
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Oct-2020

Subject: Planning Application 2018/93591 Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (within the curtilage of a Listed Building) Victoria Tower, Lumb Lane, Castle Hill, Almondbury, Huddersfield, HD4 6TA

APPLICANT

The Thandi Partnership,
c/o Agent

DATE VALID

31-Oct-2018

TARGET DATE

30-Jan-2019

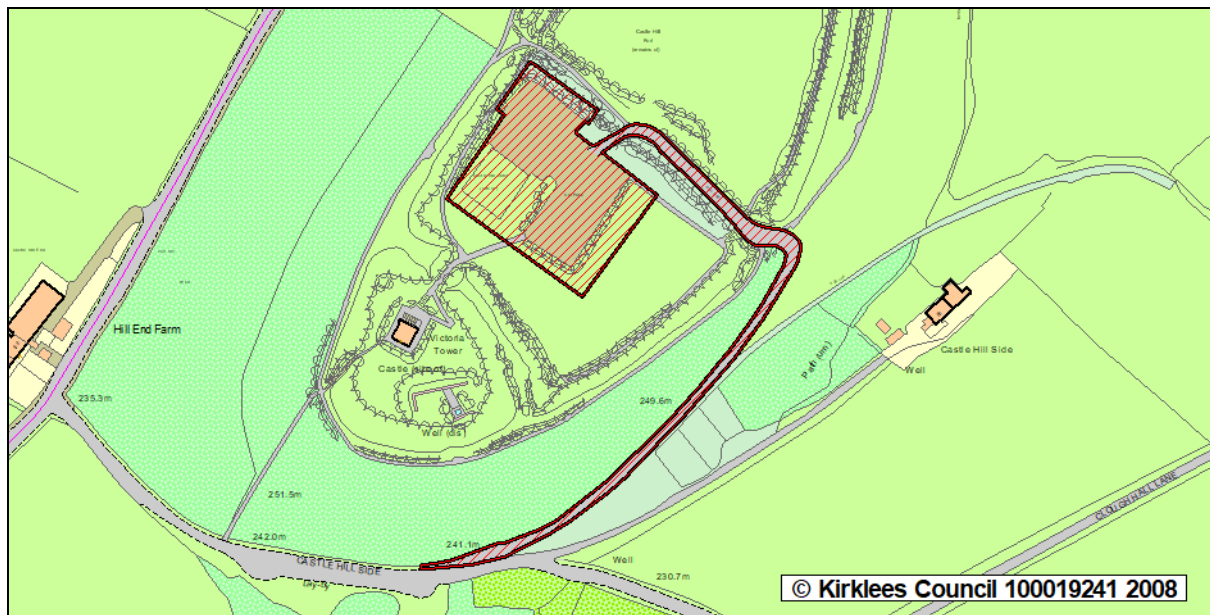
EXTENSION EXPIRY DATE

06-Nov-2020

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

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 implementation of a Travel Plan, and monitoring fees of £10,000.
- 2) Highway works – Creation of passing places and erection of signage to the lane from Castle Hill Side to the car park.
- 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).
- 4) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.

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 mitigation and 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 application for full planning permission is presented to Strategic Planning Committee as the proposed development represents a departure from the Kirklees Local Plan.
- 1.2 A position statement relating to this application was considered by the council's Strategic Planning Committee on 03/01/2019. At that time, the applicant proposed the erection of a two-storey building accommodating a café/restaurant, seven hotel rooms, interpretation facilities, and toilets. The building was to be partly sunken at the lower level, an outdoor terrace was proposed at the upper level, a service area was proposed at the northeast end of the building, and a curved metal roof (with photovoltaic panels) was to top the building and partly overhang the terrace.
- 1.3 Subsequent to that meeting, the proposed development was amended, a second public consultation exercise was carried out by the council, and further representations were received.

1.4 The Ministry of Housing, Communities and Local Government has advised that the Secretary of State (SoS) has received a request to call in the current planning application. The MHCLG is not able to confirm who made the request, however the reasons given for the request were stated as:

- Inappropriate development
- Impact on the green belt
- Development is larger than in previous scheme

1.5 The SoS will make a decision on whether or not to call in the application only if the Strategic Planning Committee resolves to grant permission.

1.6 Should planning permission be granted for the proposed development, the applicant would additionally need to apply to Historic England for Scheduled Monument Consent.

2.0 SITE AND SURROUNDINGS:

2.1 The application site includes part of Castle Hill, a prominent flat-topped hill located to the southeast of Huddersfield and visible from much of the surrounding area. The hill is a Scheduled Ancient Monument (Historic England ref: 1009846). 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.

