to be housed in a new state of the art setting as part of Huddersfield's Cultural Heart.
- The hillside, and especially the summit is of great historical value, anyone who visits the Tolson Museum can find out about it. It is a Scheduled Ancient Monument and therefore should be protected. Centuries of history is too important to be turned into an unnecessary eyesore visible to all of Huddersfield. There are so many other places where a restaurant/hotel/bar could be sited within Huddersfield.
- The proposed security measures seem excessive and risk turning the flat top of the hill into some form of modern prison, with high gates, overnight lighting and video monitoring.
- Huddersfield Civic Society have objected as have The Huddersfield and District Archaeology Society and Castle Hill Civic Associates.
- Huddersfield Civic Society concerns stem from nature and scale of commercial development (beyond simple visitor welcome/shelter facilities), archaeology disturbance, inadequate location access/egress, issues around commercial viability and role of proposed community interest company. The business case does not add clarity or reassurance that this outweighs the harm to the Green Belt or heritage.

Highway concerns

- Inconsistencies within the traffic assessments associated with both the current and prior application, specifically relating to traffic flows and parked vehicles. For example: The 2024 transport assessment provides road trips instead of parking volumes. The estimated traffic volumes appear inexplicably low (with no evidential support) and appear to be irreconcilable with the 2018 data. The figures put forward again exclude visitors looking to make use of what is a public carpark. Fortunately, the access road acted as a break and fire officers were successful in extinguishing the fire, though it had to be watched for many hours due to the drought. More intensive use of the site could pose an additional hazard as would an increase in possible conflicts between emergency vehicles and vehicles escaping down Castle Hill Side.
- The approach road (byway HUD/171/20) is classified as a byway open to all traffic. Proposals are substandard for the projected use and an independent and comprehensive Transport Safety Assessment should have been required.
- Each year there are a number of events where vehicles have become stranded off the track or where they have 'gone off the edge'. One such event occurred in the last few weeks with the vehicle dropping off the track onto the road below.
- Concerns with the findings of the Transport Statement, as it fails to assess safety of other road uses. The statement is based on 100 covers for the restaurant yet there are only 37 spaces. 37 spaces are grossly inadequate.
- The application refers to "100 covers," but this is not supported by the floor plans. It is also unclear whether the "café" and restaurant are the same facility.
- Transport statement out of date.
- The figures in the transport statement are simply not credible particularly the statement the development does not cause any negative impacts in terms of road safety or congestion
- There is no evidence from the highways report that there has been any measurement of existing traffic usage to the hill by general visitors (seasonally, weekly, hourly) which is a simple enough task using a basic traffic counter.
- The Stage One Road safety audit is limited to the proposed "passing places scheme". It is not a comprehensive assessment of site safety
- The proposal is to widen the track (at certain points) to accommodate large vehicles passing, the widths seem reasonable for two cars. However, the concept of two commercial vehicles meeting (one might even be the articulated one illustrated on the plans) clearly introduces the risk of one driving off the track (and potentially dropping onto the road below).
- Traffic management plans cannot be left until the end – they need to be laid down, valued and balance against the unquestionable harm development means to the site The passing places appear to be significantly less than the earlier concept.
- The other major risk of course is that the competing pressures of general and specific restaurant visitors results in vehicles parking off the surfaced car parks and on the sensitive archaeological earthworks

-something which commonly occurred on busy weekends before the original Castle hill pub was demolished.

- The access by car can be challenging at the best of times if you meet an oncoming car I can only envisage the road rage and accidents that will occur with an increase of traffic. The Road is not practical or safe for lorries, coaches and excessive traffic.
- Other concerns are the already busy country roads that are very narrow in places surrounding castle hill and further build-up of traffic would be damaging to these roads as well as dangerous.
- Having a large restaurant/rooms will require frequent freight vehicles to access the top of the hill including refuse / food / waste removal and other large vehicles adding to pressure on the access road, even if the hours for deliveries are controlled.
- To begin with the access to the site, it must be accepted that the 'road' up to the top of Castle Hill is very narrow (partly one way only), has some bends which are challenging to negotiate in even a small car, frequently evidences difficulties with vehicles trying to pass one another, has no footpath (and is therefore dangerous for pedestrians), and is in a poor state of repair. In February 2022, Kirklees Council imposed 30 conditions on the strongly contested planning approval, one of which was: 'coaches are banned from Castle Hill on Saturdays and Sundays'. How any coach is supposed to get up the road to the top is unimaginable!
- Especially on bank holidays, in the summer when the weather is nice. The access and surrounding small country lanes are totally unsuitable for the traffic levels this hotel would create. The roads would be gridlocked.
- Serious alterations and repairs would be needed to underpin the road for future safe access. I have seen more than three cars almost slide off the road in the past few years due to ice. The road is not suitable to consider adding more traffic.
- The parking is reported as reducing from 66 down to 37. This level of parking is unlikely to service the demand of the proposed development leaving no parking for those who want to visit, take a picnic and enjoy the natural setting of the listed tower and Scheduled Ancient Castle Hill.
- No commercial enterprise should be allowed to count a carpark intended for the convenience of the public visiting the Hill as belonging to an hotel.
- The parking spaces will be taken primarily by the uses of the restaurant/bar, therefore where will other visitors park?
- I note the car park is to increase substantially. Again, all this brings is more traffic onto a narrow access that doubles as a pedestrian walkway.
- Significant concerns around the changes proposed to the PROW 171/20 as it would be re-routed onto the underpass.

Ecological and landscape concerns:

- Photographic drawings produced by JCA Ltd (ref Biodiversity & Ecological Management map & Biodiversity Metric 4.0) show comparisons of the site as existing (baseline) and after intervention. They show the sealed surface area (service yard and car parking area) doubled in area, even without the café terrace and viewing

terrace (also sealed). The scope for improving biodiversity would be much reduced by the development due to the extent of hard surfacing, and the presence of humans, traffic, and lighting at night will make the proposed faunal boxes less attractive.

- Would there be a wider site management for the green space?
- The application gives no indication if outdoor seating etc would extend beyond the footprint of the building onto land not leased from the Council and so images give a false impression of the building being self-contained and without impact on the immediate environs of the wider hill. The 3D artist images of the site show a single car in the car park, no service vehicles, no outdoor tables or parasols etc so it is not a realistic representation of how the site will look in operation with the resulting clutter and visual impact on this significant site.
- The proposal does not consider biodiversity or the loss of habitat for local wildlife. This contradicts current efforts to create wildlife corridors around Castle Hill.
- BNG proposal does not take into full consideration the full context of the natural surroundings and the inevitable impact on wildlife without adequate protection.
- The Updated Ecological Impact Assessment (Quants environmental, July 2019) highlights the proposed development may have a detrimental impact upon several designated conservation sites given the site sits within the boundaries of these conservation sites.
- It is a nature reserve and the proposed development would contribute to destroying this unique environment.
- It would also create an unsustainable environment for rare species of butterfly, moth and other insects as well as rare birds such as short-eared owls, linnets and yellow hammers, whose habitats could be irreversibly disturbed, leading to long-term ecological damage.
- A huge, noisy, brightly-lit venue on the hill would end all hope of wildlife returning, and this would naturally have a negative effect on the trees and landscape.
- Given that Kirklees Council are investing considerable public funds to partnership with the White Rose Forest tree planting initiative to develop extensive woodland in the area immediately surrounding Castle Hill - how does the proposed planning application for the area at the top of Castle Hill fit in with the woodland planting initiative?
- Environmental damage will be caused during construction.

General objections

- Nowhere do drawings show the size and location of the attenuation tank required by the Local Flood Authority. The infiltration method proposed by applicants would unacceptably exacerbate existing run-off.
- Planning have gone on record, that the current application 2024/93494 is sufficiently similar (to the prior 2018/93591) to allow documentation associated with the 2018 application to 'back fill' (my term) any shortfall in supporting documents for the 2024/93494 application.
- No fire safety assessment has been submitted with this application.
- Following the severe fire on Castle Hill of 3rd July this year proposals should be subject to a Fire Safety Assessment by the Fire Brigade.

- Concerns regarding fire safety. Customers of the development could walk off the hill in the opposite direction to the oncoming fire (assuming they are sure footed, so excluding elderly, infirm or disabled customers). However, there will be no-one at the proposed development with authority to prevent customers attempting to leave the hill in their vehicles. This could mean some trying even where it would involve heading towards the fire! This could also cause risks to people driving off the hill in a fire, due to poor visibility, blocking the road for emergency vehicles.
- Why are KMC Planning continue to invest valuable resources by allowing the applicant to submit an incomplete application. The inadequacies of the application are clearly demonstrated by the following consultee responses, including the Victorian Society, Historic England, Biodiversity, Flood Authority, Museums and Galleries, Highways and the Police.
- The current security gate has reduced antisocial behaviour. If the site is to operate 24/7, will this gate be removed? That would undermine public safety.
- Concerns over the information provide within the Revised Planning Statement, including the document claiming extensive community consultation, which wasn't consultation it was media drive publicity.
- Community consultation was carried out and a virtual tour showcasing this new interpretation floor layout was circulated in 2024 to all key audiences, including the public via the examiner, Huddersfield Hub, ward members, the Strategic Planning Committee, and other stakeholders, and was also made available on YouTube. This attracted positive feedback and comments. But as a local resident there was no community consultation.
- Concern that the proposal will cause harmful noise pollution that harms the amenity of nearby residents.
- Concerns raised regarding the first-rate exhibition; i.e. how often will new material be developed and current displays refreshed?
- How will the educational content be developed and delivered to visitors and for how many at a time?
- The application depends heavily on the Atkins Management Plan (2006) which suggested that visitors would welcome having facilities such as interpretation, refreshments and toilets on the hill. The Atkins report is now almost 20 years old and badly out of date. Most visitors wishing to know more about Castle Hill today will most naturally interrogate their mobile telephone rather than seek out a gallery containing information boards. Similarly, those visitors seeking refreshments have long since gone elsewhere for their outings.
- Another issue raised by Historic England is that on the basis of the information currently submitted they are not convinced that the applicant has fully understood the implications of forming and operating a CIC (Community Interest Company). Whilst this may be a good way forward, has this been set up?
- Consumption of alcohol from the site would provide a strong likelihood that anti-social behaviour would actually increase.
- Claims to invoke guardian of the Monument, as per section 12 of the Archaeological Areas Act 1979 for this monument listed as 1005806.
- Concerns regarding conditions on the previous application and their enforceability.

- Objections over the timeframe of the application, including how long it has been under consideration by the Local Planning Authority. Because of how long it has been under consideration, it should be refused.
- The scheme is out of time and the current package of information cannot be relied on. The application should be withdrawn if possible.
- Concerns regarding the longstanding nature of this proposal and the lack of public engagement. The 2018 application should never have been approved and the 300+ comments from the 2018 applications should be added to this application, as there are substantive matters that have not been addressed.
- The building layout internally with a single restaurant suggests that the likely business model will be for function or volume catering use, not just supporting casual / family visitors to the site. If this is the case, then the operators will be seeking to maximise high volume usage and occupancy for example at weekends or functions in the evenings which will create significant additional pressure points in terms of private clients to the detriment of others.
- The application just increases the levels of harm, due to increased parking, higher levels of footfall, increase in the size and location of the building, the construction of new infrastructure, high levels of lighting, additional drainage etc.
- Will the Castle Hill scheduled monument be closed to the public during construction, or will there be restrictions and other access requirements and for how long?
- What impact would the application have on climate change.
- Is this a carbon neutral build and are they using sustainable materials? Where is the original stone from the old building and is this to be incorporated into the build?
- Concerns over the longevity and viability of the proposed commercial development, and question what would happen if economic issues force it to close. This would result in the loss of the public benefits and leave a vacant building.
- The Wheawill & Sudworth review identifies uncertainties with the applicant's submission, including;
 - the general viability of entities operating in the leisure and hospitality sectors and, for the specific development:
 - take up and sustainability of customer demand and spend relating to the CHVC facilities, plus
 - lack of clarity regarding current funding
- The proposed building cannot accommodate all its service requirements, hence the large yard adjacent with staff parking, waste bins, and most probably storage for the external tables and chairs in inclement weather (unless permanently fixed down outside). No space within the building has been allocated for plant (M&E).
- There is no indication on the plans as to where ventilation / extraction from kitchens etc will be facilitated and locating the cooking activity in a basement with no direct external access and fire escape seems very strange, would it be in compliance with building and fire egress regulations for catering establishments?
- Historic England states that changes to the environment must be considered - noise, light pollution, urbanization, access etc, along with physical changes to the asset; many of these considerations have been ignored.

- Previously, when the pub was situated on the site, there was a significant problem with litter. It would seem highly likely that this will become a problem again.
- Concerns over the amenity of the proposed accommodation which is considered poor. This will make it unattractive to use that will harm the site's viability.
- The area has been without a building for so long it should now be left for nature that has already started to take over. The environment should be left natural for people to enjoy. If a small building was to be built containing toilets and a small cafe for visitors I would not object to but it is a historical area and a large modern building built only for profit is not essential and would be out of place.
- A far simpler solution is required, potentially involving licensing of 'pop-up' mobile venues (for busy times of the year) and installation of porta-loos secured at the time the security gate is locked and re-opened. These days, information on personal mobiles is what visitors expect - which could be produced using material held in Tolson Museum.
- This proposal is not the only option. It is not the most practical solution, and it reintroduces questions around the whole harm vs benefit debate, Health & Safety, viability, deliverability and a host of other risks (inappropriate for a community benefit venture).

7.5 Responses to the above comments are addressed within this report.

7.6 Holme Valley Parish Council: No comment, defer to officers.

7.7 Kirkburton Parish Council: No comments received.

Councillor comments

7.8 Cllr A Munro – Comments received 11/09/2025

I requested the matter be dealt with by committee on two grounds of:

- *Highways safety;*
- *impact on local area-*

You have asked me for my reasons for requesting that it also be listed for committee due to the impact on the local area.

Please see below:

Impact on Local Area

The Business Plan and amended plans clearly indicate the Applicants are seeking to renegotiate the terms of the previous planning approval, i.e. increased number of covers in the restaurant to 100, open ended closing times in the evening and reduced capacity of the car park. This means the development will be busier for longer with fewer car parking spaces thereby placing heavy reliance for parking on local roads, both for visitors to the restaurant bar café etc and anyone simply wanting to go up to the top of the Hill to view the night sky, take photos etc, or just take in the view.

Not only this but due to all the publicity over the last few years, I suspect this venue will be a popular destination for many and its newness will definitely be attractive to many. This will result in an increase in traffic generation to the area, leading to an increase in pollution, congestion on local roads due to an increase in vehicles and cars etc travelling to and from Castle Hill and parked cars on the narrow roads around Castle Hill; noise and disturbance from people walking to the bar and restaurant and back from their cars late at night and vehicle movements, all in this quiet rural area. Often when people have had a drink they become louder too due to the alcohol consumed. In addition there could be an increase in anti- social behaviour, an increase in litter and fly tipping.

Please include this impact on the local area as a material consideration.

Cllr A Munro – Additional comments received 19/08/2025

That in the event that due to economic reasons the Council cannot appoint an independent consultant to prepare a full transport assessment on its behalf, that the Council undertakes a comprehensive and robust transport assessment of the plans for the hill site itself and the surrounding roads to then provide the up to date TRICs data that is required to enable a better understanding of the impacts of these plans.

Cllr A Munro – Additional comments received – 13/08/2025

There remains significant public interest in the planning application 2024/93494. It is clear it remains contentious. The application continues to raise many concerns. I have stated I have serious concerns for highways safety and risk of wild fires in my submission.

I therefore request the application is dealt with by Committee.

Cllr A Munro – Additional comments received – 11/08/2025

I make this submission as a resident of Almondbury Ward with a beautiful view of Castle Hill and as a Ward Councillor on behalf of residents as follows:

Summary of points I intend to raise:

- 1. 2018-93591-2024/93494*
- 2. Highways- road congestion- Transport Statement Nov 2024*
- 3. Fire safety assessment*
- 4. Business Plan*

2018-93591 and 2024/93494

1-This planning application eventually received planning approval on the 10th February 2022. The current application is a resubmission of this, or so I understand. Arguments in the plans (2018/93591) hinged on the public benefits of the provision of public toilets which were weighted heavily against the assessed less than substantial harm?

Castle Hill is no ordinary site, it is an extra ordinary site which is unique to our Country and part of our national heritage. It is a special place, it is iconic, much loved and it is a famous landmark.

Families residents and people visiting have been going up to the top of Castle Hill for many many years to fly kites, take in the views and enjoy walks around the top of the hill site. Information Boards at the site display pictures on the wildlife there and an information board provides facts on the history of the site.

Tolson Museum has an excellent Castle Hill model and a display that tells the history of Castle Hill. Tolson Museum is set in Ravensknowle Park and schools already visit the display and Museum.

I have been informed and read that if and when Tolson Museum closes, the new Huddersfield Museum will have a display on Castle Hill in any event.

Local Plan Policies PLP 13 and PLP 16 -The proposal remains an out of town commercial development more suited to a town centre but was approved under 2018/93591

Castle Hill 2024/93494

So far a total of 90 objections have been documented and received in response to the amended plans making a combined total of 420 objections and comments received. In addition to this several statutory consultees have also raised objections and dissatisfaction.

As already stated, Castle Hill is hugely significant! Details of the plans submitted under the current application 2024/93494 and what this might mean for Castle Hill, the ancient scheduled monument and the surrounding area and now the submission of the amended plans, were not clear and there is a distinct lack of transparency and detail around the amended plans for example reference is made to approximately 100 covers for the restaurant, well precisely how many covers are planned for each evening? The previously approved application gave permission for no more than 70 people at any given time to be in the bars/ Café/ restaurant/ on Saturdays and Sundays only, including the terrace. The previous permission is silent though on Fridays and days during the week. This could result in many people going there on Friday nights and other evenings during the week?

Furthermore, reference is made to the new build occupying for the most part on the former footprint of the original pub/hotel. Well how much will not be on the former footprint? It also appears that closing times in the evenings are still to be determined, but under 2018/93591, approval was given for closing times at 11pm for the restaurant and bar.

In addition, what is there to stop the Applicants making further plans in the future for additional buildings if they are allowed to build on land that does not form part of the original footprint?

2- The amended plans car park size (2024/93494) Under 2018/93591, planning approval was granted for a car park for 32 spaces with an additional 5 disabled places giving a combined total of 37 parking spaces.

Kirklees Highways as statutory consultees made suggestions/comments based on a Transport Statement dated November 2019 commissioned by the Applicants, but Kirklees Highways admitted they did not have the empirical data to support the transport assessment carried out by the applicant's agents. The Applicants agent's Transport assessment concludes: "The development

does not cause any negative impacts in terms of road safety or congestion and is therefore acceptable in planning terms”.

Under this application 2024/93494, no comments have been made by Highways, but the Applicants have used the comments made in their Transport Statement commissioned by them dated November 2019 under the approved application 2018/93591 as evidence in their business plan and repeated the same assessment in their Transport Statement dated November 2024. This is not current. Any comments made by Kirklees Highways were based on the Transport statement from November 2019. The assessment referred to is out of date.

The Applicants Transport Statement under 2018/93591

(a)- noted “that while they did not consider it to be significant, there will be some increase in traffic in terms of visitors and also service vehicles”.

(b) “Between 5-6pm, traffic flows are forecast to be in the region of 10 vehicles split 6-7 inbound- 4 outbound” But under the current amended plans, the building will not be open to the Public between 5pm and 6pm.

It is my view that even 6-7 vehicles accessing the hill site controlled by traffic lights will cause issues around the junction with Lumb Lane regardless of the time.

(c) The Busiest time between 6-7pm with a peak traffic flow of 18 vehicles split 10 inbound with 8 outbound.

While the Applicants agents believe the time slot 6-7pm will be the busiest, under the amended plans, the bar and restaurant will open from 6pm, but presumably vehicles will be arriving and leaving increasingly in the evenings particularly towards the end of the working week and weekends.

(d) They continue that the main traffic generators would be visitors to the hotel and restaurant, but this would be spread throughout the day. Again, this information is out of date as the word hotel has been dropped and the restaurant bar and visitors centre will only be open in the evenings, but the building will still have 6 bedrooms!

(e) The report continues:” traffic flows during the morning peak for the restaurant are considered to be insignificant.” Again, the restaurant will not be open during the day under the new plans.

“Taking into account the two main traffic generators”, (Which are the Hotel and restaurant as referred to in the Transport Statement dated November 2024 even though the Applicants have seemingly dropped plans for a hotel) during the day a forecasted increase in traffic during the morning peak hour would be in the region of 4 additional movements. During the evening peak, an increase of approximately 15 vehicles would be forecasted.” This suggests they are expecting only 15 vehicle movements between the peak 6pm to 7pm? Which day of the week are they referring to? I seriously question their calculations.

The transport statement continues that “the above does not take into account the trips generated by a visitor centre / exhibition facilities. The proposed size of this element of the development is 78 sq. metres and is difficult to forecast

what the likely traffic generation would be as result of this use” Presumably though schools will book in advance so they will have an idea of the number of vehicles?

The statement goes on to predict “Nevertheless, adding another 6 trips during the morning peak and a similar number during the evening peak would be a robust scenario. As a result, the total traffic generation for the development would be in the region of 10 additional movements during the morning peak and 21 vehicle movements during the evening peak hour. The forecasted increase in traffic is not considered to be significant-“

(e) Traffic lights are proposed for the access road to control traffic movement on it but these will cause congestion from the junction of Lumb Lane with Ashes Lane along Lumb Lane to its junction with the hill site access road, traffic will back up and some people are likely to abandon their cars anywhere to walk up.

It is clear Highways must undertake a further appraisal of the amended plans and submit a report.

In addition, I request an independent assessment for Transport is requested by the Council, as I do not believe the data provided in November 2019 under the previous application 2018/93591 can be relied upon, as it is outdated and there are several other reasons including:

There are ever increasing numbers of vehicles on our roads and this is set to increase in the future as populations grow. In addition, where is the TRICs data?

I have grave concerns for highways safety! And it is concerning that Highways as statutory consultees remain silent in relation to the amended plans. The Applicants have not provided any new assessment of the roads and vehicle movements or any TRICs data, it is imperative that the Council request an independent assessment for Transport.

The Business case states Castle Hill is set to serve 270,000 residents and more than 443,000 borough-wide. This is with capacity of the car park at 37 max and does not include the 200 or so visiting schools! In addition, the public bus service is sporadic and Ashes Lane is not wide enough for a cycle way and the pavement is narrow. Furthermore, I would like to know if further accidents have been recorded since the last report filed under 2018/93591?