2.2 The application site is 0.5 hectares in size, and has an irregular shape as it includes the lane that runs up the southeast side of the hill from Castle Hill Side. The site includes the existing informal parking areas, and parts of the adjacent earth mounds. The site was cleared of buildings in 2005.

2.3 The site is within the green belt, a Local Wildlife Site, a Local Geological Site, and an SSSI Impact Risk Zone. The site has little vegetation, and no trees close to the site are the subjects of Tree Preservation Orders (TPOs).

2.4 Public rights of way cross the application site.

2.5 The nearest residential properties are located downhill from the application site, on Ashes Lane, Castle Hill Side and Lumb Lane. The area surrounding the application site predominantly in agricultural use.

2.6 In October 2020, Castle Hill was again awarded a Green Flag in recognition of the high environmental standards and management achieved, and the work of staff and volunteers.

2.7 KC Parks and Green Spaces are currently preparing proposals for a major treeplanting and habitat improvement scheme in the Castle Hill / Stirley Farm area.

3.0 PROPOSAL:

3.1 The application is for full 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. The building would have three storeys: a basement created

entirely beneath the existing ground level, an earth-sheltered lower ground floor (with openings in its grassed berms providing access and views out), and a ground floor fully above ground and berm level.

3.2 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. A 42-space car park (including five disabled parking spaces) is proposed on the land already used for informal parking.

3.3 The applicant is the Thandi Partnership.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2000/91424 – Planning permission granted 11/06/2002 for the 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.

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

4.3 2004/92962 – Deemed application via enforcement appeal for erection of a hotel and the unauthorised excavation of the basement area. Withdrawn 03/02/2005.

4.4 2004/93324 – Planning permission refused 16/12/2004 for rebuilding of public house/restaurant/hotel on the site of the former Castle Hill Hotel.

4.5 2009/93504 – Planning permission refused 18/03/2010 for the erection of replacement bar and restaurant including first floor guest accommodation and other associated works.

4.6 2012/91867 – Planning permission refused 11/10/2012 for the erection of a public house and hotel with associated parking. The reasons for refusal were as follows:

- 1) The proposal is for a new building within the statutory Green Belt which would constitute inappropriate development which by definition is harmful to the openness of the Green Belt. No very special circumstances have been demonstrated to outweigh such harm. As such the proposal would be contrary to the guidance contained in the National Planning Policy Framework, Part 9 "Protecting Green Belt Land".
- 2) It is considered the proposal would lead to substantial harm to the setting of the Victoria Tower (a Grade 2 Listed building). As such the proposal would be contrary to the guidance contained in the National Planning Policy Framework, Part 12 "Conserving and enhancing the historic environment".
- 3) It is considered that the proposal would lead to substantial harm to the setting of the Scheduled Ancient Monument. As such the proposal would be contrary to the guidance contained in the National Planning Policy Framework, Part 12 "Conserving and enhancing the historic environment" and Policy R21 of the Unitary Development Plan.

- 4) The proposal would result in the intensification of use of an access with substandard geometry and visibility at the junction of Castle Hill Side, steep gradients, restricted forward visibility, insufficient width for two way vehicle movements and limited passing places. It is considered that this would be prejudicial to highway and pedestrian safety, and be contrary to Policy T10 of the Unitary Development Plan. In addition the level of parking provision proposed is insufficient to cater for the scale of development proposed, and as such the proposal would be contrary to Policy T19 of the Unitary Development Plan.
 - 5) It is considered that the introduction of the new building and use on this open site would have a detrimental impact on the biodiversity of this site, which is a designated Local Nature Reserve, contrary to Policies NE3 and NE4 of the Unitary Development Plan as well as the guidance contained in National Planning Policy Framework Part 11 "Conserving and enhancing the natural environment".
- 4.7 2012/93683 – Application for planning permission for the erection of a public house and hotel with associated parking. Deemed withdrawn 02/08/2013.
- 4.8 2013/93172 – Application for planning permission for the erection of a café/restaurant with bedrooms and interpretation facilities for visitors and formation of car parking and servicing facilities. Invalid and deemed withdrawn 19/04/2017.
- 4.9 2017/91277 – Application for planning permission for the erection of a cafe/restaurant with bedrooms, interpretation facilities, formation of car parking and servicing facilities. Invalid and withdrawn 23/10/2018.