On the 28th February 2025, at approximately 6:58 pm I was caught up in congestion on Lumb Lane, just below the access road to Castle Hill which was blocked. This was due to vehicles being abandoned anywhere and everywhere there as people could not find anywhere to park as they wanted to walk to the top of the hill to view the planetary alignment. I have attached photos which I took at the time. Due to the road being blocked myself and my friend were late for an event. This is a scenario that will be played out time and time again if these plans receive approval. The road will not just be blocked at Castle Hill side though but Lumb Lane; Clough Hall Lane; Ashes Lane and possibly Hey Lane.

How would emergency vehicles get through the narrow lanes around Castle Hill? How would a local resident get to hospital urgently if they could not pass on the road? Such blockages are happening now and the bar, restaurant, café, 6 bedrooms, interpretation facility and gift shop have not even been built.

3. There was a recent wild- fire at Castle Hill, the earth is still charred and black. A fire safety assessment has not been submitted. This is concerning if these plans are approved, especially with the access road and congestion on Castle Hill Side and Lumb Lane as I experienced. Please request a fire safety assessment be carried out for the site.

4. According to the Business case, submitted under the current application 2024/93494. only the café; shop and interpretation room will be open during the day between 9am - 5pm and the restaurant and bar will open from 6pm to a time to be determined. This was 11pm under the previous planning application on Saturdays and Sundays only. The Business Case-references a CIC, but no details are given and it's not clear where/how funds would be made available. Reference is made to an asset locked body being set up, but no details are provided. No figures are provided to understand viability of the scheme. Where is the complete Business Plan. I request an independent assessment be commissioned of the Business Plan.

7.9 Cllr P Davies – received 30/07/2025

I want to share my comments on the revised plans for the proposed development at Castle Hill. My direct comments are listed below - you may see that the comments relate more to the whole development than the proposed site rather than the revision. This is deliberate as I feel that the amendments do not address or alleviate any of my original concerns.

I believe that the planned development is too big for the site in terms of physical size and the scale of operation proposed for the new building. In addition, I think that the plans as submitted are not detailed enough to support the proposed development and that additional works required to address these shortfalls mean that the development and its impact will be far greater than the current plans.

Firstly, in terms of size of the building and operation. Due to its position and location, the building will become a dominant, visible feature for miles around. It will drastically alter, what has become an iconic view of Jubilee Tower on Castle Hill and we need to be mindful of that impact on all residents of Kirklees and surrounding areas who share the view.

It is too big in terms of physical size and in terms of the size of the proposed restaurant. Access to the site is very restricted with a steep, winding single track road. The additional traffic caused by visitors and customers will be detrimental to the peace and beauty of the site. The scale of the operation will mean that large delivery wagons for food and drinks and then the subsequent waste wagons will require frequent access and the road and cause damage and pollution to the hillside and its environment. In the long term, the increased traffic will impact in the peace and tranquillity of the areas as traffic queues to go up or down the hill and will block lanes in the vicinity if people choose to park there, rather than go up the hill. It will also increase the risk of accidents to foot visitors to Castle Hill. Many families with pushchairs or wheelchairs, children with bikes or scooters use the roadside to access the top of Castle

Hill instead of the stepped access routes. In the short term, this will be even worse due to the size and nature of the vehicles required during construction, deliveries of material, removal of waste and the actual access of the construction vehicles. These will all have a massive, irreversible impact.

The inclusion of bedrooms is at the site also mean that operations will be 24 hours, so the access road – which is currently locked off at night to discourage anti-social behaviour, will need to be left accessible. This will re-open Castle Hill to anti-social behaviour, which was such a blight on the area. Regarding the lack of detail in the plans. Other consultees have noted there are shortfalls in the details on the plan. One major shortfall is the lack of drainage plan. This needs to be addressed so that the impact of adding sufficient drainage for such a large restaurant, bar and kitchen can be considered properly in line with the application. The lack of lighting scheme is another cause for concern and conflict. The lighting scheme and its impact on the views, at night and in the dark winter afternoons of all residents of Kirklees and surrounding areas who share the view. This needs to be considered as part of the application. Especially, as noted by the Police, security lighting and CCTV will be necessary at the site due to the potential for increased anti-social behaviour. Our prime aim should be the conservation of the Scheduled Ancient Monument and the protection of the peace and tranquillity of the environment on Castle Hill now and for future generations. I am not confident that the current plans do this.

7.10 Cllr A Cooper, Cllr K Allison, Cllr S Lee-Richards and Cllr A Vickers (on behalf of the Green Group Kirklees) – comments received on 24/02/2025

This planning application should not be considered as it fails to meet Kirklees Council's own criteria as published in Kirklees Planning Validation Requirements (which came into effect from the 6th February 2023) and essential required documents have not been provided for members of the public to be able to understand and comment on this planning application.

We also object to the proposed development for the following reasons:

- 1) *Castle Hill is a Scheduled Ancient Monument (SAM). Historic England's List Entry No. 1009848 states this is a 'slight univallate hillfort, small multivallate hillfort, motte and bailey castle and deserted village.' Hillforts are rare in the North of England making this one important not only to the Yorkshire but also nationally. This is a historic environment resulting from the interaction between people and places through time.*
- 2) *This is Green Belt, and the proposed development would be inappropriate and cause substantial harm. The proposal does not comply with any of the exceptions tests as set out in para 154 of the NPPF 2024.*
- 3) *Victoria Tower is a designated heritage asset being grade II listed. It is recognised as a symbol across the whole of the borough. It is a prominent visible landmark above the town of Huddersfield; it can be seen from Beaumont Park, Netherton and Newsome to name just a few of the places it can be observed distinctly on the skyline.*

- 4) *Castle Hill Setting Study by Atkins (2016) which appears on the Kirklees website appears to have been ignored. P38 Slopes and summit of Castle Hill 'The profile of the upper slopes of Castle Hill and its rural essentially undeveloped character are key characteristics of the site and contribute to its setting and significance. These aspects would be adversely affected by small-scale development and it is unlikely that such development could be accommodated on the hill itself'.*

And para 6.12 Developers bringing forward in the areas identified above should provide evidence that demonstrates the scale of impact of their proposals on the setting and significance of Castle Hill.

- 5) *There is no Environmental Impact Assessment (EIA) This is a sensitive area as defined in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This should be carried out due to the significant effect on the environment of Castle Hill. The need for an EIA is clear due to the scale and complexity of the proposed project.*
- 6) *This is a Local Wildlife Site (LWS2) 9.93 hectares under policy LP30 an area identified for its nature conservation value.*
- 7) *The proposal is for a commercial enterprise and is a threat to both architectural and archaeological heritage by the very nature of the plan to excavate into the SAM and its close proximity to a regionally important iconic listed building, the grade II listed Victoria Tower built in 1899.*
- 8) *There is no reference to any commercial viability test for this essentially town centre business to be located here.*
- 9) *A commercial business here would create noise, light pollution and litter in a place that is highly valued for its openness, peace and tranquillity. The value of this space to the wellbeing of those who walk here, enjoy the fresh air and take in the panoramic views should not be underestimated.*
- 10) *The access road is inadequate. It would not be safe for large vehicles to access the site for construction work, deliveries and waste collection. This would also adversely affect the safety of pedestrians.*
- 11) *There is reference to an underpass. What is this? There are no drawings that show this feature which would seem to be a significant feature that would also potentially create significant harm to the SAM.*
- 12) *There is little public benefit to be gained as the site is now more secure as the gate secures the site at dusk which has reduced both anti-social behaviour and littering significantly. The site already contains display boards explaining some of the history, nature and significance of the site. The history of Castle Hill and its environs is also recorded in The Tolson Museum to which interested visitors could be signposted.*

8.0 CONSULTATION RESPONSES

The following is a summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

Historic England: Revised comments dated 11/08/25 provided below:

Historic England has previously provided advice on the original development proposal on 27th November 2018. At that time we objected to the proposal on heritage grounds. In the intervening period we have been consulted on modifications to the scheme and several Discharge of Condition notifications, and most recently a resubmission of the original scheme with additional supporting information on 7th March 2025.

Historic England have maintained a consistent position throughout, stating that this important and sensitive site can benefit from the presence of a well-designed and executed building. We would be supportive of such a proposal if the public benefits are articulated clearly enough for us to be confident that they will outweigh the less than substantial harm to significance.

The updated documentation submitted presents a much clearer vision for the operation of the site and what public benefits will be secured from the development, and crucially, how they will be implemented. On this basis, Historic England does not object to the proposals. However, we strongly advise that your authority commission an independent viability review of the business plan to ensure that the proposed benefits can be realised.

K.C. Conservation and Design: Provided the following conclusion within their comments dated 21/11/2025:

The principal heritage issue relates to the degree of harm to the setting of the Scheduled Monument and the Grade II listed Victoria Tower, and whether the identified public benefits sufficiently outweigh that harm in accordance with the National Planning Policy Framework (NPPF) paragraphs 212 to 221. The proposal does introduce harm to the significance of these designated heritage assets through the introduction of a new building within their setting. However, this harm is assessed to be less than substantial. The scheme provides some public benefits, including an interpretation room to enhance understanding of the historic environment and improved facilities that encourage visitors to stay and appreciate the monument and tower, which is currently limited due to the exposed nature of the site. The design incorporates mitigation through careful siting and scale, and it is essential that the building is not extended in the future; the applicant must confirm that the proposed size meets operational requirements. On balance, the proposals do create harm but less than substantial harm and some of the public benefits could be considered to outweigh the harm identified.

K.C. Conservation and Design therefore offer no objection to the proposal, subject to conditions.

K.C. Crime Prevention: There are no fundamental matters relating to crime management or mitigation at the site, with no objection to the proposal subject to condition.

K.C. Ecology: Consider that the applicant's approach to ecological assessment of the site, including use of an older Ecological Impact Assessment and addendum report following site survey and update, to be acceptable. The submitted Biodiversity Net Gain Metric is also acceptable. No objection subject to conditions.

K.C. Environmental Health: No objection to the proposal, with no concerns over the impacts on environmental health matters. Conditions are requested for external artificial lighting, a kitchen extract system, a drainage scheme for the food premises, the installation of EVCP's and contaminated land.

K.C. Highway Structures: No objection subject to conditions in the case of an approval relating to the design and construction of any new retaining walls and the underpass which will support the PROW.

K.C. Highways Development Management: The proposal is not materially different to the previous scheme, following amendments to the proposal to include 41 parking space. The supporting reports, while noted to be the same and therefore older than when previously considered, remain valid and robust. Following a Road Safety Audit relating to the improvement works having been undertaken, and the minor points raised being incorporated into the proposal, no objection subject to conditions.

K.C. Lead Local Flood Authority (LLFA): Object to the proposal. Inadequate details have been provided to clearly demonstrate how drainage would be managed. Infiltration of surface water is suggested by the applicant, but LLFA records indicate this is unlikely to be appropriate.

KC Museums and Galleries: Provided the following comments:

The nature of this historic site is of overwhelming importance as a Scheduled Ancient Monument also accommodating a Grade II listed building. Castle Hill is Kirklees' most important heritage site and a unique and much loved symbol of the town and its identity.

We therefore concur with the comments previously submitted in response to a similar planning application made in 2019 from other consultees representing the heritage sector, such as Historic England stating that the preservation and protection of the site must be of the highest priority so that Kirklees residents will be able to enjoy Castle Hill for generations to come. In addition, Historic England stated "In addition, Castle Hill contributes to the importance of the Green Belt in this area and any proposal will require very special circumstances to be established in support of any development. We do not consider that the uncertain nature of the visitor facilities provides these necessary public benefits and circumstances". Although further information has been provided as part of this subsequent planning application about the nature of the facilities, there does not seem to be a detailed management plan or business plan of the level necessary to remove uncertainties about the future success of the proposal...

Although providing public access, visitor facilities and information is very important, this must be balanced with conservation of a Scheduled Ancient Monument, and other ways could be considered to deliver these outcomes. Some examples of these are providing new interpretation in the Jubilee Tower which is already a popular heritage attraction, providing new outdoor heritage interpretation panels, the use of mobile digital heritage interpretation and providing toilets and pop up high quality food facilities lower down the hill, but adjacent to the historic site. Providing flexible facilities away from the immediate vicinity of the Scheduled Ancient Monument would also minimise the risk of traffic congestion, emissions, erosion of the archaeological site and improve visitor safety and the ambience of the site.

The proposal does include a heritage interpretation space, and some information has been supplied as to what form this would take and what would be included. However, the application has not been accompanied by a heritage interpretation plan for the facility determining which audiences would be provided for and how. There is no evidence of public consultation about the provision of heritage interpretation.

The document "Castle Hill Visitor Centre - Background, Vision and Management" sets out the proposal as follows:

"Developer and local authority are committed to a strong collaborative partnership to develop a comprehensive management plan for Castle Hill. The CIC Board can then take advantage of other expertise and experience available to them. A full range of talents can thus contribute to joint decision-making in the development, implementation, and oversight of the Castle Hill management plan."

However, until a formal agreement with Kirklees Council of this nature is in place, this section cannot be considered as wholly relevant to the application.

In addition, there is a lack business plan information available which would determine whether the heritage interpretation facility and the Visitor Centre as a whole, could be sustained or whether this service could be withdrawn by the operators due to lack of financial stability.

Tolson Museum which is managed by Kirklees Museums and Galleries, currently covers the story of Castle Hill in a first floor gallery, which contains a model of the site, collections from the archaeological excavations at Castle Hill and a range of interpretation information. The gallery is set in the historic context of the history of Huddersfield from early settlers through to the development of Ramsden's town. It is very likely that the Museum and Gallery in development as part of town centre Our Cultural Heart Home, will tell a comprehensive story of Castle Hill, the town's most iconic and significant heritage site, ensuring that visitors and residents would be able to access the information and collections readily and be encouraged to visit Castle Hill. Similarly visitors to the Hill would be encouraged to visit the museum to find out more and to be able to view collections".

K.C. PROW: Note that the applicant seeks to stop up two PROWs (HUD/171/70 and HUD/169/60), that would sit beneath the proposed building and re-route the PROW around. No objection, subject to condition requiring this take place prior to works commencing.

The Environment Agency: No comments received.

The Victorian Society²: Offered an initial objection to the proposal dated 04/02/2025. Their conclusion summarised their stance as:

In conclusion, the Society objects to these proposals due to the design of the centre, the damage increased traffic may do to the site and the unnecessary impact the below-ground level would have on the monument. The Society recommends moving the centre further away from the tower in order not to intrude on its solitude. The Society accepts the principle of a centre of this purpose, but not in this manner – The National Planning Policy Framework advises in the need to carefully protect heritage locations (2024, para. 202). We object to the proposal as presented and strongly urge your authority to require more information

Following amended plans and re-consultation, the Victorian Society provided the following comments 22/05/2025:

“We maintain our objection to these plans. Our previous objection was dated 4th February 2025, and this letter follows the upload of amended plans to the Kirklees Council Planning Portal... This amended proposal appears to be substantially unchanged to the previous scheme with no obvious revisions being made, despite our advice and recommendations to reduce the impact on the setting of the listed building” The Society have raised a number of concerns in regard to design, location and setting, the wider site, public benefits and the ancient monument. Full comments can be found on the Council’s website for this application.

West Yorkshire Archaeology Advice Service: Advisory comments and feedback have been provided on the submitted Written Scheme of Investigation for Archaeological Excavation and Watching Brief.

Yorkshire Water: Conditions are requested regarding separate systems of foul and surface water and there not be no discharge of surface water until to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design and conservation
- Archaeology
- Landscape impacts

² The Victorian Society is one of several organisations together referred to as the National Amenity Societies, who provide advice on various heritage matters. The National Amenity Societies were consulted, with no organisations (other than the Victorian Society) providing comments. Of note, this includes the Council for British Archaeology, who had objected to the previous application on site (ref. 2018/93591).

- Highways and transportation issues
- Public Rights of Way
- Flood risk and drainage issues
- Ecological and geological considerations
- Amenity issues (including noise)
- Tourism and economic impacts
- Crime and anti-social behaviour
- Public health
- Ground conditions
- Representations
- Planning obligations
- Other planning matters

10.0 ASSESSMENT

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Weight to give to the previous decision

- 10.2 As noted in paragraphs 3.4 – 3.6 and the Planning History section of this report, the current proposal is a re-submission (albeit with alterations) of 2018/93591, an application previously approved February 2022. While that previous permission has expired, the authority's previous decision forms a material planning consideration in the assessment of this application. Planning case law establishes expectations for authorities to operate in a consistent and reasonable manner.
- 10.3 For the avoidance of doubt, the decision maker is not bound by past decisions, with the planning history and previous permission being one of many material planning considerations. However, in making a decision, due regard should be given to whether any change of circumstances would warrant a different outcome.
- 10.4 As noted, there are changes between the current proposal and 2018/93591, the impact of which (if any) needs to be considered, where relevant, in this assessment. Officers consider there to be no change in circumstance in the immediate environment since the assessment and determination of the previous application. In terms of local policy, the Local Plan (2019) was the development plan at the time of 2018/93591's assessment and determination³, and remains the same. The NPPF has been through several revisions, most notably in December 2024 through the introduction of the grey belt principle. This will be considered later in this report.

Development within the Green Belt

- 10.5 A wide range of planning policies and considerations are relevant to land use and the principle of development at this site.

³ Presented to committee (final) 28/10/2020 and decision issued 10/02/2022.

- 10.6 Castle Hill is of enormous importance locally and further afield, as a much-loved landmark, an iconic symbol of the area, a heritage asset and a recreational facility (which, due to the work of the Castle Hill Ranger, many volunteers and other staff, has achieved Green Flag status). The large number of representations received in response to the council's consultation is indicative of the public interest in what is to happen to Castle Hill. Paragraphs 14.16 and 14.17 of the Local Plan state:

Castle Hill is a special place that plays an important role in the identity of Kirklees. It is a place that is valued by the local population and for many people is an iconic symbol of the area. The continuity of its use as a place for settlement and recreation from probably at least the Late Neolithic period through to the present day has given it an almost unique standing not only in Kirklees but in the whole of the north of England.

Castle Hill is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. Castle Hill is a well-used recreational facility that serves Kirklees, in particularly Almondbury and Huddersfield. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. Development proposals will be expected to take into account the council's Castle Hill Setting Study when considering potential impacts on this designated heritage asset.

- 10.7 Local Plan policy LP35 states:

Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

... f) preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

- 10.8 The status of Castle Hill as a Scheduled Ancient Monument, and the application site's location within the setting of listed building (Victoria Tower), are important considerations relevant to the principle of development. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Paragraph 212 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 213 and 214 of the NPPF set out how such harm should be balanced against the public benefits of a development.

- 10.9 The application site is within the Green Belt, as set out in the Local Plan. The application site was also designated as Green Belt land in the previous (1999) Unitary Development Plan.
- 10.10 Paragraphs 143 and 153 to 160 of the NPPF are of relevance when considering the submitted proposals. Paragraph 143 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, and it establishes five purposes of the Green Belt. These are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.11 When considering any planning applications/proposals, paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and 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 resulting from the proposal, is clearly outweighed by other considerations

Whether the proposal is 'appropriate development' in the Green Belt

- 10.12 Paragraph 154 of the NPPF sets out development exceptions that are not considered to be inappropriate development in the Green Belt. The proposal, for a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation, does not meet any of the exceptions listed in the sub-sections of this paragraph.
- 10.13 For the avoidance of doubt, it is noted that 154d allows for 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. Given the time that has elapsed since the pub's demolition in 2005, 154d is not considered applicable and the site cannot be described as previously-developed (brownfield) land. Of note, the NPPF definition of brownfield land excludes "*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*". It is also noted that some the comments received as a result of the publicity of the application have argued that visitors to Castle Hill have become accustomed to there being no such building (and no facilities) at the site.
- 10.14 Paragraph 155 of the NPPF states the development of homes, commercial development and other development in the Green Belt should also not be regarded as inappropriate where certain criteria are met, and refers to grey belt land. This policy was introduced in the December 2024 version of the National Planning Policy Framework and therefore is a material change in circumstance compared to the assessment of 2018/93591.

10.15 The criteria of NPPF paragraph 155 are:

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) that there is a demonstrable unmet need for the type of development proposed,
- c) that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below

10.16 Considering the above, the first test is to consider whether the site can be defined as grey belt land.

10.17 The NPPF states that for the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143⁴. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

10.18 The land in question is considered to be greenfield land, as considered in paragraph 10.13, although, per the definition of grey belt above, greenfield land is not prohibited from being grey belt.

10.19 Officers consider that the site and the surrounding land provide a strong contribution to purpose a) of the Green Belt, to check the unrestricted sprawl of large built-up areas. This is because the site is adjacent to the large built-up area of Huddersfield, is predominantly free of development (Victoria Tower excluded), and lacks other features that could otherwise restrict or contain the development. The land is effective in preventing the sprawl of Huddersfield.

10.20 Regarding purpose b), given the separation distance between Huddersfield and the settlements to the south, the site only provides a weak role in limiting neighbouring towns from merging. Finally, regarding purpose d), Huddersfield is not deemed to be a historic town, and therefore this test is not applicable.

10.21 Given that the site provides a strong contribution to purpose a), officers do not consider the site to be grey belt land. The applicant considers that the site is grey belt, however, reference is only made to the land being previously developed. As set out, this is not the relevant test to make and therefore the applicant's stance on the matter is not accepted.

10.22 As the site is concluded to not form grey belt, the remaining provisions of paragraph 155 are not considered relevant and need not be assessed.

⁴ See these in paragraph 10.10.

10.23 The proposal is deemed to be neither appropriate development by virtue of paragraphs 154 nor 155 of the National Planning Policy Framework. It is, therefore, inappropriate development. Paragraph 153 states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.24 Accordingly, consideration is required as to whether any Very Special Circumstances exist which, either individually or cumulatively, would clearly outweigh the identified harm, caused by being inappropriate and any other harm identified through the course of this assessment.

Consideration of Very Special Circumstances

10.25 The applicant has provided a list of the proposed development's claimed public benefits within section 5 of the Planning Support, Design & Access Statement (April 2025, rev. A) as follows:

- WC provision – Male, female and accessible WCs are proposed at lower ground floor level. The applicant states that these would be free to use by members of the public, and would be maintained, cleaned and monitored by the building management. Under the previous application, the applicant suggested that the WCs would be open to the public from 10:00 to 23:00, seven days a week. At that time, officers considered that a 09:00 opening time would be justified and reasonable, and that was secured via condition. The provision of publicly accessible WCs attracts significant positive weight, particularly as it would help increase and diversify the range of people who can comfortably visit Castle Hill (including young children and older people), would extend the duration of visits for many people, and would generally enhance the visitor experience. This positive weight, however, is slightly reduced by the fact that large numbers of people visit Castle Hill throughout the year already, without the provision of WCs. A condition securing this provision is recommended.
- Shelter – During inclement weather, visitors would be able to take shelter within the proposed building, and outside (under its overhanging eaves, and/or on its leeward side). This attracts positive weight, as it could further help increase and diversify the range of people who can comfortably visit Castle Hill and would enable visits in less favourable conditions. It is, however, noted that shelter is not needed all the time at Castle Hill, that the space available for shelter (by visitors who are not paying customers) within the proposed building would be limited, that inclement weather is likely to reduce the number of people wishing to visit Castle Hill in any case, and that large numbers of people visit Castle Hill throughout the year already. These considerations limit the positive weight to be attached to this aspect of the proposed development.
- Refreshment provision – Again, it is accepted that this provision could further help increase and diversify the range of people who can comfortably visit Castle Hill. In relation to public benefits, however, the

number of additional visitors that would engage in economic activity, learn about and appreciate Castle Hill, and/or engage in outdoor activities as a direct result of refreshments being provided has not been quantified by the applicant. It is also noted that alternative sources of refreshment are already available – visitors often bring picnics, an ice cream van often visits Castle Hill in good weather. In the previous committee report, officers at the time stated '*the council intends to license a mobile catering unit at Castle Hill*'. It is unknown whether this remains the case, but it remains the case that the proposal would support such a decision.

- Information boards – These could be mounted on the walls flanking the building's main entrance, could be viewed at all times, and could detail Castle Hill's history, flora and fauna. This proposal potentially attracts positive weight, depending on what exactly is provided (which the council could control by condition). This proposal could enhance people's knowledge and understanding of site. This positive weight, however, is reduced by the fact there are already outdoor interpretation boards installed at Castle Hill.
- Interpretation room – This proposal attracts significant positive weight, and it is noted that this facility would be available to school groups, universities, societies, the University of the Third Age and other parties concerned with education. Control over the content and use of the facility could be maintained by the council through a management plan drawn up pursuant to requirements of a Section 106 agreement. Although there is extensive information regarding Castle Hill (and opportunities for school visits) available 3km away at the Tolson Museum, the provision of such a facility, and on-site interpretation, carried positive weight. Past representations raised that there is scope for interpretation within the Victoria Tower (which reduces the need for such a provision in a new building), however it is noted that space within the tower is limited, and is not accessible to people with disabilities.
- 24-hour supervisory presence – For the reasons set out in the crime and anti-social behaviour section of this report, this attracts little positive weight.

10.26 The applicant's supporting documents do not include extensive commentary on the minimum scale of commercial development that would be required to deliver the above-listed public benefits, nor whether the current proposal reflects that minimum scale of development. Nevertheless, officers do not consider the proposal to be unduly or excessively large (having due regard to the facilities proposed and required) so as to warrant seeking a smaller proposal.

10.27 In a further document dated 06/08/2020, submitted under the previous application ref. 2018/93591, the applicant additionally provided generic information regarding the economic, social and environmental benefits of cultural and heritage tourism. As was the case in the previous assessment, such arguments are not disputed (inasmuch as they can indeed be achieved by developments of an appropriate nature, location and design), and although the applicant has not explicitly related these potential benefits to the proposed development, or quantified the possible benefits, the enhancement of the attraction of Castle Hill as a leisure destination at a historic site carries positive weight.

- 10.28 Notwithstanding the above there would clearly be economic benefits resulting from the proposed development in terms of both the direct and indirect employment and additional spend in Kirklees from tourists and visitors, although this has not been formally quantified.
- 10.29 Further public benefit can be identified in the proposed provision of more formal passing places along the existing access lane. These would ease access to Castle Hill, particularly for existing regular weekday and daytime visitors. This would be a benefit for all users that drive to Castle Hill, not just those attending the proposed development. Further details regarding the proposed passing places are provided within the Highways and transportation issues section of this report.
- 10.30 The proposed creation of a formal car park would also be of public benefit. The two existing parking areas at Castle Hill are in a poor condition, with rough areas of gravel, tarmac and other hard surfaces. Edges are poorly defined by a variety of low treatments, and no markings define spaces. These parking areas adversely affect the settings of heritage assets, the appearance of Castle Hill, and the experience of visitors. Although details of the surfacing of the proposed car park have not been provided by the applicant, it would be formalised with a new surface and edging, and with spaces (including disabled parking spaces) marked out.
- 10.31 Considering the public representations received (to both the original application, ref. 2018/93591, and the current one), regard must also be had to the concerns raised regarding the current attraction of Castle Hill, and the potential impact the proposed development would have on that attraction. Many representations highlighted the exposed, undeveloped and uncluttered nature of Castle Hill (of note, the trend in recent decades here has been the removal of buildings, rather than their introduction), the character derived from these attributes, and the loss of this character that would result from the erection of a new building and the introduction of a commercial operation open day and night. Although the proposed development would no doubt enhance the appeal of Castle Hill to some, to others it may render Castle Hill a less attractive destination.
- 10.32 It is again acknowledged that requirement of paragraph 153 of the NPPF sets a very high bar when considering whether Very Special Circumstances clearly outweighs the harm through inappropriate development (or other harm).
- 10.33 Nevertheless, it is considered that, together, the public benefits listed above carry significant weight. Regarding paragraph 153 of the NPPF, on balance it is considered that these public benefits constitute very special circumstances that justify the proposed development within the Green Belt.
- 10.34 The public benefits also help to outweigh the likely harm caused by the proposed introduction of main town centre uses outside a defined centre⁵, as well as the harm to heritage assets that would be caused, as set out in the design and conservation section of this report⁶.

⁵ See paragraphs 10.42 – 10.45.

⁶ See paragraphs 10.52 – 10.106

10.35 To ensure that these public benefits would be delivered and secured in perpetuity, relevant conditions are recommended, as are Section 106 planning obligations that would secure details of management, opening hours, provisions related to accessibility and baby-changing facilities, booking, security, measures to resolve potential conflicts between users, and the continued delivery of public benefits in the event that the proposed commercial element is not open. Further to this, in the previous application, the applicant included a commentary of the objectives of the site management plan to include:

- Ensure clear understanding of areas of responsibility between the visitor centre management team and KMC.
- Define methods of communication and liaison between the parties e.g. regular meetings.
- Maximise public benefits whilst permitting commercial activity to support those benefits.
- Promote the centre to the widest possible audience.
- Clarify responsibility for external areas of the site and to set out a complementary maintenance and management programme to ensure that
 - the ecological value of the site is retained and enhanced
 - the contextual setting of the heritage asset is maintained
- Clarify responsibility and arrangements for traffic control, movement, parking and exceptional circumstances
- Agree emergency procedures including liaison with the emergency services

It remains the case that officers expect the management agreement to cover these provisions.

Business viability

10.36 It is acknowledged that the development approved via 2018/93591 was not implemented, and that the permission expired. The applicant has stated this was due to the complexities of progressing the scheme, including securing Scheduled Monument Consent from Historic England. Nevertheless, this has raised concerns over the viability of the business and questions over its potential longevity. Should the proposed works be implemented, and then the business fail, the Very Special Circumstances outlined would not be delivered while the harm would be caused.

10.37 In light of this concern the applicant was requested to provide a Business Viability Report which has been independently reviewed by an external advisor on behalf of the council. The advisor concluded that the applicant's Financial Business Plan and Forecast document has been prepared on a sensible basis and there are no inherent concerns regarding the financial viability of the proposed business that would suggest fundamental issues.

10.38 Notwithstanding the above, the council's independent advisor acknowledged that certain risks and uncertainties could impact on viability (of any business). In light of this, the assessor suggested that the LPA require:

- Periodic updates on the applicant's source of finance to demonstrate adequate funding.
- A fresh financial forecast in November 2026, to reflect any changes in the business plan or the impact of external factors (such as changes to National Minimum Wage).

- 10.39 As this relates to a planning application, where, once commenced, permission could not be reasonably rescinded, periodic reporting could not be practically secured. However, it is recommended that the Section 106 agreement include a clause requiring that, prior to development commencing, up-to-date information be provided to demonstrate that appropriate funding is in place for the development to be undertaken⁷ and that, if development does not commence within one year of approval, a business plan addendum is provided prior to commencement to demonstrate the business plan remains sound. This has been agreed with the applicant.
- 10.40 The inclusion of the above clauses within the Section 106 agreement are considered necessary, to ensure that the public benefits associated with the proposal, which are necessary for it to be acceptable in planning terms, are appropriately and reasonably secured.
- 10.41 The council's independent advisor also recommended that the applicant instruct a professional advisor to consider matters such as VAT and PAYE/NI regulations. This recommendation has been passed on to the applicant.

Main town centre use

- 10.42 The proposed restaurant/café/bar, guest rooms, and exhibition/interpretation room are main town centre uses. Local Plan policy LP10 states that development proposals for main town centre uses that are above 150 sqm in non-urban areas (the Green Belt) and in out-of-centre locations will only be permitted where the identified needs of the business cannot be met within existing centres or in edge-of-centre locations. Policy LP13 states that proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a sequential test. It adds that main town centres use shall be first located in the defined centres, then edge-of-centre locations, and only if there are no suitable sites shall out-of-centre locations be considered. Proposals which fail to pass the sequential test will not be supported. Policy LP16 states that proposals for food and drink and associated proposals will be supported, provided they are located within a defined centre. Proposals for food and drink uses located outside of defined centres will be subject to criteria b to g (of policy LP16) and require the submission of a sequential test and impact assessment.
- 10.43 The applicant has not undertaken a formal sequential test or retail impact assessment. However, the first stage of a sequential test is to identify the search area where the proposed development could be located. Given the specific details of the proposal, being intrinsically linked to Castle Hill, officers would not envision many sequentially preferable locations that provide the same value and have the same attributes as the application site. It is certainly the case that no sites in existing centres offer the same opportunities for enhancement and public benefits, nor would they provide the setting and context that the proposed development would rely on to make it attractive and viable.

⁷ A similar provision has recently been considered by the Strategic Planning Committee under application 2025/91122 at Turnbridge Mills, where the application sought the demolition of a listed building and the council required aspects of the development to go ahead to secure public benefits to outweigh the harm that would be caused.

- 10.44 Further to the above, it is accepted that Castle Hill would benefit from additional facilities for visitors including toilets, somewhere to eat and drink, and interpretation, and that a viable business would be needed to deliver these facilities. It is noted that council resources are not available for the creation of new tourism, leisure and educational facilities at Castle Hill. This means that any such provision would be reliant on a commercial element to fund and maintain it.
- 10.45 Considering these factors, it is considered that there is sufficient reason to accept the provision of main town centre uses at this site as part of a scheme that demonstrates and delivers significant public benefits. Consequently, officers consider that non-compliance with Local Plan policies LP13 and LP16 has been adequately justified without the submission of a sequential test and impact assessment, because of the provision of town centre uses as part of the wider offer this mixed use scheme will provide and be delivered alongside the public benefits identified at paragraphs 10.25 to 10.35.

Mineral safeguarding

- 10.46 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply.
- 10.47 Criterion b of policy LP38 is relevant, and allows for approval of the proposed development, as the proposed development would not inhibit mineral extraction if required in the future – of note, mineral extraction at this site would not be considered acceptable if proposed in the future, due to its status as a Scheduled Ancient Monument. It is considered, therefore, that land use concerns in relation to mineral safeguarding are satisfactorily addressed.

Sustainability and climate change

- 10.48 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.49 The proposed development demonstrates some aspects of environmental sustainability, as much of it would be earth-sheltered, which can reduce the need for heating and cooling (and, therefore, energy consumption). The applicant's statement confirms the intended use of local contractors and materials, to reduce travel impacts and promote the local economy. This includes the use of reclaimed materials. Other approaches include the use of water efficient appliances. In the previous application, the applicant stated that "A well-insulated and energy-efficient building using natural materials intended for long-life and low maintenance was thought to be the most appropriate response under the circumstances", and noted that features that required excavation outside the site (such as ground source heat pumps) or visually obtrusive features (such as solar panels) would not be appropriate. While this statement is not included within the current application's submission pack, the comments remain relevant.

- 10.50 Regarding transport, were the proposed development to be accessed entirely by private motorised vehicles, it is unlikely it could reasonably be described as sustainable. It is noted that Ashes Lane is served by a very limited bus service. The applicant has not submitted sufficient information to demonstrate that staff of and visitors to the development would use sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, a Travel Plan and other measures would need to be secured by condition.
- 10.51 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design and heritage considerations

- 10.52 Given the sensitivity of the site, due to the prominence of Castle Hill and its status as Scheduled Ancient Monument and Victoria Tower's status as a Grade II listed building, any development should be to an exceptional quality. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district". Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.
- 10.53 Policy LP35 of the Kirklees Local Plan further outlines that proposal which affect designated heritage assets should preserve and enhance the significant of the asset. Consideration should be given to the need to preserving the setting of Castle Hill where appropriate. Proposals which detrimentally impact on the setting of Castle Hill will not be permitted. More specifically, in cases likely to "result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment".
- 10.54 With regard to conservation, as has been considered through this project's lifetime, any such development at this site must place the protection of heritage assets at the forefront of any scheme. Local Plan policy LP35 states that development proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to preserving the setting of Castle Hill where appropriate. Proposals which detrimentally impact on the setting of Castle Hill will not be permitted. It is again noted that paragraph 212 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance. Paragraphs 213 and 214 of the NPPF set out how such harm should be balanced against the public benefits of a development.
- 10.55 K.C. Conservation and Design have provided the following summary of Castle Hill's significance:

Castle Hill is a landmark of exceptional heritage value within Kirklees and the wider region. It is a scheduled monument and also has the grade

It listed Victoria Tower on the site. Its striking topography and geological prominence have shaped its role as a focal point for human activity for over 4,000 years, making it one of the most significant and continuous sites of settlement and recreation in northern England. The hill's commanding position provides panoramic views across Huddersfield and surrounding valleys, reinforcing its historic function as a place of power, community, and identity.

The setting of Castle Hill contributes fundamentally to its significance. The undeveloped summit and surrounding open landscape preserve the historic integrity of the site, allowing appreciation of its archaeological features and earthworks that span multiple periods of occupation. Its dual character—as a dramatic feature viewed from afar and as an elevated vantage point—enhances its cultural and visual importance. The openness of the hilltop, combined with its isolation within the landscape, creates an experience that is both historically resonant and valued for recreation today.

Castle Hill's prominence, visibility, and enduring role in the lives of local communities make it a regionally significant heritage asset. Its topographic form, historic associations, and unspoiled setting collectively underpin its status as an iconic symbol of Almondbury, Huddersfield, and Kirklees.

10.56 Historic England have provided their own assessment of the site's significance:

Castle Hill is an evocative place which plays a special role in the identity of Kirklees. It is a place valued and loved by the local population and for many people it is an iconic symbol of the area.

The closest parallel for its landscape impact and iconic status is Glastonbury Tor, Somerset, with both places sharing a similar, dramatic and recognisable silhouette, composed of very simple, memorable shapes. The continuity of its use as a place for settlement and recreation from potentially as early as the Late Neolithic period through to the present day has given it an almost unique standing not only in Kirklees, but in the whole of the north of England. Its form as a planned medieval hill top settlement places it in a similar category to the 13th and 14th century 'Bastides' of central and southern France, but something that is unique in England.

Castle Hill is a significant place for many different reasons; archaeologically and historically it represents one of only few such sites in the county displaying continuity of human activity for over 4,000 years, ecologically it boasts rare acid grassland and nesting birds, and socially it is a place where people have gathered for enjoyment, protest and celebration. It is an iconic representation of Huddersfield and is loved and valued by the local population. These values are both tangible, expressed physically at the site itself, and intangible, either relating to the contemporary use of the site or residing within local communities and memory as a much loved landmark and place of recreation. Its significance is further acknowledged by its designation as a Scheduled Monument, and Victoria Tower's listed building status. It is a focal point within the Green Belt, south of Huddersfield.

The powerful landscape presence of Castle Hill has attracted people to its summit for millennia and ensured that it has served as a prominent local landmark equally as long. This activity and landscape prominence has ensured that the Site has become imbued with a wide range of values, all of which are ultimately reliant on the fact that it is a prominent hill.

- 10.57 The assessment and commentary provided in the Castle Hill Setting Study (2016) are relevant, and paragraphs 6.11 and 6.15 of the study are again noted⁸.
- 10.58 There is no doubt that Castle Hill plays an important role for Kirklees. It is much loved by the population, and it is an iconic symbol of the area. The continuity of its use as a place for settlement and recreation for over 4,000 years is almost unique not only in Kirklees but in the north of England as a whole.
- 10.59 Castle Hill is one of the most distinctive and prominent landscape features in the region and is widely visible within Kirklees. It is an instantly recognisable landmark and an icon for Almondbury, Huddersfield and Kirklees, and it forms a visual backdrop to the daily lives of thousands of people. As such it is an important aspect of the wider areas' and communities' identities. The powerful landscape presence of Castle Hill has attracted people to its summit for millennia and has ensured that it has served as a prominent local landmark equally as long. This activity and landscape prominence has ensured that the site has become imbued with a wide range of significances, all of which are ultimately reliant on the fact that it is a prominent hill.
- 10.60 In many respects Castle Hill's significances stem from this topographic form and its underlying geology. Without its topography Castle Hill would never have formed the focus for continued human occupation, use and reuse. It would not be the iconic landmark for Almondbury, Huddersfield and Kirklees, and it would not be the highly valued recreational area that it is now. This topographic form has in effect created two Castle Hills – one that is viewed from afar as a dramatic feature of the wider landscape, the other experienced from atop the hill as a place from which the town and surrounding villages can be seen. Moreover, when viewed within its landscape, Castle Hill is both a dominant presence over its immediate surroundings, and also a prominent feature within a wider landscape of ridgelines and valleys. As such, the topographic form of Castle Hill is critical to the site's overall significance. In terms of the influence that Castle Hill has in the wider landscape this extends for many kilometres in all directions, and it could be viewed as a regionally significant landscape feature.
- 10.61 The setting of Castle Hill undoubtedly makes a fundamental contribution to the significance of the site. This is through the prominence and dominance of the hilltop within the landscape as a result of its topography, the resulting views to and from the hilltop, the character of the hilltop itself, and the role played by visual and non-visual historic relationships with related features and heritage assets.

⁸ See paragraph 6.5 of this report.

- 10.62 The character of the immediate surroundings of the landscape plays an important part in the contribution which this aspect of Castle Hill's setting makes to its significance. The fact the hilltop is largely free of development and is surrounded by such landscape contributes to the historic integrity of the landscape character. The hilltop stands alone in the current landscape, just as it stood alone as a point of settlement and power in the historic landscape.
- 10.63 The character of the hilltop itself enhances the views to and from Castle Hill, and as a result further enables significance of the site to be derived from its setting. The open and exposed nature of the hilltop is an integral part of the setting, allowing for unbroken views out into the landscape and from further afield across the hilltop to ridgelines beyond. This aspect helps to place Castle Hill within the landscape and again helps to emphasise both its prominence and the wide panoramic vision offered from the hilltop, thus contributing to the significance of the site as a position of historic settlement and power.
- 10.64 On the hilltop itself, the open ground of the baileys, without interruption from buildings or infrastructure, enables the appreciation of the earthworks spanning the periods of occupation of the site. That the hilltop itself can be appreciated as a single entity within a view from one end of the hilltop to the other, with visible archaeological and historical evidence of its use and reuse over time, also contributes to its significance. This open nature is also a defining characteristic of people's experience of it as a pleasant open recreational space (which is an important part of the site's historical development through the 19th and 20th centuries especially).
- 10.65 Past representations have also referred to the silhouette of Castle Hill, and the iconic profile created by the balance and the symbiotic relationship between the flat hilltop and the vertical feature of the Victoria Tower. Both contribute to each other's setting and character.
- 10.66 There are several examples of high quality (and, in some case, award-winning) visitors' facilities being provided in sensitive locations. Examples include the visitor centre at Rievaulx Abbey (Simpson and Brown, 2016). There are, however, examples of poorly-designed and widely-criticised visitors' facilities, such as the Cutty Sark Conservation Project (Grimshaw Architects, 2012). Castle Hill demands and deserves a scheme comparable with the best examples of this type of development. Any development would need to be of an exceptionally high quality, of an appropriate design, and of clear public benefit. The site offers a potential opportunity to sensitively celebrate and support this important landmark, destination and heritage asset.
- 10.67 The proposed building is largely the same as that approved under application 2018/93591. The proposed changes are nominal and do not affect the assessment made previously. The building as proposed is three storeys. Its basement would be created entirely beneath the existing ground level. An earth-sheltered lower ground floor (with openings in its grassed berms providing access and views out) is proposed, as is a ground floor fully above ground and berm level. The building's pitched roof would have a main ridge running roughly southwest-northeast. The main entrance would be at lower ground floor level, facing a new 41-space car park proposed on the land already used for informal parking. An area for deliveries and staff parking is proposed at the northeast end of the building. A viewing terrace is proposed to the building's northwest side, and a café terrace is proposed to its southeast side. Materials would include natural stone, timber and zinc, with areas of full-height glazing proposed at ground floor level.

- 10.68 Of note, any assessment of the proposed design should not be based on a simple comparison with the demolished pub (which has been absent from the site since 2004) or with the previous iteration of the applicant's proposals submitted under the previous application. It is noted, however, that the redesign carried out during the life of the previous application has certainly improved the scheme, and has reduced the harm that would be caused to heritage assets.
- 10.69 Contextual (Green Belt, heritage asset and landscape) concerns aside, the proposed design has significant merit. A thoughtful, high quality design is proposed, with much consideration having been given to the visitor experience, and the need to celebrate the site and facilitate appreciation of Castle Hill's positive attributes.
- 10.70 The proposed development's main entrance is appropriately located in the southeast elevation, facing the car park. This is an obvious and logical location for the entrance, the building would be legible and visitors approaching from the southeast would have a positive arrival experience.
- 10.71 The ground floor glazing would enable visitors to enjoy the expansive views from Castle Hill, whilst making use of the development's facilities (including interpretation, which would not be confined to the interpretation room). The interpretation room would have a window and opening in the proposed berms (described as a "slot view") facing the Victoria Tower, and this is a very welcome feature that would enhance the use of this facility.
- 10.72 During the consultation on the previous application, it was suggested that a green roof would help to reduce the visual impact of the proposed development. At that time, the applicant team's architect confirmed that a green roof was considered for earlier iterations, and in the current scheme the applicant proposed grassed berms that would help to conceal much of the lower ground floor. The potential for greater use of earth-sheltering and green roofs has been considered, however a development resembling a small hill would not be appropriate in this location, and green roofs bring with them design challenges – adequate substrate would need to be provided to ensure grass would thrive, and this would have loading implications for the building below.
- 10.73 The applicant proposes the use of natural local stone in the building's external walls. This is welcomed, although newly-quarried stone would make the development appear more prominent, particularly in the context of the Victoria Tower, whose stone appears relatively dark. At conditions stage, further thought would need to be given to how the proposed stone would weather, and whether the use of reclaimed stone or other measures to tone down the development's visual prominence would be appropriate (the Snowdon summit café (Ray Hole Architects, 2009) demonstrates how an appropriate choice of stone can help reduce the visual prominence of a hilltop development).
- 10.74 Zinc would be used on the pitched roof. Zinc can be an excellent material that works well in historic contexts, and a variety of colours and finishes are available. A dull (non-shiny), slate- or lead-coloured zinc may be appropriate here, and it is noted that the unilluminated windows of the Victoria Tower often have a slate- or lead-coloured appearance on overcast days.