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

- 5.1 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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

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

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

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 application site is subject to the following designations in the Local Plan:

- 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

Supplementary Planning Guidance / Documents and other 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.

Climate change

6.6 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- 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.

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

6.9 Relevant national guidance and documents:

- National Design Guide (2019)
- The Setting of Heritage Assets (2017)
- Scheduled Monuments & nationally important but non-scheduled monuments (2013)

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 advertised via five site notices posted on 09/11/2018, a press notice on 16/11/2018, and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 07/12/2018.

7.3 194 representations were received in response to the council's initial consultation. These included representations made by the Huddersfield and District Archaeological Society, the West Yorkshire Geology Trust, and the Campaign for the Protection of Rural England, and have been posted online. The following is a summary of the comments made:

- Objection to principle of development at this site.
- Benefits of development would be private, not public.
- Environmental objectives of sustainable development would not be met.
- Criteria established in 2013 at meeting chaired by Barry Sheerman MP would not be met.

- Reasons for 2012 refusal have not been addressed.
- No business case to demonstrate development's commercial sustainability. Restaurant and hotel will only benefit from seasonal demand.
- No market research supports assertion that visitor facilities are sorely needed.
- Inappropriate development in the green belt. Harm to openness of the green belt. Very special circumstances do not exist. Other development in the green belt has been refused permission and enforcement action has been taken.
- Open aspect of Castle Hill is the reason why many people visit, yet this would be lost. Sense of isolation on Castle Hill would be lost.
- Harm to heritage assets. Adverse impact upon iconic heritage asset. Development would detract from setting of a Scheduled Ancient Monument. Damage to one of the rarest classes of Iron Age heritage assets.
- Construction, and increased car parking, traffic and footfall would impact upon listed building.
- Modern design incongruous with Victoria Tower.
- Harm to conservation area.
- Concerns raised by Historic England have not been addressed.
- Harmful impact on iconic silhouette of Castle Hill. Balance between Castle Hill and Victoria Tower would be destroyed.
- Harmful impact on long views. Development would be visible over a wide area. Development inappropriate in relation to Castle Hill Setting Study.
- Profile of the building would not be reminiscent of a natural Pennine hill.
- Development would become the destination (rather than the hill itself), and would dominate and overwhelm the hill.
- Building should not have a larger footprint than the demolished pub.
- Proposed design is disappointingly unimaginative, resembles airport building, supermarket or garage. Inappropriate typology.
- Curved roof bears no relationship to the flat-topped hill.
- Demolished pub should be rebuilt.
- Sedum or turf roof should be proposed.
- Support for use of local stone. Stone from demolished pub should be reused.
- Impossible to disguise large building whilst exploiting views.
- Meaningful visual appraisal has not been submitted. Photomontages required.
- Damage to archaeological remains. Archaeological evaluation required under Scheduled Monument Consent has not been submitted yet.
- Castle Hill is one of the most important archaeological sites in West Yorkshire, and cultural heritage should not be threatened by inappropriate modern developments which cause demonstrable harm to interests of national and local importance.
- Insufficient information to enable assessment of impact upon earthworks.
- Embankment would need to be removed to provide hotel rooms with views.
- Relocated signal beacon would be less effective on terrace.
- Light pollution.

- Large glazed walls would mean development would be illuminated and highly visible at night. Glass would be reflective in summer.
- Noise pollution from events and outside drinking and dining.
- Impacts caused by air conditioning and extractor fans.
- Increased rubbish.
- Interpretation facility inadequate.
- Visitor facilities should be provided off-site.
- Café and toilets will significantly improve Castle Hill.
- Mobile caterers can already meet demand without causing the same impacts as the proposed development.
- Existing interpretation boards are adequate.
- Whatever is built must offer something for everyone.
- Visitors have managed without facilities for 20 years.
- Toilets unlikely to be open to public if users have muddy boots. Toilets should be accessible without users having to walk through building.
- Huddersfield already has enough cafes and bars.
- Castle Hill already experiences anti-social behaviour. Policing of site queried. 24/7 presence would not be provided when there are no customers. Castle Hill should be closed to the public at night. Objection to sale of alcohol.
- Access lane is grossly unsafe. Access to site is unsuitable for additional traffic. Emergency vehicles would have difficulty accessing site. Highways safety impacts. Existing access lane is already inadequate and would become less safe. Risk to pedestrians.
- Proposed traffic lights would not work, traffic light system fails to address underlying safety problems. Traffic lights unacceptable on Scheduled Ancient Monument. Traffic furniture would have harmful impact. Maintenance responsibility for traffic lights questioned.
- Support for traffic management to access lane.
- Damage to access lane caused by construction traffic, refuse vehicles and coaches. Subsidence will be caused.
- Increase traffic on surrounding roads.
- Objection to loss of parking spaces.
- Objection to increase in size of car park.
- Increased competition for parking spaces among various visitors.
- Increased pollution from vehicles.
- Providing utilities to the development will cause further damage.
- Site lacks adequate drainage.
- Development would cause drops in water pressure.
- Harmful impacts on wildlife.
- Castle Hill is a Local Geological Site due to its geomorphological and geological interest, and is one of 85 such sites in the UK. Relationships between the underlying geology and surface topography, and the classic West Yorkshire slope and bench topography, can be seen at Castle Hill, as can the wider geological relationships of the Millstone Grit rocks and Coal Measures rocks. Castle Hill is an excellent educational and recreational resource where geology, geomorphology and archaeology are combined in one place. Proposed development would not cause impacts to the geological and geomorphological interest of the site. Proposed interpretation facilities, and any attempt to improve visitor knowledge, are welcomed, and WYGT can assist where any geological interpretation is required.

- Proposals are contrary to UDP and Local Plan policies, the NPPF and the council's Highways Design Guide. Significant departure from policy.
- Strategic masterplan for Castle Hill required.
- Huddersfield would become known as the town that had little regard for its history and natural environment.
- Few people know the planning application has been submitted.

7.4 The Holme Valley and Kirkburton Parish Councils were also consulted, given the proximity of the site to parish boundaries. Holme Valley Parish Council commented as follows:

Concerns that the original listed building was lost through the actions of the applicant, because they wanted something bigger instead of extending. As soon as the old building was taken down this site reverted to green belt. Applicant should not have been allowed to demolish a listed building without consent. Object to current application on grounds that the proposed development is not in keeping as a new building in the green belt, adjacent to a listed building. This is also an archaeological site, where a Roman fort existed originally, so the new building is totally inappropriate. Members also have highways concerns regarding access/egress to site.

7.5 Kirkburton Parish Council commented as follows:

Kirkburton Parish Council strongly objects to the proposed development on the following grounds:

- *It would have a detrimental impact on the Green Belt and the Scheduled Monument.*
- *No reasons to justify very special circumstances for the development in this location have been provided, which is contrary to paragraph 145 of the NPPF.*
- *Highways safety: the narrow lanes and road network would not cope with the increase in traffic the proposed development would generate. And it would be inappropriate to bring the roads up to an appropriate standard to cope with the volume of traffic.*

7.6 Cllr Munro made the following comments:

In my capacity as a Councillor I have received comments from the public in response to the proposal of a development at Castle Hill and wish to make it clear that there wasn't wide support for a fixed permanent and commercial building at the top of the hill.

I would also like to raise the following objections as a Councillor for Almondbury Ward:

1) Car parking places: I note the applicants have stated there are currently 100 car parking places available at the Castle Hill site, however their model shows car parking for just 74 vehicles. The proposed 74 spaces have not been supported by any evidence or justification from the Applicants and I understand no transport assessment has been submitted with the current application. Additionally it is not clear who owns the land where the car park lies.

I am concerned with the proposed 74 spaces, as the Applicants are proposing 12 full time staff and 36 part time staff, which I understand equates to 30 full time staff (30 vehicles). In addition to this there are 7 hotel bedrooms (7 vehicles). 92 tables are proposed for the restaurant/café (92 vehicles). This equates to 129 vehicle parking spaces needed. In addition there are two terraces and bars proposed which will have tables and chairs (number unknown, but by definition suggests more parking spaces will be needed). This is therefore overdevelopment of the site and will result in many people parking their cars on Lumb Lane and Ashes Lane. In addition to this are the people who visit Castle Hill for recreation purposes to walk their dog or fly a kite or simply take in the views. Where will they be allowed or able to park?

2) Additionally the access road is inadequate for heavy traffic and an increase in vehicles using it. The road cannot be improved without significant damage to this important archaeological and historical site. I note there are no plans for reparation of the access road which is in poor condition and will be extremely hazardous in icy weather. I note there is however a plan for traffic lights to control the flow in one direction at any given time. Again traffic lights will cause a build-up of queuing traffic on Lumb Lane and Ashes Lane at popular times and at other times.

3) The development requires a parcel of land beyond the current area leased by the Applicants which would be leased from the Council and could cause a conflict. The proposed building will also lie outside the footprint of the former pub and should be refused. Additionally the design of the proposed hotel/restaurant is not sympathetic with its surroundings. I have also noted there are no views from the hotel bedrooms. Such a development would detract from the Tower.