- 10.75 The use of photovoltaic panels was ruled out under the previous application and those originally shown were deleted from the scheme. The extent of glazed rooflights was also reduced. These changes were sought to simplify the appearance of the building and to reduce its prominence.
- 10.76 The objections received regarding night-time light pollution (due to the extensive glazing proposed at ground floor level) are noted. The proposed glazing would, however, enable good outlook from the proposed café/restaurant across the Holme Valley and beyond. Daytime glare is likely to be limited by the building's overhanging eaves.
- 10.77 Details of boundary treatments have not been provided, however it is in any case noted that extensive and obtrusive fences or walls (around the building, its servicing area, or to provide guarding around the sunken terrace and berm slots) would not be considered appropriate at this site. If edge protection is needed for safety reasons, the applicant will need to propose solutions that are not visually obtrusive, for approval at conditions stage.
- 10.78 The existing southern parking area would be slightly enlarged, resurfaced and formalised to provide the proposed 41-space car park. It is recommended that details of the proposed car park, including its surface treatment and any necessary edging, be secured by condition.
- 10.79 No details of external plant have been provided by the applicant, nor has the applicant indicated that external CCTV, flues or other accretions would be required. As the proposed development would be visible from all directions, and therefore not have a secluded rear, any extract plant would need to be carefully designed into the scheme, and hidden within the proposed building's envelope. An appropriate condition is recommended.
- 10.80 Similarly, any waste storage would need to be discreet. An internal waste storage area would be preferable. It is recommended that details of waste storage, management and collection be secured by condition.
- 10.81 The applicant has previously acknowledged that the support of both the council and Historic England is essential if planning permission is to be approved. Of note, the Secretary of State (via Historic England) has call-in powers in respect of this application. Historic England did not utilise these powers under the previous application and, since then, have reflected on the further details provided by the applicant and have confirmed they no longer object to the proposal, subject to a detailed business case being undertaken (as has been and concluded to be acceptable, per paragraphs 10.36 – 10.41). Historic England commented on the proposal's impact as follows:

As with earlier iterations of the scheme, the proposed new building could still result in a degree of less than substantial harm to the significance of both the Scheduled Monument and Victoria Tower, primarily through changes to their setting and the way their cultural and landscape values are experienced.

However, the updated submission now offers much greater clarity on the intended use and management of the site, as well as the anticipated public benefits such as enhanced interpretation, improved visitor facilities, and increased access and educational value. These more coordinated measures represent a positive shift in the applicant's approach and go some way toward addressing our earlier concerns.

That said, we emphasise the importance of ensuring that these benefits are secured and viable in the long term. Independent verification of the business plan by a suitably qualified consultant will be essential to satisfy this requirement.

- 10.82 Historic England's final position includes no objection to the application on heritage grounds; however, they commented in detail as follows:

Historic England continues to believe that this important and sensitive site could accommodate a well-designed building that delivers real public value provided that such benefits are tangible, clearly defined, and sustainable.

The updated documents represent a more positive and integrated approach to the development and its management, and we acknowledge the applicant's efforts to address previous concerns. In particular, the business plan now outlines how the proposals could be implemented and maintained in a manner consistent with the site's significance, to deliver public benefits.

On this basis, Historic England does not object to the proposals. However, we strongly advise that your authority commission an independent viability review of the business plan to ensure that the proposed benefits set out can be realised. It is essential that your authority commissions a specialist consultant (at the applicant's cost) to audit the Business Plan to confirm that the proposals are viable, that the proposed use (especially the accommodation) is the Optimum Viable Use and as such justifies the less than substantial harm to the Scheduled Monument. Historic England will be happy to advise your authority on the preparation of a brief for this work.

- 10.83 The above aligns with the consideration of planning officers and K.C. Conservation and Design, with the conclusion that the proposal would cause less than substantial harm to heritage assets.
- 10.84 Any structure that is introduced onto the hilltop will cause harm due to the interruption it would cause to the setting mentioned above. This assessment is consistent with the findings at paragraphs 6.11 and 6.15 of the Castle Hill Setting Study (2016). Equally, as shown by the applicant's 3D images, the building would be viewed from the wider landscape and be seen in competition with the Victoria Tower, albeit the tower would remain the dominant structure in terms of height.
- 10.85 Due to the scale of the proposed building and the fact it would be somewhat sat down in the topography of the hill, substantial harm (as described in the NPPF) would not be caused, as there would still be an opportunity to understand the hilltop and the interrelationship between the two baileys to themselves and, as a secondary relationship, with the tower.
- 10.86 Paragraph 212 of the NPPF states that when considering proposals that impact upon the significance of the asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. With regard to Local Plan policy LP35, it cannot be said that the proposal preserves or enhances the Scheduled Ancient Monument's significance due to the harm it would cause in introducing a building to an open landscape.

- 10.87 Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 215 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case here), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Similarly, the public benefits of the proposed development can be taken into account when assessing the proposed development's non-compliance with Local Plan policy LP35.
- 10.88 Reference is therefore again made to the public benefits set out at paragraphs 10.25 to 10.35 above, and the weight to be attached to them. As with the above assessment in relation to Green Belt policy, on balance it is considered that the identified public benefits of this particular proposal outweigh the harm it would cause to the significance of heritage assets. The proposed development is therefore considered acceptable in design and conservation terms. Relevant parts of Local Plan policies LP24 and LP35 would be complied with (or justification for non-compliance has been demonstrated), as have chapters 12 and 16 of the NPPF. Furthermore, it is considered that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with.

Archaeology

- 10.89 Consideration of the historic environment includes the archaeological value of a site. Local Plan policy LP35 and chapter 16 of the NPPF are relevant in this regard.
- 10.90 Castle Hill is a Scheduled Ancient Monument and a Class 1 Archaeological Site. As set out on Historic England's website the site includes "*remains of a late Bronze Age or early Iron Age univallate hillfort, a later Iron Age multivallate hillfort, a twelfth century motte and bailey castle and the site of a deserted medieval village*". The site is of national archaeological importance and of particular iconic importance to Kirklees as its distinct profile with the listed Victoria Tower is visible for miles around, including from the centre of Huddersfield.
- 10.91 The earliest remains from the site suggest occupation in the late Neolithic period. The site was partially excavated by W.J. Varley in a series of excavations between 1939 and 1972. More recently the upstanding earthworks on the site were surveyed by the Royal Commission on Historic Monuments England and extensive geophysical survey work has been carried out by the West Yorkshire Archaeology Service in 1995 and subsequently.
- 10.92 The site of the proposed development lies within the ramparts of the hillfort and within the middle ward of the medieval castle. It is on the approximate site of the original Castle Hill Hotel, built in 1852 and which replaced an earlier tavern of about 1810-11.
- 10.93 On 24/04/2018 Historic England granted Scheduled Monument Consent to allow an archaeological dig at Castle Hill. This was carried out later in 2018. An Archaeological Trial Trenching Report (WYAS Archaeological Services, December 2018, ref: 3211) was produced. This stated that the immediate objective of the trenching programme was to establish and record definitively the extent of 19th-, 20th- and 21st-century intrusion into the earlier site

deposits, as a necessary first step in facilitating an informed judgement on the impact of the proposed development. The trenching also aimed, within the constraints of the programme, to identify existing trenched service pipes and conduits which formerly served the Castle Hill Hotel, so that these could be taken into account during the further development of the design proposals. Three trenches were dug to depths of 2m or less, across the footprint of the former Castle Hill Hotel and outbuildings that once stood to its north (these areas are currently used as an informal car park or are grassed). Little of archaeological interest was discovered.

- 10.94 The Archaeological Trial Trenching Report submitted under application 2018/93591 stated that the results of this evaluation would be used to assess the potential impact of any proposed development, however the report only included brief mention of the previous iteration of proposed development (including an appended plan that overlaid the footprint of that previous proposal with the footprints of the site's demolished buildings and the extents of the trial trenches). In the previous planning application submission, the applicant team did not illustrate how the then-proposed development (and its extent) related to the area(s) where archaeological investigation had been carried out. The extent of excavation and intrusion into the earth works around the northeast and northwest edges of the proposed development was clarified by the applicant. Therefore, as part of the previous application, officers queried whether the 2018 dig would at least provide an adequate representation of what archaeological interest may exist across the application site, or whether further investigation would be required before the archaeological impacts of the proposed development can be fully assessed. The above commentary remains applicable to the current proposals.
- 10.95 Regarding services, although the location of these within the trial trenches was established during the 2018 dig, no further information regarding their routes beyond the trial trenches has been submitted (as part of the previous application, or this one), nor has the applicant assessed whether these services would be adequate for the proposed development (and can be used again without the need for further excavation into areas of potential archaeological interest). According to the submitted application form, the applicant's foul drainage solution is to be 'mains sewer', however specific details have not been provided how this would be achieved (although it should be noted that Yorkshire Water have no objected to this or raised concern). This is of concern to officers, as if on-site treatment, or new connections to the public sewer, are needed, these could require further intervention (beyond the site's red line boundary) in the Scheduled Ancient Monument, and may have significant implications for archaeology. Representations in the previous application asserted that the site is only served by a single earthenware pipe (which, it has been reported, was blocked and overflowed frequently) to Ashes Lane, and possibly a lead water supply pipe, and that the site has no gas connection (the former pub used bottled gas).
- 10.96 No detailed information has been submitted regarding the archaeological impact of the proposed creation of passing places along the site's vehicular access.
- 10.97 Concerns regarding this lack of archaeological information were previously raised with the applicant. In response, the application previously said that, by careful siting of the new scheme on the site of the former hotel, supported by ground investigation, no archaeological harm will be caused by the development.

- 10.98 Regarding services, the applicant previously reiterated that the former Castle Hill Hotel's services and drainage connections remain in place, and can be reused without the need for excavation. Although the applicant has previously stated that it was not clear if the capacity of existing services was sufficient for the needs of the proposed development, the applicant stated that, even if higher capacity were required, new services could be fed through the existing ducting, thus avoiding the need for new trenching detrimental to the archaeology of the site.
- 10.99 Regarding the passing places proposed along the site's vehicular access, the applicant previously noted that these would be on the monument side of the lane (for engineering reasons), but that they would involve minimum work, thus minimising any risk to the archaeology. The applicant has previously stated that investigation has shown that the portions of hillside that would be affected in the creation of the passing places do not impinge on areas of archaeological interest. The applicant has also asserted that, at the time the access road was built, an area far in excess of that required to form the passing places would have been disturbed for the road construction, and that new work will therefore only be within previously disturbed ground.
- 10.100 The situation, as set out above, is the same as that assessed under application 2018/93591. The following is the assessment undertaken at that time:

The above responses provide some reassurance, however, they are not supported with evidence. What is needed is a detailed archaeological impact assessment, written with explicit reference to the current proposed development (including the proposed widening of the access road to provide passing points, the proposed car park works and any necessary services works), the findings of previous site investigations, and what is known about the extent of previous development at the site (including the locations, sizes, condition and adequacy of trenches previously dug for services). This report should include updated overlaid plans showing the proposed building footprint in relation to those of the demolished buildings. Similarly, sections showing the extent of the former pub cellar and the extent of the proposed basement, should be provided.

Rather than submit the above information and drawings, the applicant provided a letter (dated 04/08/2020) from WYAS Archaeological Services. This letter did not address the above concerns, and it is not disputed that WYAS Archaeological Services communicated previously with the West Yorkshire Archaeology Advisory Service (WYAAS) and Historic England regarding the trial trenching and the Scheduled Monument Consent application.

The letter from WYAS Archaeological Services states that the archaeological impact of the passing places proposed for the access road can be determined once planning permission has been granted, with the level of archaeological mitigation required determined by WYAAS (if the land is not scheduled) or by Historic England (if the land is scheduled).

Objections have been received from WYAAS, the Council for British Archaeology Yorkshire and the Huddersfield and District Archaeological Society. These were raised before and after the redesign of the proposed development, and the submission of the Archaeological Trial Trenching Report.

Most recently (14 and 16/10/2020), WYAAS has reiterated that information regarding services should be provided, and that the absence of this information could be used as a reason for refusal. Regarding the direct archaeological impact of the new building, however, WYAAS agree that a condition can secure outstanding information. Similarly, regarding the proposed passing places, having considered the applicant's drawings further, WYAAS have agreed that outstanding information regarding that particular aspect of the proposals can also be secured by condition.

Although it is regrettable that information regarding services has not been provided by the applicant, and notwithstanding the advice from WYAAS, it is recommended that a pre-commencement condition be applied, requiring the submission of an up-to-date and fully illustrated archaeological impact assessment (to be considered by the council in consultation with WYAAS) that would need to include a full description and assessment of the locations, sizes, condition and adequacy of trenches previously dug for services.

In addition, the archaeological impact of the proposed development would be further assessed by Historic England upon the applicant's submission of the necessary Schedule Monument Consent application.

- 10.101 It is noted that, despite their previous objection, the West Yorkshire Archaeology Advisory Service (WYAAS) has not objected to the current application, but have expressed concerns and offered feedback on the archaeological documentation provided. These issues may be addressed via the conditions previously imposed, which are again recommended in this case.
- 10.102 The Council for British Archaeology Yorkshire, who previously objected to the proposal, have not commented on this scheme. This is not inferred to suggest support or otherwise.
- 10.103 In light of the above, it remains the case that the issues raised may be addressed via suitably worded conditions, in line with those imposed on application 2018/93591. Accordingly, subject to the recommended condition for further archaeological investigation and remediation measures, officers consider the proposal to accord with policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Landscape impacts

- 10.104 Castle Hill is 265m high (not including Victoria Tower) AOD. The site is visible from much of the borough, including vantage points on hill tops, in valley bottoms, Huddersfield town centre, Greenhead Park, and from locations further away such as Ainley Top. The proposed development would be highly visible in many of these views, including from the northeast end of hill, from some vantage points on Ashes Lane and Lumb Lane, and in longer views from Lumb Lane and Woodsome Road to the southeast. Longer views from Farnley Moor to the south, Swinny Knoll to the southwest, and Crosland Hill and other locations to the west would also be affected. Further away, the proposed development would still be visible – less so during the day, but more visible when the development would be illuminated at night.

- 10.105 It is again noted that the profile and silhouette of Castle Hill is iconic, and many responses to the council's consultation note the balance between the flat hilltop and the vertical feature of the Victoria Tower. Although many residents of Kirklees recall the demolished hotel, many are now familiar, more familiar or only familiar with the current profile and silhouette.
- 10.106 3D images of the proposed development and wider landscape views have been submitted. These confirm the concerns set out above regarding the proposal's adverse impact on Green Belt openness and heritage assets, however as noted earlier in this report, it is considered that the public benefits of the proposed development outweigh this harm.

Residential Amenity

- 10.107 Local Plan policy LP24 states that development proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers. Policy LP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce to the pollution, so as to ensure it does not reduce the quality of life and wellbeing of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.108 The nearest residential properties to the application site are approximately 170m away, namely numbers 58 and 60 Castle Hill Side Road.
- 10.109 In this case, given the development proposed officers are satisfied that there would be no undue overbearing impacts, overshadowing or overlooking. Instead, this type of development could potentially impact on the amenities of neighbouring residents from noise in the form of the additional moving traffic along Ashes Lane, Castle Hill Side and Lumb Lane. However, the vehicle movements predicted by the applicant (and the resultant impact on amenity) are not considered to be so great as to warrant refusal of permission.
- 10.110 Noise from the proposed use would be subject to the environmental health controls normally applied to food and drink uses. The proposed uses are not considered inherently problematic in terms of noise and related amenity impacts. A condition controlling the opening hours of the restaurant/café/bar is recommended.
- 10.111 K.C. Environmental Health have recommended that conditions be imposed relating to lighting and odour management. While the site is well separated from the nearest dwellings, a lighting condition is recommended elsewhere within this report on the grounds of ecological management and crime mitigation. It is considered prudent to also include the consideration of amenity, to ensure those three factors are appropriately balanced. In terms of odour, given the site's remote location to neighbouring property, such a condition is not considered reasonable or necessary.
- 10.112 Beyond the consideration of the above matters, officers are satisfied that the proposed development would not cause material harm to the amenity of nearby residential properties, in accordance with policies LP24 and LP52 of the Kirklees Local Plan.

Highways and transportation issues

- 10.113 Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe.
- 10.114 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.115 The application site is accessed from and includes the lane that runs up the southeast side of the hill from Castle Hill Side, which in turn is accessed from Ashes Lane. Beyond the junction of the lane and Castle Hill Side, Lumb Lane continues eastwards. A layby exists on the south side of Castle Hill to the south of the hill. A limited bus service is available on Ashes Lane.
- 10.116 First considering the access into the site, under the previous application, the applicant originally proposed the installation of traffic lights to the existing access lane on the southeast side of Castle Hill, however this is no longer proposed. Highways officers considered that proposal to be unworkable, ineffective and vulnerable to vandalism.
- 10.117 Per the previous approval, the applicant proposes a simpler solution involving the creation of two new passing places, and the widening of an existing passing place, on the access lane. These would be signed with blue "single track road with passing places" and "passing place" signs, and "slow" road markings. Existing foliage would be cut back and a geotextile strip is proposed along the hill (west) side of the carriageway.
- 10.118 These access proposals, which would be an enhancement to the existing route, represent a proportionate response to the concerns regarding introducing new uses and increasing activity and vehicle movements via a relatively steep single-width lane. Drivers would have sufficient visibility ahead to prepare to pull into a passing place, and the provision of three such places is considered adequate, given the likely vehicle movements. In terms of traffic calming, although there may not be a significant change in driver behaviour, there could be a propensity for drivers to "race" to the next passing place, and as was noted by officers in the previous application's assessment, some drivers already travel at inappropriate speed on this section of the lane. With the provision of the proposed traffic calming measures, which are recommended to be secured by condition, it is considered that the applicant's proposed access proposals are acceptable.
- 10.119 Regarding parking, under the previous application the applicant stated that 100 vehicles can currently park at Castle Hill, however the accuracy of this figure was doubted by officers. Under the previous application, the Castle Hill Ranger advised that the two existing parking areas could accommodate approximately 25-30 vehicles each.

- 10.120 The current proposals involve the creation of a 41-space car park (including five disabled parking spaces) in an area slightly larger than the existing southern parking area. Eight cycle hoops are also shown indicatively, suggesting 16 bike spaces. In addition, an area to the northeast of the proposed building is annotated "Deliveries and Service Yard" on the applicant's drawings, that is expected to accommodate a level of staff parking. For the car park, under the previous application the applicant's initial information suggested that the proposed parking provision would have failed to meet the demands of the proposed development for only an hour per day, however this did not consider existing visits to Castle Hill, which can reasonably be expected to continue, post-development. Castle Hill is well-used as a meeting place, and by dogwalkers, hikers, families, and those wishing to visit Victoria Tower. Officers expressed concern that adequate parking should be provided for all visitors, not just users of the proposed development, and that existing visitors should not be excluded.
- 10.121 In response to those concerns, under the previous application, the applicant carried out visitor surveys on a Saturday and a Sunday, 05 and 13/09/2020. These survey dates were agreed with officers, and the data collected on those days was considered likely to be sufficiently representative, although it is noted that no event or tower opening was held on those days. Due to the good weather conditions on 13/09/2020, higher than-typical figures were noted.
- 10.122 These surveys have not been updated / refreshed under the current application, which has attracted objections related to parking. Nevertheless, officers and K.C. Highways consider these surveys to be robust and still appropriate. Local circumstances and population have not materially changed to invalidate the findings. It is also noted that these surveys were undertaken during the COVID era, however, they were done outside of a lockdown period when the public were able to access outdoor sites, such as the application site.
- 10.123 The committee report for the previous application set out the following assessment of the survey and its relationship with the proposed maximum covers:

The applicant's visitor survey data, when added to the predicted parking demands of the proposed development (based on 100 covers in the proposed restaurant/café/bar, with a 15% allowance made for linked trips), indicated that the proposed 42-space car park would not be adequate when the development is at its busiest on Saturday evenings and Sunday afternoons and evenings. Indeed, at the very busiest times, the applicant's data indicated that the car park could not even accommodate all of the proposed development's demand, regardless of what other visitors to Castle Hill may require. This raises concerns regarding potential unauthorised parking on grassed areas, in nearby narrow lanes, and/or in the proposed passing places.

Officers therefore asked the applicant to test the total parking demand for existing visitors and a proposed development that included a restaurant/café/bar with fewer covers. The applicant duly provided results for 60, 70, 80 and 90 covers.

Bearing in mind the size of the proposed car park, and a 15% allowance made for linked trips, Highways Development Management officers have suggested that the predicted cumulative vehicle number should not exceed 49. Having regard to the applicant's most recent figures, it is noted that demand closer to that figure is likely when covers in the proposed restaurant/café/bar are limited to 70. A condition restricting covers to that number is therefore recommended, and it is noted that this would place responsibilities upon the applicant regarding management of the car park, and the operation of an effective booking system. A further condition regarding wedding receptions and other functions is also recommended.

Should the application be approved, this restriction to 70 covers could be revisited once the facilities were fully functional and real-time car park capacity figures could be surveyed.

10.124 Under the current application, the applicant has confirmed an intention to operate at 70 covers. As detailed above, and as approved and secured via condition as part of the previous application, it is again recommended to be secured that the maximum covers be 70 on Saturday and Sundays. Furthermore, officers recommend securing the following conditions:

- Condition preventing the site operating for wedding receptions or other functions.
- Condition for waste management strategy, to ensure appropriate details for waste storage and collection.
- Condition for a Construction Environmental Management Plan, to demonstrate how construction activities, including associated vehicle movements, will be managed.