4) The original footprint of the former public house on the site is long since gone and should not be renewed, as any new development will detract from the historic tower and the view of the hill and Tower from the surrounding area. The original pub building that was on the site fell into disrepair as its popularity diminished and had to be pulled down in the end.

5) The Applicants previously flouted planning consent so again I have concerns.

6) Glastonbury Tor in Glastonbury can be seen for miles around, yet the Tor is the monument that the eye is drawn to and nothing detracts from it as there is no other development there. Similarly the Wallace monument in Scotland can be seen for miles around and again it is the tower alone at the top of the hill that draws the eye and is not spoilt by any other development. I understand however that this proposed development which again is not sympathetic to its surroundings at Castle Hill will be able to be seen from any hill around Huddersfield and glimpses of it will be seen from the town centre. It will also be seen from Woodsome Rd and historic Woodsome Hall a grade one listed building which forms part of our local heritage.

7) The model shows solar panels on the rooftop of the proposed building, yet it does not face due South, from which the optimal amount of solar power could be produced, but South West, which will reduce the amount of solar electricity that can be produced, so may be uneconomical.

8) An Interpretation Room is referred to in the proposed development, yet no details have been forthcoming.

9) The proposal should it go ahead may deter people who would normally use the site for walking and recreation.

10) Finally the proposal is for development on Greenbelt and it should therefore be refused.

7.7 Newsome ward Members were also notified of the planning application, given that the ward boundary runs along Ashes Lane.

7.8 Following the redesign of the proposed development and the submission of new drawings, a second round of consultation was carried out. A further five site notices were posted on 06/12/2019, a further press notice was published on 20/12/2019, and consultation letters were sent to residents and interested parties. 122 further representations were received in response to the council's reconsultation, including representations from Huddersfield Civic Society, the Huddersfield and District Archaeological Society, the Campaign to Protect Rural England, Castle Hill Associates and the Forest of Galtres Society. These have been posted online. The following is a summary of the comments made:

- Objection to principal of development at this site.
- Revised proposal is no better than the previous iteration.
- Support proposal. Appropriate development is long overdue.
- No weight can be attached to the previous existence of a structure here.
- 2012 reasons for refusal have not been addressed.
- Objection to intensification of use of Castle Hill.
- Inappropriate development within the green belt. Openness would not be preserved. Very special circumstances have not been demonstrated. Proposal is not among those listed in the NPPF as appropriate in the green belt. Proposal would not be mainly used for provision of essential facilities for outdoor education and recreation.
- Very special circumstances would also need to outweigh all other harm.
- Harm is not outweighed by the claimed benefits.
- Other similar sites do not have facilities like those proposed.
- Proposed development would not attract additional visitors to Huddersfield.
- Potential conflict between function attendees and hikers, dogwalkers and families.
- Proposed development would help address anti-social behaviour problems.
- Proposed development would generate litter. Introduction of alcohol would cause anti-social behaviour. Risk of drink-driving.
- Closing Castle Hill to cars at night would prevent anti-social behaviour, so that a 24-hour presence would not be needed.
- Proposed development would make Castle Hill cleaner and safer.
- Approval would set a precedent that would open up green belt across the UK to development.
- Lack of council resources does not justify proposal.