10.125 Elsewhere in this report, recommendations have been made for a lighting strategy to be submitted and approved via condition, on the grounds of crime mitigation, ecological protection, and amenity. For the avoidance of doubt, this relates principally to around the new building. The provision of outdoor lighting to the proposed car park and the existing access lane is not considered appropriate at this site, due to its status as a Scheduled Ancient Monument and due to ecological sensitivities.

10.126 Regarding sustainable transport, as noted above cycle storage facilities are proposed and recommend to be secured via condition. Dedicated facilities for staff should also be sought via the condition. Measures to encourage the use of sustainable modes of transport would also be necessary, given the site's relatively isolated location where public transport provision is limited. It is therefore recommended that measures be secured via a Section 106 agreement, including the submission and implementation of a Travel Plan (which would need to relate to visitors to the proposed development, its staff, and other visitors to Castle Hill), as well as the payment of a Travel Plan monitoring fee.

10.127 In summary, officers are satisfied that, subject to the referenced conditions and Section 106 provisions relating to sustainable travel, the development would not cause harm to the safe and efficient operation of the highway, in accordance with the aims and objectives of policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Public Rights of Way

- 10.128 The proposed development, specifically the new building, would obstruct the routes of PROWs HUD/171/70 and HUD/169/60. Under the previous application, this led to an initial objection from K.C. PROW. Following this objection, as reported in the previous application's committee update, the following details were provided:

...the applicant has engaged with the council's Public Rights of Way (PROW) team, to address concerns that the proposed development would obstruct footpath 169 and byway 171. A site plan ref: 3287 (SK) 48 was submitted, showing parts of footpath 169 and byway 171 (along their recorded alignments) annotated to be stopped up, and proposed new public footpath alignments, one shown following an existing non-definitive path (i.e., routes that are not recorded in the definitive map and statement) and running along the edge of the proposed car park, and one running to the east and north of the proposed building via non-definitive paths. In response to this plan, on 26/10/2020 the council's PROW team advised:

If an appropriate plan [3287 (SK) 48] is submitted to the LPA in this application, and the formally submitted main site block layout is also amended and submitted to reflect the changes therein, at the western and eastern corners of the car park (i.e. respectively the wall/banking changed near PROW drawing point D, and identifying that access to path entrance to remain unobstructed i.e. it is not a car parking space) then PROW would likely withdraw its objection if there are appropriate conditions and footnotes proposed to be included, relating to the PROWs, PROW processes, and mitigation.

PROW notes and would wish to bring to committee's attention that the development is likely to bring negative effects on the use of the byway HUD/171 by walkers, cyclists and equestrians, due to the intensification of use by motor vehicles of this substandard access. This is only partly reduced by the proposal for two passing places. Further mitigation could be in the form of requiring appropriate guidance, signing and marking, and should be considered in detailed schemes. It is for determining authority to consider this likely negative effect on PROW users and the public against any expected benefits of the proposed development.

The council's PROW team also recommended that a condition be applied, requiring the submission of a scheme for the treatment of PROWs.

On 27/10/2020 the applicant provided further drawings which address the main concerns relating to PROWs. It is recommended that these drawings be approved, and that a condition be applied requiring full details of a scheme for the treatment of PROWs. This condition would also secure measures to ensure the space in the east corner of the proposed car park (annotated "access path entrance to carpark to remain unobstructed" on drawing 3287 (SK) 48) is not used for parking. It is further recommended that the previously recommended condition regarding the passing places and traffic calming (condition 8 in the committee report) be expanded to require measures to address the PROW team's concerns regarding byway HUD/171.

The council's PROW team have confirmed that they are content with the above approach.

- 10.129 Under the current application, K.C. PROW have confirmed that, based on the submitted plans that show an appropriate new footpath route, subject to the imposition of the same condition and footnotes, they do not object to the proposed development. However, for the avoidance of doubt, the stopping up of the existing PROWs and formal dedication of the new route would need to be secured via a separate diversion process.
- 10.130 Considering this, officers are satisfied that the proposed development would comply with the objectives of policy LP24 of the Kirklees Local Plan.

Flood risk and drainage issues

- 10.131 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.132 The application site is within flood zone 1, and is at the top of the hill, therefore there is no significant flood risk to staff of and visitors to the proposed development, and the applicant did not need to submit a site-specific Flood Risk Assessment. The proposed development's impacts upon drainage surrounding the site are, however, a material planning consideration. Foul drainage is also a matter relevant to planning.
- 10.133 Regarding the disposal of surface water from the proposed development's hard surfaces (including the car park), the applicant made reference to the use of infiltration (or sustainable drainage system) for surface water, but provided little detail. Further information regarding the soakaway's location is needed, as is infiltration testing, and information regarding the potential impact of increased infiltration upon the surrounding area and ground stability. Council records suggest that infiltration may be suitable at the top of Castle Hill, however the potential for infiltration around the hill is very low. If infiltration is not found to be suitable, surface water disposal should follow the hierarchy of preference: infiltration, watercourse, sewer. Council records show two culverted watercourses exist near Castle Hill: one to the southeast of the site (along Lumb Lane), and an open watercourse approximately 730m to the southeast (Lumb Dike).
- 10.134 The proposed development (and the previous application) has attracted an objection from the Lead Local Flood Authority, due to the lack of information submitted in relation to drainage. However, given the possibility of infiltration being acceptable at this site, the space available for the provision of an adequate drainage solution, and the potential for the remaining services of the Castle Hill Hotel to be reused (although their adequacy has not been confirmed), it is recommended that outstanding drainage matters can be secured by condition.
- 10.135 Depending on what is ultimately approved in relation to drainage, the maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) may need to be secured via a Section 106 agreement. A provision for this is included in the recommended Section 106 heads of terms.

- 10.136 Details of temporary surface water drainage arrangements are recommended to be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.137 The submitted application form states that the proposed foul sewage disposal method is via mains sewer. This has not received an objection from Yorkshire Water. Nevertheless, a condition for further details is recommended, to ensure appropriate arrangements at the sensitive heritage site. It is therefore recommended that further details of the applicant's proposals for foul sewage disposal be secured by condition.
- 10.138 Subject to the above-mentioned conditions being imposed, officers are satisfied that the proposed development complies with the aims and objectives of LP27 and LP28 of the Kirklees Local Plan.

Ecological and geological considerations

- 10.139 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.
- 10.140 Furthermore, policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.141 The application site is subject to a number of nature conservation designations, including a Local Nature Reserve, Local Wildlife Site, the Kirklees Wildlife Habitat Network, an SSSI Impact Risk Zone and a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands). The site is also within a Local Geological Site.
- 10.142 The following was stated in the previous committee report for application ref. 2018/93591:

An Updated Ecological Impact Assessment was submitted on 18/07/2019. This included a desk top study that indicated the site was most likely to be of interest in relation to birds, however a field study found a limited range of birds present at the site, and the author concluded that, given the site's habitats and human disturbance levels, it is not likely to support notable assemblages of protected species during the breeding, wintering or passage periods. The report nevertheless noted the potential for the proposed development to cause impacts in relation to the site's Local Nature Reserve, Local Wildlife Site and Kirklees Wildlife Habitat Network designations, but concluded that – with the implementation of measures such as bat box provision, reseedling of disturbed ground, and provision of wildlife information boards and dog waste bins – no significant residual effects would be caused.

10.143 The same Ecological Impact Assessment and supporting documents were submitted to support this application. Because of the timelapse and considering relevant ecological guidance, the base reports were considered out of date. In response, the applicant provided an addendum report which states:

The addendum is provided by Adam West BSc (Hons), ACIEEM, based upon a study of the EclA provided by Quants Environmental and a site survey which took place on 12/12/25. The survey took place outside the optimum period of April to September. The site is predominantly occupied by the artificial surface of the car park with small areas of heavily managed grassland also present. Owing to the low ecological value of the habitats present, the survey taking place outside of the optimum period does not, in the professional opinion of the ecologist, pose a constraint to the validity of the conclusions drawn in this addendum.

Following the review of the EclA report provided by Quants Environmental in July 2019 and a walkover survey of the site in December 2025, it has been concluded that conditions on site have not materially changed since the EclA was written in 2019 and, therefore, the conclusions reached by Quants Environmental, and the recommendations made based upon those conclusions, remain valid.

10.144 K.C. Ecology have considered the above approach and consider it reasonable and sound. Considering the findings of the recent on-site survey and the professional judgement of the ecologists, the submitted information is considered acceptable. The following ecological based conditions are therefore recommended:

- Submission of a Landscape and Ecological Management Plan
- Submission of Biodiversity Enhancement Plan
- Submission of a Construction Ecological Management Plan. It should be noted that this was not previously imposed as part of 2018/93591. However, in accordance with current best practice, this is recommended to ensure potential ecological impacts via construction are appropriately managed.

10.145 Subject to the above conditions, the proposal is deemed to comply with the requirements of policy LP30 of the Kirklees Local Plan.

Biodiversity net gain

10.146 The provision of a Biodiversity Net Gain (BNG) of 10% is a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (hereafter referred to as The Act). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

- 10.147 The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application. This shows that the site has a low habitat value of 0.17 habitat units, given it predominantly comprises modified grassland and sealed surface.
- 10.148 Specific details of how the 10% net gain will be delivered are to be secured via the national standard Biodiversity Gain Plan condition, which is automatically applied to all (non-exempt) development.
- 10.149 In accordance with The Act, due regard must be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years.
- 10.150 In this case, the habitat to be created would not be significant because of the limited quality and quantity of habitats both pre- and post-development. Accordingly, provisions for long term management and maintenance are not required.
- 10.151 It should be noted that this is a material change in circumstance from the previous application (2018/93591), which predated The Act. Nevertheless, that application was assessed under the similar provisions of policy LP30 of the Kirklees Local Plan, and the Section 106 agreement secured provisions for a Biodiversity Contribution. Given the national standard Biodiversity Gain Plan condition would be imposed upon this development, such a Section 106 clause is no longer required.

Geological impacts

- 10.152 The following was stated in the previous committee report for application 2018/93591:

Castle Hill is a Local Geological Site. Little information regarding the proposed development's geological impacts has been submitted by the applicant, however the West Yorkshire Geology Trust have advised that the proposed development would not cause impacts to the geological and geomorphological interest of the site.

- 10.153 West Yorkshire Geology Trust have not been consulted as part of this application; however, the site's geology has not changed in recent years, and there are considered to be no reason why the above comments would not remain applicable.

Planning obligations

- 10.154 Paragraph 58 of the NPPF confirms that planning obligations must only be sought where they meet all of the following:

- necessary to make the development acceptable in planning terms,
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

10.155 For the reasons set out within this report, should planning permission be granted, to mitigate the impacts of the proposed development, and to secure the public benefits that justify many aspects of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

1) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including the submission, approval, and implementation of a Travel Plan, and monitoring fees of £10,000.

2) Public benefits: Package of obligations to provide certainty that the identified public benefits are delivered, including confirmation of the arrangement and agreement of funding for the development to take place and reassessment clauses, after a given time, of the business case.

3) Management – Implementation of a management plan for the exhibition/interpretation room and WCs (including the securing of public access without charge), and management of any new infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.156 It is noted that the previous application's committee report recommended that the following be included within the S106 agreement:

Highway works – Creation of passing places and erection of signage to the lane from Castle Hill Side to the car park.

At that time, it was, however, concluded that the provision of these works would be best secured via a condition, as opposed to the S106. Such a condition was therefore imposed on 2018/93691, which is again recommended for this application.

10.157 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet either of the relevant thresholds, any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other Matters

Ground conditions

10.158 The Mining Remediation Authority's mapping system confirms that the site does not fall within the Development High Risk Area in relation to coal mining legacy. It falls within the Development Low Risk Area, and in these locations the MRA recommend an informative note be included in the decision notice.

- 10.159 For all major developments, general ground contamination needs to be considered. The applicant has not provided information regarding the extent of excavation required in connection with the proposed development, and what inert material was used when part of the site was filled in following the demolition of the pub, however the proposed development has not attracted an objection from K.C. Environmental Health on site contamination grounds. K.C. Environmental Health have recommended a condition relating to procedures to be followed should unanticipated site contamination be found. It is recommended this be included, to ensure compliance with Local Plan policy LP53.
- 10.160 In the previous application's assessment, the following comments were provided by officers:

Concerns have been raised regarding the stability of the lane that runs up the southeast side of the hill and provides access to the site, however there is no evidence currently before the council confirming that the lane could not be used during the development's construction or operational phases. The required Construction Management Plan will need to provide information regarding the lane's ability to cope with the construction and operational traffic that the proposed development would entail.

Officers consider the above to remain the case.

Crime and anti-social behaviour

- 10.161 The West Yorkshire Police's Designing Out Crime Officer (DOCO) has been formally consulted as part of this application. The officer has confirmed that they have no objections to the proposed development but have recommendations to further enhance and manage site security. As such, the DOCO provided recommendations related to this application, to help mitigate crime risk. These include additional CCTV cameras park, additional lighting within the site, signage, and increased security measures, including in relation to the building's security. A condition for a detailed Crime Mitigation Strategy is therefore recommended, to ensure the proposal accords with policy LP24 (e) of the Kirklees Local Plan.

Tourism and economic impacts

- 10.162 The following assessment was provided in the committee report for the previous application:

The proposed development would have economic benefits during the construction phase. In addition, in relation to the earlier iteration of the proposed development, the applicant stated that, in its operational phase, the development would provide 30 full-time equivalent jobs (12 full-time, 36 part-time).

The proposed development is supported by the council's Economy, Regeneration and Culture team, who have noted that the provision of additional facilities would enhance the visitor experience, and that the local economic impact of staying visitors is considerably greater than that of day visitors. Further information from the applicant regarding the proposed development's supply chain benefits for local

businesses and local construction firms was requested (so it could inform a further assessment of the proposed development's economic impacts), however only generic information regarding the potential benefits of cultural and heritage tourism was submitted.

Significant public benefit can be demonstrated by the applicant, with adequate public access to the proposed WCs and interpretation room secured. Under the recommended Section 106 agreement, the applicant would be required to prepare details of how these facilities would be managed. As noted above, the applicant has additionally discussed the proposals with the KC Museums and Galleries (who have provided some advice, but would not be able to equip, or take on management or staffing of the interpretation room). It is also noted that the West Yorkshire Geology Trust have offered assistance in relation to geological interpretation. The applicant could also recruit an exhibitions consultant to provide advice on the contents and management of the proposed interpretation room

10.163 There are considered to be no grounds to conclude that the above comments regarding economic benefits would not be applicable today.

10.164 K.C. Museums and Galleries they expressed concern and provided advice under the previous planning application, and this remains their stance, as per their consultation response which can be read in full within section 8 of this report. Of note however, since their latest comments, the application has been supported by a Business Case that has been independently assessed, to demonstrate the soundness of the business, as set out in paragraph 10.36 to 10.41 of this report.

Representations

10.165 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

Supportive comments

- The proposal will create jobs and bring income into the area, and may stimulate wider investment.
- The proposal will be an education opportunity and includes free educational aspects.
- The current access road is degraded and in a poor state. Road improvements are proposed that will make accessing the site easier.
- The is currently “depressing with vandalism everywhere”, with that proposing being an attractive alternative that promotes investment and jobs, with good facilities for people going to the site.
- Access to free toilets will make the site more enjoyable.
- The project brings benefits for better facilities, free access, education, free toilets and improved works.
- The proposed use would promote socialisation in the area.
- The loss of the former public house was “a tragedy”. The proposal will welcome more people to a “historical site with a breathtaking view of the area” and may result in the tower being open more.

- “The proposed design is excellent, blends well with the tower and is not too obtrusive. It provides a sleek, modern facility that genuinely enhances the attractiveness of tower to locals and tourists, by providing shelter in this exposed area and refreshments. This will encourage visitors around the year instead of mostly when weather is good. The space is imaginative to include areas where lectures and events can happen for example a "Poetry Open Mic" and educational events for children such as school trips. To refuse this opportunity to develop the tower in this way would be a backward step with all the modernisation and facilities improvement of Huddersfield in progress.”

Response: Comments in support are noted.

General comments

- The tower and hill are iconic, and often the first thing that comes to mind when thinking of Huddersfield. After the former Inn was illegally destroyed, the solitary Jubilee Tower has become even more iconic a symbol of Huddersfield.
- Request that the site include a fireplace and sauna.

Response: These comments are noted. Officers are unable to require a fireplace or sauna be included.

Objections

Principle of development

- Concerns over the planning statement making claims that the site is grey belt due to the previous building. Nationally designated sites such as Castle Hill scheduled ancient monument and the free-standing Jubilee Tower listed at grade I are excluded from the definition of grey belt.
- Proposals constitute inappropriate development in the Green Belt. There are no exemptions for the proposed development within the Green Belt, within in the NPPF. The absence of the former Castle Hill Hotel has enhanced the setting of the Tower and enabled better appreciation of the hillfort and its later embodiment of the C12th fortification.
- There are no very special circumstances which should permit building in the Green Belt.
- This is a commercial development, with a minimal public benefit offering.

Response: Paragraphs 10.12 – 10.35 Of this report outline officers’ assessment of the Green Belt, public benefits, and Very Special Circumstances.

- The site is in an environmentally sensitive location where the effects of development would be more significant, and the lack of an Environmental Impact Assessment suggests our inheritance has been woefully undervalued.

- The EIA should consider light, noise and other impacts on nature, such as disruption to birds, bats and other mammals (see 9), and people's health and wellbeing.

Response: Giving regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 officers consider that the proposal is neither Schedule 1 or Schedule 2 development and therefore EIA Screening is not required.

- The new plans appear to show the building extending further into the embankment adjacent to the bedrooms and full details of the service area impact was not included in the previous conditionally approved plans. As such, the impact on the scheduled embankments was never factored into the Green Belt and/or SAM assessments.
- The changes to this application include an increased footprint, 50% increased car parking, security fencing and lighting, excavation of historic embankments.

Response: The proposed application is substantially the same as that approved via 2018/93591 and such differences are not proposed. A new gate was proposed across the service area but has been omitted from the proposal following officer concerns.

- This is a large urban development proposed for an inappropriate remote rural location. The scale of this development goes far, far beyond the limited facilities required for the heritage site. It is also many times greater than the previous hotel removed many years ago.
- The essence of the development is commercial with approx. 10% of floor-space allocated for interpretation. Between 5pm and 10pm (prev. condition 11pm) the venue would operate purely as a restaurant and bar with guest bedrooms. This type of use is classified as 'town centre' and, according to Kirklees' local validation criteria, a sequential test should have been carried out.

Response: The level of the proposal's commercial aspect is, on balance, considered reasonable and appropriate to facilitate the public benefits that would be delivered by the proposal. It is acknowledged that a sequential test has not been submitted, and is considered in paragraphs 10.42 – 10.51

Visual and heritage concerns

- Castle Hill has a high number of designations; and national and local policies should be sufficient for its protection from harmful proposals such as this; yet for some reason there remains an ongoing threat. It is noted that this type and scale of development in a scheduled monument in this type of setting is unprecedented in modern times.
- The application should be refused as it fails to protect the longstanding heritage assets. The National government's advisors on heritage, Historic England (HE), have advised the Authority to refuse the application on heritage grounds. The Victorian Society maintain their objection.
- Any development in the area must be carefully considered in order to minimise impact on the surrounding area and view of the hill and monument. The representative is not convinced the proposal comes anywhere close to meeting this threshold - nor convinced it would provide any public benefit.

- After 20 years of this fiasco residents remain determined that further building on this site is wholly inappropriate and would be the ruination of this treasured, historically significant and iconic site. The developers had their chance years ago but demolished the 'old' public house, failed to adhere to planning procedures and attempted to 'fudge' the rebuild. Given the hugely worrying history that follows these developers, it is clear they cannot be trusted, grossly lack integrity and do not have the best interests of the site at heart.
- Castle Hill is a peaceful place to be enjoyed. The amount of visitors that this development would create would destroy the character of Castle Hill. Over time the number of attendees will cause harm to the area.
- The jubilee tower is enough and enhances the hill from afar.
- Castle Hill is a Scheduled Monument and should be protected as such. This proposal would have a serious impact, not for the better, on this important site. The proposed building would seriously affect the setting of Victoria Tower, which is Grade II listed. The 'public benefits' do not outweigh the harm that would be done to the site.
- Fundamentally this proposed building is still in the wrong place – it should not be sited in the middle of a sensitive and nationally significant scheduled monument.
- Apart from the interpretation room, the proposal offers little public benefit. The proposed modern hotel design is completely out of sympathy with the Victoria Tower, which was itself designed to augment the original Castle Hill Hotel which did capture the spirit of the hill.
- The appearance of the new, fashionable, glass venue will, in no way, make reference to the history of the area, the Victoria Tower, or the historical background to the Hill. It will also be a huge edifice, requiring massive earth moving – entirely inappropriate on a Hill described as 'a scheduled ancient monument of national importance'.
- With the building being partly sunken into the ground it is virtually impossible to understand how far the new structure will stand out if built. Based on the drawings it appears to stand out substantially – which is entirely inappropriate as it removes the open views over the hill top. Surely, it is inappropriate to start excavating into the primary features of an iron age fort, it's flat top with embankments marking its historic defences.

Response: The above matters relate to the site's value as a heritage asset and, broadly, consider the harm the proposal would cause to the historic environment would not be outweighed by the public benefits. Officers consider that the public benefits would outweigh the harm and assessment of these matters may be found in 10.52 – 10.106.

- There is no reference to Kirklees's Heritage Strategy and the applicant/agent does not appear to have drawn the consultant's attention to the consultation response from Kirklees' Museums and Galleries (M&G).
- The planning support, design and access statement fails to fully assess the visual and heritage impact the application would have.
- The Heritage Statement is dated 2021. How have changes on site been taken into consideration in this document. There are a number of material changes to the site which don't appear to have been considered in this document.

Response: The submitted information has been considered by planning officer and K.C. Conservation and Design and concluded to be acceptable to support the application.

- Grave concerns exist regarding the applicant's respect for the site and its unique heritage, given their previous disregard of planning law. The applicant also has the audacity to suggest that there is growing support from the general public for this development.
- The site should be left as it is, the Thandi brothers demolished the public house without permission and sold all the mullions, stone flags, oak beams and so on and attempted to build an entirely new property at 90° to the original building without planning permission.
- The original building was demolished illegally and is now not there for all to enjoy. Planning permission should only be granted to re-erect what they illegally demolished without planning permission.
- The applicant has no interest in the history or environment of Castle Hill and the plans are not in keeping with the importance of the site.
- Legal concerns regarding the damage to the site by the applicant.