- Appropriate balance of facilities is proposed.
- Value of interpretation room has not been demonstrated. Interpretation room not needed. With advances in digital technologies there is less need to provide interpretive displays on-site. Unclear if charges would be made for its use. Interpretation room would be used for private functions for much of the week. A room with displays is hardly a facility of national standing.
- Interpretation facilities already exist within the tower. Ample information boards already exist at Castle Hill.
- Educational facility welcomed.
- WCs unlikely to be adequate for number of visitors. Unlikely that owners/managers would wish to maintain public WCs. WCs would not be open to public if operator chooses not to open restaurant until the evening. Visitors already come to Castle Hill knowing that WCs are not available.
- Legally-enforceable condition should require public facilities to be open from 09:00 to 17:00 in winter and 08:00 to 22:00 in summer.
- Proposal is a thinly-disguised wedding venue.
- Bedrooms would lack outlook.
- Queries raised as to what would happen to the development (and its public facilities) if unsuccessful. Significant risk of public benefits not being delivered.
- Proposed development will never be viable. No business model submitted.
- Proposal represents privatisation of part of Castle Hill.
- Proposed development will be converted to a private house in the future.
- Lack of information regarding use of terraces.
- Proposed uses are not intended for existing visitors to Castle Hill.
- Proposed food and drink provision welcomed.
- Proposal would attract visitors and generate tourism.
- Town centre uses have not been justified at this site. No sequential test has been submitted. Plenty of pubs and cafes exist in Huddersfield, Almondbury and Newsome.
- Proposed development, and its location, are unsustainable.
- Well thought-out design. Proposed scale would be sympathetic.
- Revised design is inappropriate, and would be an eyesore. Development would have a domestic character. Berms would not disguise the building. Traditional design would be acceptable. Reclaimed Yorkshire stone should be used. Demolished pub should be rebuilt.
- External seating and umbrellas would cause further harm.
- Dialogue window between tower and interpretation room supported.
- Extensive and intrusive security measures would be required, including CCTV, alarms (requiring regular testing) and 1.8m fencing.
- Police do not believe proposal would address crime and anti-social behaviour concerns, and instead believe it would be a target.
- Proposed footprint is larger than that of the demolished hotel. Previous footprint should be adhered to. Drawings should show footprint of previous development, more comparison.
- Details of extract flues, intake, plant and servicing area needed.
- Landscaping details needed.
- Surface treatment of car park not clear.

- Harm to landscape and longer views. Reprofiting of landscape would reduce its legibility as a historic monument.
- Tranquillity, ambience and character of Castle Hill would be spoiled. Castle Hill would become a theme park. Exposure and sense of isolation would be lost.
- Important views across the site would be blocked.
- Proposed basement would extend deeper than archaeological investigation. Archaeological impact of utilities routes has not been considered. Site is only served by a single earthenware pipe (which was blocked and overflowed frequently) to Ashes Lane, possibly a lead water supply pipe, and had no gas connection (the former pub used bottled gas).
- Proposed building would prevent further archaeological investigation.
- Proposed confusion of modern bunding with earlier earthworks would further reduce the legibility of the site and undermine the historic and evidential significance of the heritage assets.
- Levels are not confirmed on drawings.
- Substantial harm to heritage assets. Proposal incompatible with Scheduled Ancient Monument status. World Heritage Site would be harmed. Site is within the curtilage of a listed building, and a listed building consent application should have been submitted. No parallel Scheduled Monument Consent application has been submitted.
- Dramatic impact of the tower as a stand-alone landmark would be diminished.
- Any visitor facilities should be located on eastern side of hill.
- Cultural heritage of Castle Hill would not be preserved.
- Links should be made to Stonehenge, West Kennet and Newgrange. This would appeal to tourists.
- Castle Hill is spiritually important, and this importance would be harmed.
- Site should be compulsory purchased by National Trust or the council.
- Lack of updated heritage impact assessment.
- Proposed access would be inadequate and unsafe. Lane was never intended to take motorised traffic. Proposed use of banksmen unworkable.
- Passing places would undermine stability of retaining walls along lane. Subsidence and damage have already occurred here.
- Inadequate parking proposed. Transport Statement underestimates trip generation. Applicant proposes to halve size of existing car park yet increase parking demand. Existing visitors to Castle Hill would be excluded. No other parking is available nearby. Existing car park is already often fully occupied.
- Lack of Travel Plan.
- Car park would have large vehicles manoeuvring where children run about.
- Pedestrian access to paths and views would be restricted.
- No accessible parking spaces are proposed for non-customers.
- No provision made for coaches.
- Customers are unlikely to arrive on foot. Bus service is inadequate.
- No consideration has been given to cycle parking or electric vehicle charging.
- Transport Statement does not consider adverse and dangerous weather conditions.

- Accidents have occurred where applicant proposes no mitigation.
- Local lanes would be damaged by additional traffic.
- Emergency access would be hindered.
- Risk of visitors falling into unguarded viewing slot, sunken terrace and servicing area.
- Inadequate fire escapes proposed.
- Aviation risk, as site is under a flight path to Manchester Airport.
- Lack of staff accommodation.
- No space proposed for furniture storage when events or meetings are taking place.
- Proposal is contrary to council's climate emergency declaration. No eco-friendly measures proposed.
- No supporting infrastructure proposed.
- Local water supply would be adversely affected due to increased demand.
- Waste and sewage concerns have not been addressed.
- Lack of drainage information. Proposals for disposal of surface water are not clear.
- Noise pollution.
- Light pollution. Site is currently a blackout zone. Windows should be blacked out after dark.
- Air quality