Response: The identity of the applicant is not a material planning consideration nor can weight be attributed to past action, inaction, or otherwise. Legal claims regarding damages or past actions such as this fall outside the remit of the planning application.

- The applicant has had years to respond to Historic England yet there appears to be no resolution.

Response: In their latest and final comment, Historic England have confirmed no objection to the proposal, subject to the council accepting the applicant's business case. This follows a prolonged period of negotiation between the applicant and Historic England.

- The proposed hotel has little architectural merit and sits low on the ground as if ashamed to be seen. This is the antithesis to the grandeur of the Hill itself and seems to offer little public benefit to counter the damage done to the site and to the environs of the Victoria Tower.
- There are better locations for this development.
- The shape of the proposed development is too modern for this site.
- The proposed development would be a harmful and uncharacteristic urban intrusion into the heart of the site. It is too large. The existing topography is intrinsic to the history of the site, and the proposed changes would inhibit understanding.

Response: The design of the proposed building is, in isolation, considered high quality and attractive. Considered in the context, it is considered an appropriate response to the constraints of the site and is considered a more appropriate response to the site, as opposed to a pastiche of the former pub or tower.

- Extensions to the car park will inflict further damage (visually and to the sites heritage).
- The plans proposed would further destroy the remaining archaeology under the scheduled monument and detract from its nature.

- Once the oval appearance of the historic ramparts have been partially removed it will totally ruin the basic shape of the precious hill fort site
- The scheme would include the destruction of an iron age fort just for someone's personal financial gain.
- Question why could the development not match the exact footprint and style of the pub (and was of similar historical value as the folly).

Response: The archaeological implications and impacts of the proposal are considered within paragraphs 10.89 – 10.103 and are found, subject to condition, to be acceptable.

- Anyone wanting to gain in-depth knowledge of the history of Castle Hill can visit the comprehensive exhibition at Tolson Museum, soon to be housed in a new state of the art setting as part of Huddersfield's Cultural Heart.
- The hillside, and especially the summit is of great historical value, anyone who visits the Tolson Museum can find out about it. It is a Scheduled Ancient Monument and therefore should be protected. Centuries of history is too important to be turned into an unnecessary eyesore visible to all of Huddersfield. There are so many other places where a restaurant/hotel/bar could be sited within Huddersfield.

Response: Other facilities are noted. Nevertheless, the facilities proposed are considered to offer a high quality and attractive addition, on site, to complement the existing educational offer.

- The proposed security measures seem excessive and risk turning the flat top of the hill into some form of modern prison, with high gates, overnight lighting and video monitoring.

Response: The gate originally proposed across the service yard has been removed. Conditions for further details of lighting and security measures are recommended, to ensure suitable and sensitive details are proposed and delivered.

- Huddersfield Civic Society have objected as have The Huddersfield and District Archaeology Society and Castle Hill Civic Associates.
- Huddersfield Civic Society concerns stem from nature and scale of commercial development (beyond simple visitor welcome/shelter facilities), archaeology disturbance, inadequate location access/egress, issues around commercial viability and role of proposed community interest company. The business case does not add clarity or reassurance that this outweighs the harm to the Green Belt or heritage.

Response: This is noted, however for the reasons set out within this report, the submitted details are considered acceptable.

Highway concerns

- Inconsistencies within the traffic assessments associated with both the current and prior application, specifically relating to traffic flows and parked vehicles. For example: The 2024 transport assessment provides road trips instead of parking volumes. The estimated traffic

volumes appear inexplicably low (with no evidential support) and appear to be irreconcilable with the 2018 data. The figures put forward again exclude visitors looking to make use of what is a public carpark. Fortunately, the access road acted as a break and fire officers were successful in extinguishing the fire, though it had to be watched for many hours due to the drought. More intensive use of the site could pose an additional hazard as would an increase in possible conflicts between emergency vehicles and vehicles escaping down Castle Hill Side.

- The approach road (byway HUD/171/20) is classified as a byway open to all traffic. Proposals are substandard for the projected use and an independent and comprehensive Transport Safety Assessment should have been required.
- Each year there are a number of events where vehicles have become stranded off the track or where they have 'gone off the edge'. One such event occurred in the last few weeks with the vehicle dropping off the track onto the road below.
- Concerns with the findings of the Transport Statement, as it fails to assess safety of other road uses. The statement is based on 100 covers for the restaurant yet there are only 37 spaces. 37 spaces are grossly inadequate.
- The application refers to "100 covers," but this is not supported by the floor plans. It is also unclear whether the "café" and restaurant are the same facility.
- Transport statement out of date.
- The figures in the transport statement are simply not credible particularly the statement the development does not cause any negative impacts in terms of road safety or congestion
- There is no evidence from the highways report that there has been any measurement of existing traffic usage to the hill by general visitors (seasonally, weekly, hourly) which is a simple enough task using a basic traffic counter.

Response: The submitted information has been reviewed by K.C. Highways and found to be both appropriate and acceptable. While parts of the data are older, the methodology remains acceptable and no material change of circumstances would invalidate the findings.

While historically 100 covers were proposed, as set out within the report, a condition is recommended to limit it to 70. In terms of parking spaces, 41 are proposed and considered appropriate for the proposed and existing use of the site.

- The Stage One Road safety audit is limited to the proposed "passing places scheme". It is not a comprehensive assessment of site safety

Response: Stage One Road safety audits typically only considered proposed highway alterations, not issues of traffic generation. The traffic generation in general has been considered within the Transport Assessment and by K.C. Highways, and been concluded to be acceptable.

- The proposal is to widen the track (at certain points) to accommodate large vehicles passing, the widths seem reasonable for two cars. However, the concept of two commercial vehicles meeting (one might even be the articulated one illustrated on the plans) clearly introduces the risk of one driving off the track (and potentially dropping onto the road below).

- Traffic management plans cannot be left until the end – they need to be laid down, valued and balance against the unquestionable harm development means to the site The passing places appear to be significantly less than the earlier concept.
- The other major risk of course is that the competing pressures of general and specific restaurant visitors results in vehicles parking off the surfaced car parks and on the sensitive archaeological earthworks -something which commonly occurred on busy weekends before the original Castle hill pub was demolished.
- The access by car can be challenging at the best of times if you meet an oncoming car I can only envisage the road rage and accidents that will occur with an increase of traffic. The Road is not practical or safe for lorries, coaches and excessive traffic.
- Other concerns are the already busy country roads that are very narrow in places surrounding castle hill and further build-up of traffic would be damaging to these roads as well as dangerous.
- Having a large restaurant / rooms will require frequent freight vehicles to access the top of the hill including refuse / food / waste removal and other large vehicles adding to pressure on the access road, even if the hours for deliveries are controlled.
- To begin with the access to the site, it must be accepted that the 'road' up to the top of Castle Hill is very narrow (partly one way only), has some bends which are challenging to negotiate in even a small car, frequently evidences difficulties with vehicles trying to pass one another, has no footpath (and is therefore dangerous for pedestrians), and is in a poor state of repair. In February 2022, Kirklees Council imposed 30 conditions on the strongly contested planning approval, one of which was: 'coaches are banned from Castle Hill on Saturdays and Sundays'. How any coach is supposed to get up the road to the top is unimaginable!
- Especially on bank holidays, in the summer when the weather is nice. The access and surrounding small country lanes are totally unsuitable for the traffic levels this hotel would create. The roads would be gridlocked.
- Serious alterations and repairs would be needed to underpin the road for future safe access. I have seen more than three cars almost slide off the road in the past few years due to ice. The road is not suitable to consider adding more traffic.

Response: The current state of the road is acknowledged by officers and is accepted to fall below modern standards. Nevertheless, the starting point is the existing situation and consideration of the impacts of the proposed development. The road is in use at the moment and the proposed development is not expected to result in a substantial intensification of use compared to the existing demand. However, to mitigate what intensification may be caused, the applicant is proposing to deliver three passing places along the access road so that. These are the same as approved in the previous application. While the road would remain predominantly single width, the passing places are located at suitable frequency and at logical places to minimise the need for reversing or vehicle conflict.

In terms of service vehicles, small / medium delivery vehicles do not raise a concern, with tracking provided for an 8.6m vehicle. For waste collection, it is not envisioned that full sizes refuse vehicle would be utilised: as a commercial

premises, the applicant would be required to arrange for private collections, which can include a range of vehicles. A condition for waste collection arrangements, included intended vehicles, has been recommended.

- The parking is reported as reducing from 66 down to 37. This level of parking is unlikely to service the demand of the proposed development leaving no parking for those who want to visit, take a picnic and enjoy the natural setting of the listed tower and Scheduled Ancient Castle Hill.
- No commercial enterprise should be allowed to count a carpark intended for the convenience of the public visiting the Hill as belonging to an hotel.
- The parking spaces will be taken primarily by the uses of the restaurant/bar, therefore where will other visitors park?
- I note the car park management plan is to increase substantially. Again, all this brings is more traffic onto a narrow access that doubles as a pedestrian walkway.

Response: The proposal is for 41 parking spaces. The level of parking proposed has been considered and found to be acceptable, to serve the expected demand of both the proposed development and general users of the site, as set out in paragraphs 10.119 – 10.124 of this report.

- Significant concerns around the changes proposed to the PROW 171/20 as it would be re-routed onto the underpass.

Response: Suitable alternatives / diversions are proposed as part of this application, with further details sought to be secured via condition. This is sufficient for planning purposes, although a separate formal stopping up and/or division order would be required.

Ecological and landscape concerns:

- Photographic drawings produced by JCA Ltd (ref Biodiversity & Ecological Management map & Biodiversity Metric 4.0) show comparisons of the site as existing (baseline) and after intervention. They show the sealed surface area (service yard and car parking area) doubled in area, even without the café terrace and viewing terrace (also sealed). The scope for improving biodiversity would be much reduced by the development due to the extent of hard surfacing, and the presence of humans, traffic, and lighting at night will make the proposed faunal boxes less attractive.

Response: As set out in paragraphs 10.146 – 10.151, in accordance with the Environment Act 2021, if minded to approve the development would be subject to the standard Biodiversity Net Gain condition. The applicant would be required to deliver 10% net gain, either on site, off-site, or via a habitat bank.

- Would there be a wider site management for the green space?

Response: A condition for a Landscape and Ecological Management Plan (LEMP) is recommended however, this would be limited to the application site only. It is beyond the remit of this application to seek management of a wider area.

- The application gives no indication if outdoor seating etc would extend beyond the footprint of the building onto land not leased from the Council and so images give a false impression of the building being self-contained and without impact on the immediate environs of the wider hill. The 3D artist images of the site show a single car in the car park, no service vehicles, no outdoor tables or parasols etc so it is not a realistic representation of how the site will look in operation with the resulting clutter and visual impact on this significant site.

Response: This application relates to development contained within the red-line only and would not permit works outside of the red-line. Submitted 3D artist images are indicative and intended to provide contextual understanding.

- The proposal does not consider biodiversity or the loss of habitat for local wildlife. This contradicts current efforts to create wildlife corridors around Castle Hill.
- BNG proposal does not take into full consideration the full context of the natural surroundings and the inevitable impact on wildlife without adequate protection.
- The Updated Ecological Impact Assessment (Quants environmental, July 2019) highlights the proposed development may have a detrimental impact upon several designated conservation sites given the site sits within the boundaries of these conservation sites.
- It is a nature reserve and the proposed development would contribute to destroying this unique environment.
- It would also create an unsustainable environment for rare species of butterfly, moth and other insects as well as rare birds such as short-eared owls, linnets and yellow hammers, whose habitats could be irreversibly disturbed, leading to long-term ecological damage.
- A huge, noisy, brightly-lit venue on the hill would end all hope of wildlife returning, and this would naturally have a negative effect on the trees and landscape.

Response: The ecological impacts of the proposal have been considered in paragraphs 10.139 – 10.151. Officers and K.C. Ecology are satisfied that the submitted documents provide sufficient information to understand the ecological value of the site and material harm would not be caused, subject to the conditions recommended in the aforementioned paragraphs.

- Given that Kirklees Council are investing considerable public funds to partnership with the White Rose Forest tree planting initiative to develop extensive woodland in the area immediately surrounding Castle Hill - how does the proposed planning application for the area at the top of Castle Hill fit in with the woodland planting initiative?

Response: Officers do not consider that the proposal would undermine or conflict with the White Rose Forest initiative.

- Environmental damage will be caused during construction.

Response: A condition for a Construction (Ecological) Management Plan is recommended, to ensure suitable arrangements during construction are considered and implemented.

General objections

- Nowhere do drawings show the size and location of the attenuation tank required by the Local Flood Authority. The infiltration method proposed by applicants would unacceptably exacerbate existing run-off.

Response: This concern is noted and is considered within paragraphs 10.131 – 10.138 Of this report. In summary, conditions are recommended to address these matters.

- Planning have gone on record, that the current application 2024/93494 is sufficiently similar (to the prior 2018/93591) to allow documentation associated with the 2018 application to 'back fill' (my term) any shortfall in supporting documents for the 2024/93494 application.

Response: Officers have confirmed that, notwithstanding the age of certain reports submitted as part of this application, the methodologies utilised and findings remain valid and appropriate for the current submission.

- No fire safety assessment has been submitted with this application.
- Following the severe fire on Castle Hill of 3rd July this year proposals should be subject to a Fire Safety Assessment by the Fire Brigade.
- Concerns regarding fire safety. Customers of the development could walk off the hill in the opposite direction to the oncoming fire (assuming they are sure footed, so excluding elderly, infirm or disabled customers). However, there will be no-one at the proposed development with authority to prevent customers attempting to leave the hill in their vehicles. This could mean some trying even where it would involve heading towards the fire! This could also cause risks to people driving off the hill in a fire, due to poor visibility, blocking the road for emergency vehicles.

Response: While these concerns are noted, they fall outside the remit of the planning system. Per national guidance and requirements fire statements are only required on planning applications for educational or residential buildings that are 18m or 7 storeys in height.

- Why are KMC Planning continue to invest valuable resources by allowing the applicant to submit an incomplete application. The inadequacies of the application are clearly demonstrated by the following consultee responses, including the Victorian Society, Historic England, Biodiversity, Flood Authority, Museums and Galleries, Highways and the Police.

Response: It is the role of planning officers to assess applications and, as far as possible, work proactively with applicants to resolve issues raised by themselves, consultees, or representations.

- The current security gate has reduced antisocial behaviour. If the site is to operate 24/7, will this gate be removed? That would undermine public safety.

Response: The future of the current security gate, should the application be approved, is currently unknown. The applicant and council would be required to consider the matter. However, a condition is recommended for a Crime Mitigation strategy, which can consider the implications should the gate be removed and look to mitigate accordingly.

- Concerns over the information provide within the Revised Planning Statement, including the document claiming extensive community consultation, which wasn't consultation it was media drive publicity.
- Community consultation was carried out and a virtual tour showcasing this new interpretation floor layout was circulated in 2024 to all key audiences, including the public via the examiner, Huddersfield Hub, ward members, the Strategic Planning Committee, and other stakeholders, and was also made available on YouTube. This attracted positive feedback and comments. But as a local resident there was no community consultation.

Response: These concerns over the type of public engagement are noted however, pre-application public engagement cannot be controlled or mandated by officers, nor would the perceived lack of such consultation warrant refusal of the proposal.

- Concern that the proposal will cause harmful noise pollution that harms the amenity of nearby residents.

Response: Giving due regard to the separation distance to neighbouring properties, officers and K.C. Environmental Health are satisfied that the proposal would not result in materially harmful noise pollution to nearby properties.

- Concerns raised regarding the first-rate exhibition; i.e. how often will new material be developed and current displays refreshed?
- How will the educational content be developed and delivered to visitors and for how many at a time?
- The application depends heavily on the Atkins Management Plan (2006) which suggested that visitors would welcome having facilities such as interpretation, refreshments and toilets on the hill. The Atkins report is now almost 20 years old and badly out of date. Most visitors wishing to know more about Castle Hill today will most naturally interrogate their mobile telephone rather than seek out a gallery containing information boards. Similarly, those visitors seeking refreshments have long since gone elsewhere for their outings.

Response: Exact details of the exhibition, or how frequently it'd be updated, is currently unknown. The Section 106 is recommended to include the provision of a management plan for the exhibition/interpretation room, that could include such details.

Officers are satisfied that, notwithstanding the social changes since 2006, demand remains for physical facilities such as that proposed.

- Another issue raised by Historic England is that on the basis of the information currently submitted they are not convinced that the applicant has fully understood the implications of forming and operating a CIC (Community Interest Company). Whilst this may be a good way forward, has this been set up?

Response: The applicant's intention to form a CIC (Community Interest Company) is noted, but does not carry weight in the determination of this application.

- Consumption of alcohol from the site would provide a strong likelihood that anti-social behaviour would actually increase.

Response: Officers do not consider this to be reasonably likely, nor has the Police Architectural Liaison Officer raised this concern.

- Claims to invoke guardian of the Monument, as per section 12 of the Archaeological Areas Act 1979 for this monument listed as 1005806.

Response: This is a legal matter outside the remit of the planning system.

- Concerns regarding conditions on the previous application and their enforceability.

Response: Officers do not consider that the conditions, as applied to the previous application, were unenforceable.

- Objections over the timeframe of the application, including how long it has been under consideration by the Local Planning Authority. Because of how long it has been under consideration, it should be refused.
- The scheme is out of time and the current package of information cannot be relied on. The application should be withdrawn is possible.
- Concerns regarding the longstanding nature of this proposal and the lack of public engagement. The 2018 application should never have been approved and the 300+ comments from the 2018 applications should be added to this application, as there are substantive matters that have not been addressed.

Response: Government policy states that no planning application should spend more than a year with decision-makers. As noted in representations, the current planning application has exceeded that timeframe, however the council is still able to lawfully determine it and an extension of time (to the life of the application) has been agreed with the applicant. In terms of the supporting information provided, while aspects of it are noted to be several years old, officers are satisfied the conclusions remain valid.

- The building layout internally with a single restaurant suggest that the likely business model will be for function or volume catering use, not just supporting casual / family visitors to the site. If this is the case, then the operators will be seeking to maximise high volume usage and occupancy for example at weekends or functions in the evenings which will create significant additional pressure points in terms of private clients to the detriment of others.
- The application just increases the levels of harm, due to increased parking, higher levels of footfall, increase in the size and location of the building, the construction of new infrastructure, high levels of lighting, additional drainage etc.

- Will the Castle Hill scheduled monument be closed to the public during construction, or will there be restrictions and other access requirements and for how long?

Response: This is currently unknown and will be a matter for the council (as landowner) and applicant to consider, should the application be approved. A condition for a Construction Management Plan is recommended to ensure construction activities are planned and executed safely and with as low an impact as possible.

- What impact would the application have on climate change.
- Is this a carbon neutral build and are they using sustainable materials? Where is the original stone from the old building and is this to be incorporated into the build?

Response: The climate impacts of the proposal are considered within paragraph 10.48 – 10.51 of this report. The development has not been proposed as carbon neutral nor have any details of the original stone been provided.

- Concerns over the longevity and viability of the proposed commercial development, and question what would happen if economic issues force it to close. This would result in the loss of the public benefits and leave a vacant building.
- The Wheawill & Sudworth review identifies uncertainties with the applicant's submission, including;
 - the general viability of entities operating in the leisure and hospitality sectors and, for the specific development:
 - take up and sustainability of customer demand and spend relating to the CHVC facilities, plus
 - lack of clarity regarding current funding

Response: The viability of the business has been considered within paragraphs 10.36 – 10.41 of this report. The uncertainties details above were addressed following further details be provided by the applicant. In summary, there are concluded to be no fundamental concerns with the viability of the business, subject to the recommended obligations within the Section 106 agreement.

- The proposed building cannot accommodate all its service requirements, hence the large yard adjacent with staff parking, waste bins, and most probably storage for the external tables and chairs in inclement weather (unless permanently fixed down outside). No space within the building has been allocated for plant (M&E).
- There is no indication on the plans as to where ventilation / extraction from kitchens etc will be facilitated and locating the cooking activity in a basement with no direct external access and fire escape seems very strange, would it be in compliance with building and fire egress regulations for catering establishments?

Response: The site formally hosted a building. There is therefore no fundamental concern that appropriate arrangements cannot be made to service the building. Regarding waste arrangements, a condition has been recommended for full details. Should additional plant be required, that is

materially different to the details proposed, either a variation or additional application would be required. In regards to compliance with building and fire egress regulations, this matter would be considered at Building Regulations stage or via other regulation.

- Historic England states that changes to the environment must be considered - noise, light pollution, urbanization, access etc, along with physical changes to the asset; many of these considerations have been ignored.
- Previously, when the pub was situated on the site, there was a significant problem with litter. It would seem highly likely that this will become a problem again.

Response: With appropriate site management by the applicant and/or council as land owner this is not considered a fundamental concern that would weigh against the proposal.

- Concerns over the amenity of the proposed accommodation which is considered poor. This will make it unattractive to use that will harm the site's viability.

Response: The amenities of the proposed guest rooms may be limited by their lack of a view over the existing earth mounds; however, the applicant has advised that these rooms would double as seminar and breakout meeting spaces, and – should they be used for overnight stays – guests are likely to primarily be customers of the restaurant/café/bar. The applicant's intention is not to create a destination hotel.

- The area has been without a building for so long it should now be left for nature that has already started to take over. The environment should be left natural for people to enjoy. If a small building was to be built containing toilets and a small cafe for visitors I would not object to but it is a historical area and a large modern building built only for profit is not essential and would be out of place.
- A far simpler solution is required, potentially involving licensing of 'pop-up' mobile venues (for busy times of the year) and installation of porta-loos secured at the time the security gate is locked and re-opened. These days, information on personal mobiles is what visitors expect - which could be produced using material held in Tolson Museum.
- This proposal is not the only option. It is not the most practical solution, and it reintroduces questions around the whole harm vs benefit debate, Health & Safety, viability, deliverability and a host of other risks (inappropriate for a community benefit venture).

Response: These comments are noted. Officers are assessing the proposal as submitted and cannot comment on potential alternative schemes. For the reasons set out within this assessment, the development as proposed is considered to be acceptable.

10.166 In regards to comments from members, as detailed in paragraphs 7.8 – 7.10, it is considered that the points and concerns raised have been addressed throughout this report and in response to the above representations.

11.0 CONCLUSION

- 11.1 The application site is the subject of several designations in the Local Plan which, together with the site's prominence (in terms of visibility, its local significance and status, and its role in the consciousness local people), constitute significant constraints on development. Most importantly in terms of designations, the site is within the Green Belt, is part of a Scheduled Ancient Monument, and is within the setting of a listed building.
- 11.2 The proposed development is inappropriate in, and is by definition harmful to, the Green Belt. The proposed development would also harm the setting of heritage assets, and would introduce main town centre uses to a site outside a defined centre. However, the public benefits of the proposed development (including in relation to the provision of WCs and an interpretation room) detailed within paragraphs 10.25 to 10.35 carry sufficient positive weight in the planning balance to outweigh this harm and non-compliance with relevant planning policies. NPPF paragraph 153 has been adequately addressed, as all harm resulting from the proposal is clearly outweighed by other considerations.
- 11.3 The design of the proposed development is considered acceptable, as are the applicant's proposals in relation to access and parking, and other relevant matters have been sufficiently addressed or can be addressed at conditions stage.
- 11.4 The proposed development is largely the same as that approved under application 2018/93591. National government expects Local Authority decisions to be consistent in their assessment and decision. A Local Planning Authority should only depart from past decisions if cogent reasons exist.
- 11.5 The proposal's differences to 2018/93591, as detailed in paragraph 2.4 – 2.6, are minimal. Furthermore, there have been no recent changes in the local environment that would impact the assessment made. In terms of policy, the Local Plan 2019 remains the same Development Plan as when 2018/93591 was determined. While aspects of the Local Plan are now considered out of date, none of those are of principal relevance to the current application. The National Planning Policy Framework has gone through several revisions, however, none of the changes are considered to affect the assessment of the current proposal.
- 11.6 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.7 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS

- 12.1 With the exception of conditions 8 and 26, the following draft recommended conditions are a repeat of all but one of the conditions imposed on the previous permission referenced 2018/93591. They have, however, been re-ordered, to comply with current guidance on the order of conditions, and updated where necessary.
- 12.2 Condition 8 is a new condition, for the reasons set out in paragraph 10.444, and its inclusion reflects modern practice. Condition 26 requires the submission, approval, and implementation of a car parking management plan, in accordance with K.C. Highway's recommendations.
- 12.3 Previous condition 29 has not been repeated as originally imposed. This condition required that a strategy for 10% biodiversity net gain be submitted, approved, and implemented. Such a dedicated condition is no longer required because, as set out in paragraphs 10.146 – 10.151, its function has been replaced by the Biodiversity Gain Plan condition automatically imposed on all non-exempt development by the Environment Act 2021. A standard informative note relating to this is, however, recommended.

Draft conditions

1. The development hereby approved shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Any imported soil used in the construction or landscaping of the development hereby approved shall be archaeologically sterile.

Reason: To ensure the archaeological interest of the site is not diluted or contaminated and to accord with policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

4. In the event that contamination not previously identified prior to the approval of this planning permission is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

Prior to development commencing

5. Prior to the commencement of development (including ground works), details of the treatment of Public Rights of Way in and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include levels information, and details of construction, surface materials, and drainage. The development hereby approved shall be implemented in accordance with the approved details and the Public Rights of Way shall be maintained in that manner thereafter. Unless otherwise agreed in writing by the Local Planning Authority, until such time as the legal diversion of the Public Rights of Way have been formally confirmed and the approved diverted routes have been completed, the existing line of the Public Rights of Way shall remain available for use.

Reason: To ensure diverted and otherwise affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

6. Prior to the commencement of development hereby approved, a written scheme of archaeological investigation (WSI) shall be submitted to approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of (a) competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

The development shall be carried out in accordance with the WSI so approved.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework. This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

7. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include:

- pre-development road condition surveys (the extent of which shall be agreed in writing with officers prior to the surveys being carried out);
- condition surveys of the passing places referred to in condition 8 (once constructed);
- a timetable of all works;
- details of any phasing of development
- details of point(s) of access for construction traffic;
- details of construction vehicle sizes and routes;
- times of construction vehicle movements;
- details of parking for construction workers;
- details of construction-phase signage;
- details of wheel washing facilities within the site;
- details of dust suppression measures;
- hours of works;
- details of measures to control noise and vibration from construction-related activities;
- details of any artificial lighting to be used during construction; and
- details of any additional measures required in relation to cumulative impacts (should construction be carried out at other sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys (including surveys of the passing places referred to in condition 8) and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out no less than six weeks following the completion of all construction works related to the development.

Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

8. Development shall not commence until (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities, to be informed by an up-to-date ecological assessment;
- b. Identification of “biodiversity protection zones”;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

9. Prior to the commencement of development, a scheme detailing passing places (as shown indicatively on drawing 005 rev. A), traffic calming, and associated works to the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, details of surface finishes and any white lining and signing, an independent safety audit covering all aspects of this work, details of the delivery of the scheme under an appropriate Section 278 approval, and details of the adoption of the scheme under an appropriate Section 38 approval. The scheme shall include all aspects of temporary traffic management, a schedule of works, and safety arrangements for all users of the public highway. Unless otherwise agreed through a Discharge of Condition application all construction work shall be carried out in accordance with the approved scheme. Unless otherwise agreed through a Discharge of Condition application, no works shall commence on the development hereby approved prior to the completion of the passing places in accordance with the approved scheme and the restaurant/café/bar use hereby approved shall not be brought into use prior to the full implementation and adoption of the approved scheme (including the carrying out of any repair to the passing places caused by damage during construction and deemed necessary by the Local Planning Authority).

Reason: To ensure adequate access is provided to the development hereby approved, in the interests of highway safety and amenity, to encourage the use of sustainable forms of transport, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24, LP35 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

10. Development shall not commence until a scheme detailing foul water, surface water and land drainage (including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and details of any existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance and management plan for surface water infrastructure. The development hereby approved shall not be brought into use until such approved drainage scheme has been provided on the site to serve the development and the drainage scheme shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

11. Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development hereby approved and shall be retained throughout the lifetime of the development.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

Prior to the commencement of superstructure works

12. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the development hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of management measures and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, to assist in achieving sustainable development, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Prior to the commencement of superstructure works, details of secure, covered and conveniently-located cycle parking for use by staff of and visitors to the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of superstructure works, details of interpretation boards to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed interpretive text and images, details of materials, and details of maintenance and measures to deter vandalism. The interpretation boards shall be installed prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring the public benefits of the development are secured, in the interests of visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

15. Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use prior to the full implementation of the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer and more secure location, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples (including a stonework sample panel, demonstrating laying pattern and mortar depth) shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Prior to the commencement of superstructure works, details of the roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm sheet sizes and laying pattern, and shall include details of seams, fixings, eaves, flashing, rooflight detailing and chimney detailing. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of superstructure works, details of the windows and rooflights of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations drawn at 1:20, sections/plans drawn at 1:5, details of opening mechanisms and details of measures to reduce glare and light pollution. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Prior to the commencement of superstructure works, notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of any boundary treatments, and any retaining walls and structures, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Prior to the commencement of superstructure works, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of amenity, crime management, ecological protection, visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24, LP30, and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any planting that is removed, dies or becomes diseased or damaged within the first thirty years from completion (in which case, the planting shall be replaced in the first available planting season with (a) specimen(s) of the same species and size as the original planting);
- A Landscape and Ecological Management Plan (LEMP); and
- Details (including samples, if requested), of paving and other hard surface materials.

No part of the development hereby approved shall be brought into use until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24, LP30, LP32, LP33, LP35 and LP47 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

Prior to specific trigger

22. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include one Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated parking spaces. The development hereby approved shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure staff of and visitors to the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

Prior to use

23. In the event that condition 4 requires the submission of a Remediation Strategy, following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy and a Validation Report in respect of those remediation measures has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

24. The restaurant/café/bar use hereby approved shall not be brought into use until the WCs and interpretation room are fully operational and open to the public in accordance with a management plan to be submitted to and approved in writing by the Local Planning Authority. The WCs and interpretation room shall thereafter be open to the public and managed in accordance with the management plan so approved.

Reason: In the interests of ensuring the public benefits of the development are secured in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

25. Prior to the development hereby approved being brought into use, details (including construction details and specifications, and details of surfacing, edging and drainage) of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the details so approved prior to the development hereby approved being brought into use, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

26. Prior to the hereby approved development being brought into use, a car park management plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details of the supervision and marshalling of the car park at peak times on a weekend. The plan so approved shall be implemented before the development is brought into use and retained thereafter.

Reason: To ensure due regard is given to the planning and implementation of appropriate parking management, in the interests of highway safety, in accordance with LP21 and LP22 of the Kirklees Local Plan.

Ongoing requirements

27. The restaurant/café/bar use hereby approved shall not be open to customers outside the hours of 08:00 to 23:00 on any day of the week.

Reason: To ensure that the restaurant/café/bar use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

28. The development hereby approved shall not be used for wedding receptions or other functions without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

29. School classes and other groups travelling to the site by coach shall only visit the site on Mondays to Fridays, and shall not visit by coach on Saturdays or Sundays.

Reason: In the interests of highway safety and amenity in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

30. On Saturdays and Sundays the total number of restaurant/café/bar customers (including customers using the outdoor terrace) shall at no time exceed 70 without the prior written approval of the Local Planning Authority, and all customers shall pre-book online.

Reason: In the interests of highway safety and amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Other than where indicated on the drawings hereby approved, no external plant, signage, cables, plumbing, foul pipes, vents, burglar alarm boxes, satellite dishes, CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

Background Papers

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/93494>

Certificate of Ownership

Notice served on:

- Kirklees Council
- Historic England

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 19-Feb-2026

Subject: Planning Application 2025/92728 Erection of 33 dwellings with associated car parking and landscaping land at, Dowker Street, Milnsbridge, Huddersfield, HD3 4JU

APPLICANT

Mr Dulson, Westshield

DATE VALID

21-Nov-2025

TARGET DATE

20-Feb-2026

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- **Management and Maintenance:** The establishment of a management company for the purpose of maintaining the shared green open spaces (including ecological management), the private parking areas and infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- Facilitate the implementation of a TRO for the sum of £10,000.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission for 33 dwellings with associated access and landscaping. The application is a re-submission (with amendments) of 2023/92490 which was for 35 dwellings. The re-submission is a result of the previous permission being unimplementable due to site constraints.
- 1.2 The application is presented to Strategic Planning Committee due to the development not providing all of the planning contributions required in line with local and national planning policy. In this case, the scheme would provide 100% affordable rent properties.
- 1.3 A viability appraisal has been submitted which is consistent with the documents submitted under application 2023/92490.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a brownfield site (approximately 0.52 hectares) that was previously used for industrial purposes. The site appears to have been vacant since circa 2007 and is in a derelict condition.
- 2.2 The site is of an irregular shape, with land levels falling slightly from north to south. An open culvert also runs underneath the site and the large majority of the site falls within Flood Zone 2.

2.3 Surrounding the site are predominantly residential properties, however, there are some industrial premises nearby on George Street. Immediately opposite the southeastern corner of the site on the junction with Dowker Street and George Street is a listed building known as Milnsbridge House (Grade II*). The site is also within the Milnsbridge Conservation Area and is directly adjacent to Milnsbridge Local District Centre.

3.0 PROPOSAL:

3.1 The applicant seeks full planning permission for the erection of 33 dwellings.

3.2 A new access is proposed onto Dowker Street from the eastern boundary at the application site. Internally, a new road would be provided, with private parking areas (outside of domestic curtilage) extending along the eastern site boundary.

3.3 The dwellings would be arranged mostly along the perimeter of the site, with two larger terraced rows accessed along the eastern elevation, with a mix of a shorter terraced row and semi-detached dwellings within the site. One detached building is proposed to face onto Armitage Road which would accommodate three flats.

3.4 Nine different house/cottage flat types have been proposed, which would provide 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1-bed apartments and 7x 2-bed apartments). Materials proposed include natural stone and re-constituted stone with roof tiles.

3.5 There would be the parking equivalent of 1.1 space per dwelling. This is discussed in greater detail in the highway section of this report.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

2007/93016 Erection of 41 dwellings (12 houses and 29 flat) and a block of four garages – Refused.

2011/90822 Conversion of existing factory building to three town houses, and the erection of 31 dwellings and two apartments with associated parking and demolition of remaining factory buildings – Granted.

2011/90823 Conservation Area Consent for demolition of factory premises – Granted.

2015/92481 Discharge of conditions 3 (landscaping scheme), 7 (site investigation report), 13 (drainage) and 19 (storage and access for collection of wastes) of previous permission 2011/90822 – Approved.

2023/92490 Erection of 35 dwellings with associated access and landscaping – Approved (subject to Section 106 agreement).

4.2 Pre-application advice

2023/20429 Pre-application enquiry relating to residential development – Comments made.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers requested alterations to the location of plots 1-3 on the northern boundary of the site.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site is unallocated on the Kirklees Local Plan but is situated within Milnsbridge Conservation Area and is adjacent to the Grade II and II* Listed Buildings known as 8 and 8a Dowker Street and Milnsbridge House.

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic Environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

6.4 Supplementary Planning Guidance / Documents:

- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

6.5 Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Streets Principles for the West Yorkshire Transport Fund (2017)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Viability Guidance Note (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

6.6 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16/12/2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.7 Relevant National Guidance and Documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

- 6.8 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.9 On the 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development, as a development within a conservation area and as a development affecting the setting of a listed building.
- 7.2 The application has been advertised via site notices and a press notice. Final publicity expired on 20/01/2026.
- 7.3 As a result of the above publicity, no representations have been received from local residents.

Ward Members:

- 7.4 Ward Members have been notified of this application, however no formal comments have been received.

8.0 CONSULTATION RESPONSES:

- 8.1 The Environment Agency: No objections subject to conditions being imposed on the application relating to no development, storage of materials, equipment or plant, or tracking of plant, or other works in areas within 8 metres of the extent of the Longwood Brook culvert, until an up to-date culvert condition survey of Longwood Brook, running beneath the development site, has been submitted to and approved by the Local Planning Authority and a post works condition survey is completed. Guidance has also been provided on the Biodiversity Net Gain within the culverted watercourse.

KC Lead Local Flood Authority: Comments provided which will be discussed in further detail below.

- 8.2 Non-statutory:

KC Environmental Health: In support of the application subject to conditions regarding contamination and noise and a construction environmental management plan being attached to the decision notice in the case of an approval.

KC Waste Strategy: The proposals are considered to be acceptable by the Waste Collection Authority subject to the recommended conditions relating to pre-occupation waste strategy, phased occupation waste management and bin storage maintenance.

KC Conservation and Design: No comments provided.

KC Trees: No objection from a tree perspective.

KC Strategic Housing: As the proposed development is for 100% affordable housing, no First Homes are required for this development.

KC Landscape: In support of the application, subject to a condition requiring the management and maintenance of the on-site green open space (for biodiversity).

KC Highway Structures: No objections subject to conditions being attached to the decision notice.

KC Policy: No comments received.

KC Ecology: No objections subject to conditions.

KC Education: No education contribution is required.

KC Highway Development Management: No objection to the proposal, subject to conditions.

Yorkshire Water: No objection subject to conditions

West Yorkshire Archaeology Services: There are currently no known significant archaeological implications associated with the development.

West Yorkshire Police Designing Out Crime Officer: No objection subject to a condition requiring security measures for the site.

Northern Gas: No comments received. The developer should make contact with Northern Gas to discuss their requirements in detail.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Other matters
- Representations
- Planning obligations and viability

10.0 APPRAISAL

Land use and principle of development

Residential development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020 to March 2023) has fallen below the 75% pass threshold.
- 10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 10.4 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers’ assessment.
- 10.5 The site comprises a vacant parcel of brownfield land within a predominantly residential area. The site has also previously received consent for the conversion of the then-existing factory building to three town houses, the erection of 31 dwellings and two apartments and the erection of 35 dwellings which can be afforded some weight.
- 10.6 The 33 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan, which carries positive weight in the balance of planning considerations. Substantial weight must also be given to the presumption in favour of sustainable development (applying the ‘tilted balance’) unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.
- 10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities would only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. This is supported by policy 4 of the Housebuilders Design Guide SPD.
- 10.8 In this instance, the site area is 0.52 ha and would therefore achieve a density of 63 dwellings per hectare. Whilst this is significantly over the 35 dph target, the site includes a large number of flats and also takes cues from existing adjacent development, which includes close knit terraced properties. It is also noted that the site is very accessible and is close to a wide range of local facilities in the adjacent centre, and to public transport facilities. These considerations also help justify the proposed density.

- 10.9 With these matters taken into consideration, the density can be supported, particularly given the development would provide a high quantum of much-needed housing within Milnsbridge.
- 10.10 Regarding housing mix, Local Plan policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the council's Affordable Housing and Housing Mix SPD (March 2023). However, it must be noted that the council's SPD was adopted after the initial discussions relating to the housing density and mix at this site was discussed with officers as part of application 2023/92490. Therefore, a pragmatic approach has been undertaken and full adherence to the SPD is not expected.
- 10.11 In this instance the development would provide 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1-bed apartments and 7x 2-bed apartments). KC Strategic Housing have confirmed this to be acceptable.

Minerals

- 10.12 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Sustainability and climate change

- 10.13 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area.
- 10.14 The supporting statement submitted with the application suggests that the development would be fitted with air source heat pumps and PV arrays for each property. However, details of these have not yet been confirmed. Additional details have been provided in relation to reducing the impacts on flooding and to increase biodiversity net gain.

Urban Design issues

- 10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) where paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 10.16 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.17 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*.
- 10.18 Paragraph 130 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 10.19 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals would be expected to respect and enhance the local character of the area by:*
- *Taking cues from the character of the built and natural environment within the locality.*
 - *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
 - *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*
- 10.20 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*
- 10.21 Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.
- 10.22 In this case, the site is situated within Milnsbridge Conservation Area and directly opposite the Grade II* listed Milnsbridge House and the Grade II listed buildings known as 8 and 8a Dowker Street.
- 10.23 Therefore, Section 72 of the Planning (Listed Buildings and Conservation Area) Act (1990) is relevant. This places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Milnsbridge Conservation Area when determining this application.
- 10.24 Furthermore, when making a recommendation in respect of a planning application affecting the setting of a Listed Building, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”*.

- 10.25 Local Plan policy LP35 further outlines that proposal which affect designated heritage asset should preserve and enhance the significant of the asset. More specifically in cases likely to *“result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment”*.
- 10.26 The site was developed from the mid-19th century onwards, with terraced houses and works buildings, and a Liberal Club on the southeast corner (later a telephone exchange). The 1965 OS map shows that the works building had extended across the entire proposal site and was set close to the site boundaries. Other than the terraces on the northern site boundary which have small front gardens, all other buildings within the site perimeter faced directly onto the streets with none or very little amenity space at the front. This is characteristic of the workers’ housing and commercial/industrial buildings within the Milnsbridge Conservation Area.
- 10.27 The site is currently a vacant brownfield site, free from any previous built form. The development would bring this previously-developed site back into use. The current timber boarding that encloses the site would be removed.
- 10.28 The proposed layout reflects the existing character along George Street, Dowker Street and Armitage Road, as two rows of terraced properties are proposed adjacent to the highway on the eastern elevation. Whilst this layout may not be a typical arrangement for new housing sites, there is a clear character within this area and the proposed built form (which reflects that character) is supported. Additional accommodation that is a mix of shorter terraced rows and semi-detached dwellings is proposed within the site, along with a detached building facing onto Armitage Road. Whilst this building would differ in its appearance to the existing development along Armitage Road, the stand-off distance for the culverted watercourse that runs beneath the site has dictated the amount of development that can be achieved within this area, and the footprint of this block. Its design, however, gives the appearance of two small semi-detached properties and therefore, when taking into account the above, the design of this building is supported.
- 10.29 Adequate space between dwellings has been proposed, albeit officers note that this is slightly less than the typically required separation distances. However, the existing character for this area allows an exception to the normally-applied distances. Where possible, driveways are proposed to the side of dwellings, along with some in-curtilage parking. The design requirements of the scheme consider existing cues from nearby properties but as a result of this, some of the parking proposed would be within the highway layout, outside of domestic curtilage. Whilst this is not ideal, the greater benefits of having the layout with the dwellings fronting the highway outweighs the harm. The out of curtilage parking areas would also be landscaped to help alleviate any concerns of large areas of hardstanding.
- 10.30 The scale and overall form of the dwellings, with stepped roof lines, reflects the typical form of the terraced dwellings in this area, and officers support the principle of two-storey dwellings on the Dowker Street and George Street elevations as these would be subservient to Milnsbridge House. Plots 1-3 (within the detached building) to the northern edge of the site facing onto Armitage Road would, however, be three-storey to the rear elevation to take into account the slight change in levels within that area of the site. This is

supported as the front elevation would appear two storey in-keeping with the character of the area. The street scene elevations provided show that the development would be of an appropriate height for the area and would be stepped (where necessary) to take into account topography.

- 10.31 Regarding architectural form, the proposed dwellings would have a typical modern vernacular and would benefit from gable roofs to keep in with the character of the area. Front elevations mostly have elongated windows with lintels which is reflective of the historic character of the area. Some horizontal three light windows are proposed on Dowker Street, and it is accepted that although these do not reflect the surrounding character, the internal layout of the kitchens in these flats makes a tall one over one window difficult to achieve and therefore officers accept this design on balance. Panelled doors are proposed to reflect the character of the 19th century terraces. These details are therefore accepted in principle, however a condition requiring details of the windows and doors would be required.
- 10.32 To the rear, each unit whether that be flat or dwelling would benefit from outdoor amenity space. For the houses, individual private gardens are proposed Private and the flats would have shared gardens to the rear. The wider site would have green space to the front of the buildings and to key views into the site which are a positive addition.
- 10.33 The plans show cottage types 1, 3 and 4 and plots 9 to 13 to be constructed from natural stone to their front elevations and gables with stone heads and cills. This is due to these units being within prominent locations within the site, adjacent to the heritage assets. Cottage flat type 2 (the building which would front onto Armitage Road) is still proposed to be constructed from reconstituted stone. In this case, this dwelling should be constructed from natural stone to its front and gable elevations, as it would face onto the highway and would be read alongside the existing dwellings in the street scene which are constructed from natural materials. It is recommended that this change in material be secured by an appropriately worded condition.
- 10.34 The remaining plots/elevations would be constructed from reconstituted stone as they would be located within a less-sensitive and less-prominent location further into the site. Whilst officers would prefer to see all the dwellings constructed from natural materials, the costs associated with this have been noted, which is a consideration especially as the scheme would be provided by a non-profit organisation for affordable housing. Grey roof tiles are specified, however natural or artificial blue slate would be preferable to match the surrounding buildings and to enhance the character and setting of the conservation area and nearby listed buildings. This is considered reasonable given the sensitivity of the site and therefore a condition to this effect has been proposed.
- 10.35 PV panels are proposed within the front and rear roof pitches of the buildings. Whilst officers have no concerns about PV panels being located on pitches facing into the site, concern is raised regarding any to the outer pitches (i.e. to front onto George Street, Dowker Street or Armitage Road) unless they are integrated into the surface of the roof slope. As no additional information has been received in this respect a condition would be required on the decision notice in the case of an approval, securing details of the arrays to be submitted for approval, including solar panel type and location. No details have been provided for the air source heat pumps and therefore their details, size and locations would also need to be secured via a condition. These installations would need to be located to the rear elevations of the buildings.

- 10.36 Limited information regarding the proposed boundary treatments has been provided and therefore, the council would require full details of all boundary treatments, fences and walls at conditions stage, prior to the commencement of development.
- 10.37 In conclusion, it is considered that the details provided within this full planning application demonstrate that the development has been designed to sympathetically respond to the local character, with the use of traditional materials where possible, and through the use of elevational detailing. It is considered that the proposal development complies with the council's guidance documents for residential developments and would bring a current vacant brownfield site back into use.
- 10.38 Furthermore, given the principle of the scheme has previously been agreed and amendments were sought during application 2023/92490 to ensure the development had an acceptable design (including in relation to scale, grain, orientation and materials) which have largely been implemented into the current application, it is considered that there would be no undue harm to the significance of the aforementioned heritage assets. The public benefits of the scheme (which would provide 100% affordable units to help meet known needs) are again noted.
- 10.39 Given the above assessment, it is considered that the relevant requirements of Chapters 11, 12 and 16 of the NPPF and policies LP2, LP7, LP24 and LP35 of the Kirklees Local Plan would be sufficiently complied with, as would Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Area) Act (1990). The scheme also complies with the guidance set out within the council's Housebuilders Design Guide SPD.

Residential Amenity

- 10.40 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable windows that face onto windows of non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
 - For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.
- 10.41 In addition to this, paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.42 Principle 16 of the Housebuilders Design Guide SPD seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the Nationally Described Space Standards document (March 2015). Principle 17 of the SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

10.43 The site is situated within a wider mixed use area, however, residential properties immediately border the site to north, east, south and west.

88 George Street

10.44 This property is situated to the southwest of the application site and immediately adjoin the site. Officers have noted that the nearest plots to these neighbours would be the flats proposed as plots 29 and 30. The submitted plans show that there would be habitable room windows proposed within the western elevations of plots 29 and 30, however, the residential properties would be separated by car parking and an area of green space, which would provide an adequate separation distance (of approximately 19m). 88 George Street does not benefit from any existing side openings, and has a large brick wall to its rear amenity space. For these reasons, officers are satisfied that the development would have no undue impact on these neighbours amenity with regards to overbearing, overshadowing or overlooking.

52-86 Market Street

10.45 Most of these buildings appear to be within a commercial use, other than 64, 68, 78 and 78a, 80a and 84 Market Street which include residential flats, either occupying the entire building or the upper floors. Nonetheless, the site has been designed to ensure that there would be adequate separation distances to this western boundary. For instance, plots 1-3, 4 and 30 would be the nearest properties to these existing buildings, whereby significant separation distances are proposed. Plots 1-3 would be 16.9m away from the western boundary of the site, plot 4 would be 19m, plot 31 would be 20.6m. As such, officers are satisfied that there would be no detrimental overbearing, overshadowing and overlooking to these neighbours amenity.

119 - 129 and 135 Armitage Road

10.46 Plots 1-3 (on the northern boundary of the site) would be located adjacent to the boundary of 129 Armitage Road. Alterations have been made to the scheme during the life of the application so that plots 1-3 would only extend a marginal distance beyond the rear elevation of 129 Armitage Road. It is considered that the marginal projection when coupled with the orientation of the properties would prevent any significant overshadowing/loss of light or overbearing impacts for the occupiers of 129 Armitage Road.

10.47 Plots 4 to 8 would have a back-to-back relationship with 119-129 Armitage Road. The proposed site plan shows that separation distances of between 18m and 20m would be proposed. Whilst this is a limited shortfall (noting the 21m identified within the council's Housebuilders Design Guide SPD), it is noted that the application site is on a slightly lower level and may help create more privacy for the residents of the existing and proposed properties. Therefore, on balance given the character of the area and the close knit development, officers support this reduced separation distance and are satisfied that there would be no undue loss of amenity from overbearing, overshadowing or overlooking at these neighbours properties.

10.48 135 Armitage Road is a commercial property.

15 Dowker Street

- 10.49 This dwelling is located to the north of the proposed plot 9. These neighbours would have a side-to-side relationship and would be separated by the driveway for plot 8. No side openings currently existing within the southern side elevation of 15 Dowker Street, with only a bathroom window proposed within the northern side elevation of plot 9. This would be fitted with obscure glazing and therefore would not lead to any undue overlooking. Plot 8 would also extend slightly further back than 15 Dowker Street, however, the separation distance to allow for the car parking would ensure that there would be no material overbearing and overshadowing upon these neighbours' amenity. As such, this relationship is considered acceptable.

8 Dowker Street and Milnsbridge House

- 10.50 Plots 13-24 (the first and ground floor flats) would be situated adjacent to 8 Dowker Street and Milnsbridge House which are both have a residential use (whether currently occupied or not). There would be approximately 12m between the proposed plots and these neighbours front elevation. Officers note that this is a reduced separation distance, however, given the existing character of the area, there is already a precedent for close-knit development. The highway which runs between these properties would also provide a buffer and therefore, officers support this relationship, as it is unlikely to give rise to any material overbearing, overshadowing or overlooking.

23 – 41 George Street

- 10.51 Plots 23-30 would be situated directly opposite 23 to 41 George Street which are located to the south of the site. As mentioned above, the separation distance between these properties would be slightly below the typical requirement, at approximately 14m. This is deemed acceptable given the context and character of the area. In addition, the public highway which runs between these properties would also provide a natural separation. As such, officers are satisfied that this relationship would not give rise to any detrimental overbearing, overshadowing or overlooking.

Amenity of the future occupiers

- 10.52 Consideration must also be given to internal separation distances and the amenity of the future occupiers. In this case, the internal separation distances are considered to be acceptable, as gardens, open green spaces and the highway would separate the built form. The closest separation distance would be between plot 31-33 and plots 25 to 30 at 15.4m, however, as mentioned above this is typical for development in this area.
- 10.53 Each unit would meet the Government's Nationally Described Space Standards and would provide a dual aspect for all residents with regard to outlook, privacy and light. Therefore, the proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Housebuilders Design Guide SPD and the aims and objectives of policy LP24 of the Kirklees Local Plan.

Landscaping

- 10.54 The proposed private gardens are considered commensurate in scale to their host dwellings. They would offer good separation and space about dwellings, whilst offering private amenity space for residents, securing a high standard of visual and residential amenity.
- 10.55 Outdoor amenity green space is also proposed for the occupiers of the flats and to the north and south of the parking area there is additional open space. This would provide some outdoor space for the residents to enjoy and would also act as a natural buffer to help break up the large areas of hardstanding within the site. The landscaping plan, however, shows the green space adjacent to the car parking to improve biodiversity net gain.

Highway issues

- 10.56 Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location, that safe and suitable access to the site can be achieved for all users, that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.57 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.58 The applicant proposes to utilise the existing access point onto Dowker Street.
- 10.59 The proposed site plan shows one central road into the site, with private parking areas extending to the north and south.
- 10.60 With regard to on-site parking, it is noted that there would be an overall shortfall as general guidance states that 2- and 3-bedroom dwellings should have two parking spaces each. In this case, a least one off street parking space has been provided for each unit. This has been considered acceptable on balance, given that the site is within a sustainable location on the edge of Milnsbridge Local Centre, with access to shops and amenities within walking distance. In addition, it is again noted that the design of the layout (which would ensure that it is in keeping with the character of the local area, to help preserve the setting of the Milnsbridge Conservation Area and nearby listed buildings) has informed the on-site parking proposals.
- 10.61 Swept paths have been demonstrated to show that a refuse vehicle can enter, exit, and turn within the site. This is considered to be acceptable. Visibility from the site access can also be supported, 2.4m x 43m and will be secured via

condition. No boundary wall is proposed in front of the dwellings and the access will be hard surfaced at the same level of the footway to keep visibility splays clear of obstructions. KC Highways have recommended a condition to secure the visibility splays.

- 10.62 The proposed site plan demonstrates several locations for bin stores within the site, Final details of the bin stores should be conditioned to ensure that they are of an appropriate size and design. Details of temporary arrangements for bin collection would be secured by condition. This is considered satisfactory by the Waste Collection Authority.
- 10.63 A revised stage one safety audit has been provided accordance with GG119 for the revised site layout, the findings of this are to be agreed in more detail should a committee decision be made, it is suggested that this be dealt with via delegation back to officers to ensure compliance with policy LP21 of the Kirklees Local Plan and aims of the Highway Design Guide SPD and National Planning Policy Framework.
- 10.64 KC Highways Structures have also reviewed this planning application, raising no objection subject to conditions being applied regarding any new retaining walls adjacent to the highway, details of any drainage within the adopted highway and the proposed design and construction details for the reconstruction/strengthening of culverted section of Longwood Brook within the highway footprint.

Flood risk and drainage issues

- 10.65 Chapter 14 of the NPPF and policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.
- 10.66 The application has been submitted Flood Risk Assessment which has been reviewed by KC Lead Local Flood Authority (LLFA) and the Environment Agency (EA). The EA has confirmed they are satisfied with the details provided subject to recommended conditions.
- 10.67 Officers are satisfied that the layout can provide a safe flood route for both a culvert and surface water blockage (including an exceedance event). This accords with policy LP28 of the Kirklees Local Plan.
- 10.68 The submitted drainage plans show space for water storage within the site, the proposed methods of attenuation would include crate storage. In this instance the LLFA have raised concerns with the scheme in relation to the attenuation details on site. Officers note the previous application on site whereby two conditions were recommended, one being for full drainage details, to ensure the location of the attenuation create can be achieved and is not too close to the culvert's easement. The second condition would require a management and maintenance plan for the crate storage and ensures that it would be replaced every 25 years, unless further certifications for its lifespan can be provided. This storage would be required to be privately managed and maintained by the developer/management company, unless this drainage feature is adopted by Yorkshire Water under a Section 104 agreement. Officers consider that this approach has both previously and recently been agreed on site and therefore consider it a reasonable method in this instance.

Sequential test

- 10.69 The site is partially located within Flood Zone 2, which triggers the requirement of a sequential test. Paragraph 174 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”*.
- 10.70 Paragraph 003 of the relevant Planning Policy Guidance (Flood Risk Coastal Change) states that *“when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere”*.
- 10.71 A sequential test was previously submitted under application 2023/92490 and has been re-submitted under this current application. It has not been considered reasonable or necessary to request an updated sequential test in this instance due to the applications being received in quick succession and the previous permission still being extant. As part of the previously-agreed sequential test, a smaller area of search was proposed by the applicant using the council’s latest Strategic Housing Market Assessment (SHMA). This included the Huddersfield Local Market Area. This has previously been considered an acceptable as an area of search as the SHMA sets out the National Housing and Planning Advice Unit housing market evidence showing three local market areas within Kirklees (Huddersfield Local Market Area being one of them).
- 10.72 The submitted sequential test used Local Plan allocations, sites with extant planning consent, previously-expired applications and sites contained on the brownfield register. However, the test did not include windfall sites.
- 10.73 The report concluded by setting out that that there are no sites available that are sequentially preferable to the proposed development site. This site offers a unique opportunity for high-quality affordable housing within a sustainable residential area of Kirklees.
- 10.74 The submitted Design and Access Statement and submitted technical reports clarify how the proposals meet a defined local need. It is significant to note that the proposal relates exclusively to the provision of affordable housing, with a viability assessment having been submitted to show that the site can only be developed for 100% affordable units. Therefore, this has discounted a significant number of sites. Other sites have also been discounted where existing structures/hardstanding would need to be removed along with any associated contamination, as have sites that would require cut and fill and associated earthworks.
- 10.75 As such, officers are satisfied with the sequential test (demonstrating that the proposal for residential development in Flood Zone 2 is justified, as there are no sequentially preferable sites available) as the land is a current vacant brownfield site, just out of the centre of Milnsbridge. It is also again noted that planning permission has previously been granted for development at this site under planning application 2011/90823 granted in November 2012 and more recently application 2023/92490 granted in 2025.

Other matters

Ecological considerations

- 10.76 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.
- 10.77 Furthermore, policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD echo the Local Plan in respect of biodiversity. In addition, there have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions.
- 10.78 An Ecological Appraisal has been submitted with this application, which is has been reviewed by KC Ecology. Officers agree with the currently submitted documents and concur that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be conditioned and produced. The CEMP: Biodiversity would detail protection measures, and pre/during clearance ecology checks for protected species. The report also outlines that “enhancements are easily achievable within the development where the incorporation of native planting, bat, bird and hedgehog nesting boxes are recommended. Inclusion of hedgehog highways and residential information of artificial boxes and hedgehogs are also recommended”. As such, a condition requiring on-site biodiversity enhancements is recommended.
- 10.79 A 10% net biodiversity gain should be demonstrated in accordance with chapter 15 of the NPPF, Local Plan policy LP30, and the council’s Biodiversity Net Gain Technical Advice Note. Achieving biodiversity net gain within an application site is the preferred option.
- 10.80 The applicant has submitted a biodiversity metric calculation which has proposed that 0.58 habitats units, 0.02 hedgerow units, and 0.14 watercourse units are intended to be created post development with very low to medium distinctiveness. KC Ecology has reviewed the details and concur with the findings subject to conditions.
- 10.81 In this case, KC Ecology have confirmed that they are satisfied that the scheme can achieve an on-site 10% net gain which would be secured via a recommended condition requiring a Biodiversity Enhancement Management Plan to secure 0.58 habitat units, 0.02 hedgerow units and 0.14 river units. This would need to be maintained for a period of 30 years.

Trees

- 10.82 Policy LP33 of the Kirklees Local Plan states that “the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment”. This is supported by principle 7 of the Housebuilders SPD.
- 10.83 In this case, KC Trees have confirmed that there are no trees or shrubs at the site that merit retention or proposal. As a result, there is no objection to the scheme from a tree perspective.

Contaminated land

- 10.84 This site has been identified on the council's mapping system as potentially contaminated land due to its former use/s (site reference: 275/9). As such, a Stage II Report and Contamination Remediation Statement has been submitted in support of the application.
- 10.85 In this instance, officers require the Stage I Report (referred to in the Stage II Report) to confirm its validity, post-clearance sampling to confirm the site condition and to inform a revised remediation strategy, clarification regarding changes to site levels, and further commentary on asbestos risk and the depth of clean cover proposed. A Stage 1 report has been provided as of 09/02/2026, however, due to the time constraints associated with the application, officers have not yet had time to assess the details prior to the presentation of the application at committee. As such, full land contamination conditions are recommended at this time.

Noise

- 10.86 The proposals introduce sensitive noise receptors close to potential noise sources. A Noise Impact Assessment authored by Braiden Acoustics Ltd dated 28/07/2023 Ref 11140 has been submitted. Noise monitoring was conducted on 16/06/2023 from a single monitoring position as shown in figure 2 as it was close to George Street and Market Street and close to any potential industrial noise sources at the rear of the commercial units to the west. A summary of the results is given in table 2 with comment made that the noise climate was predominantly road traffic noise, especially at the junction of the George Street and Market Street with no obvious industrial noise from the nearby commercial units during the noise monitoring exercise.

The measured levels are low and as such, no specific mitigation measures are required in order to comply with the internal and external requirements of BS8233 with standard double glazing and close boarded fencing recommended.

Electric vehicle charging points

- 10.87 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of an electric vehicle charging point for each dwelling. Technical details of the chargers to be submitted would be required at the discharge of condition stage. This is to ensure compliance with policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the NPPF.

Construction activities

- 10.88 The site is adjacent to existing residential properties. All reasonable steps must be taken to minimise and mitigate adverse effects from construction-related activities that may lead to a loss of amenity. A Construction Environmental Management Plan (CEMP) was submitted during the life of the application which provides details of the working hours for the site, contact details of site operator, training details, noise control and air quality details. It is recommended that the application be conditioned to be carried out in accordance with the details contained in this document.

Crime prevention

- 10.89 The West Yorkshire Police's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed layout but has requested that a condition requiring security measures be attached to the application in the case of an approval. This would include details of boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage, in accordance with policy LP24 (e) of the Kirklees Local Plan.

Representations

- 10.90 As noted above, no representations have been received in response to site publicity.

Financial contributions and planning obligations

- 10.91 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the relevant tests. They must be: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.92 The following represents a policy-compliant suite of Section 106 obligations for the proposal:
- Affordable Homes: Seven units (6.6 rounded) (albeit the proposal is for 100% affordable housing).
 - Public Open Space (off site contribution): £74,430.69.
 - Management and Maintenance of Public Open Space/drainage.
- 10.93 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site green space and management / maintenance arrangements for the drainage (prior to adoption) and the private parking areas to the north and south of the internal access road.
- 10.94 The applicant has previously provided a viability assessment seeking to demonstrate that the proposal would not be viable if a full suite of Section 106 financial planning obligations were imposed upon them. That assessment related to the previous 35-dwelling scheme, and the current 33-dwelling scheme would generate different outputs were it to be re-assessed. However, although build costs are likely to be reduced by the fact that fewer units are now being proposed on site, so too would the development's gross development value and rental income.

- 10.95 In accordance with paragraph 59 of the NPPF, The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. The applicant's viability assessment has previously been reviewed by an independent viability assessor (Altair) appointed by the council, to advise officers on this specialist subject.
- 10.96 The review of the applicants viability report was undertaken which has been considered as two different scenarios: a fully compliant Section 106 package (including 20% affordable housing (in line with Policy LP11) and the off-site POS contribution of £80,583) and a scheme to deliver 100% affordable housing with no further financial contributions. It is noted that the POS contribution has been reduced as part of this application to £74,430.69 due to the required amounts of each open space typology being reduced in line with the reduced number of dwellings. The applicant's viability assessment for the scheme concluded that it was not viable for them to provide a fully compliant Section 106 package.
- 10.97 Altair reviewed the submitted information and drawn conclusions upon the accuracy of the applications assumptions. In doing this, Altair have used the applicant's residual land value calculation and examined how the applicant's figures compare to industry benchmarks along with current economic factors and evidence. The following table illustrates the key assumptions within the report and how they compared:

Assumption	Applicant	Altair
Open Market Values	£6,695,000	£6,895,000
100% Affordable Rent Income	80% of OMV	80% of OMV
Build Costs	£4,604,819	£4,343,104
Contingency Fees	3.00%	3.00%
Developer's Return (Private Sale)	17.50%	17.50%
Developer's Return (Affordable Housing)	8.00%	6.00%
Professional Fees	8.00%	8.00%
Sales & Marketing Fees	3.00%	2.50%
Sales Legal Fees	£750 pu	£750 pu
S106 / CIL	£80,583	£80,583
Finance Costs	8.50%	7.50%
Programme	Pre Con: 3 mths Construction: 18 months Sales: 2.5 pcm AH Sales: At completion	Pre Con: 3 mths Construction: 18 months Sales: 2.5 pcm (30% sold off plan) AH Sales: S-Curve through construction
Benchmark Land Value	£390,000	£390,000

Table 8 - Summary of Assumptions

- 10.98 Altair's report concluded that the application cannot viably support the normal affordable housing requirement and Section 106 financial contribution when considering industry standard profits (i.e. a 17.5% profit margin). However, their assessment demonstrates that for a not-for-profit developer (who would deliver only the 100% affordable units) the scheme may be feasible, when taking into account current day income and cost assumptions.

10.99 Officers accept this position and agree that the only viable solution for the site would be to deliver it for 100% affordable units, with no other Section 106 contributions to be secured. It has not been considered necessary to re-assess viability in this instance as officers consider that there has not been substantial alterations to the scheme which would result in a different outcome.

10.100 As a response to the consultation response provided by KC Strategic housing, the applicant has confirmed the tenures for the 33 units to be as follows: *“First Choice Homes Oldham in partnership with Westshield will deliver 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1 bed apartments and 7x 2 bed apartments)”*. To ensure this is retained in perpetuity, it is recommended that an appropriately-worded condition to secure this be attached to the decision notice.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

11.2 The site is currently a vacant brownfield site, within an existing residential area, close to the centre of Milnsbridge. A planning permission was previously granted for residential development under application 2023/92490.

11.3 Site constraints include neighbouring properties, nearby heritage assets and a culvert that runs beneath the site. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable, with conditions proposed to ensure that a high quality development would be delivered, to protect the setting of the nearby listed buildings and conservation area. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed and can on balance be supported. Other planning issues such as drainage, contamination, ecology for example have been addressed through the proposal.

11.4 Viability issues have previously demonstrated that the site can only be delivered for 100% affordable dwellings, with no financial contributions towards off-site public open space provision or improvements. The tenure proposal is greatly welcomed as the scheme would provide much-needed affordable units within the area of Milnsbridge.

11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Samples of all walling materials.

4. Notwithstanding the submitted plans, plots 1-3 to be developed from natural stone to the front and gable elevations.
5. Notwithstanding the submitted plans, the roofing materials to include artificial or natural blue slate, including samples.
6. Details of windows and doors.
7. All windows to be set back into the reveal by 100mm.
8. Full details/locations of PV panels.
9. Full details/locations of the air source heat pumps.
10. Full details of boundary treatments.
11. Details of measures to deter crime and anti-social behaviour.
12. Submission of a CEMP.
13. Management and maintenance of green space.
14. Submission of full drainage details.
15. Management and maintenance of drainage features (crate storage/attenuation).
16. Bin store details.
17. Details of temporary waste storage and collection (during construction).
18. Submission of Phase 1.
19. Submission of Phase 2.
20. Submission of Remediation Strategy.
21. Implementation of Remediation Strategy.
22. Submission of Validation Report.
23. Submission of a Noise Assessment and Mitigation Scheme.
24. Details of EVCP's.
25. Permeable surfacing to all vehicle parking areas.
26. Details of any new retaining walls/ building retaining walls adjacent to the proposed adoptable highway.
27. Proposed design and construction details for the reconstruction/strengthening of culverted section of longwood Brook within the highway footprint.
28. Details of any drainage in the highway.
29. Submission of an up to date survey of Longwood Brook.
30. Development in accordance with Affordable Housing Statement.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed.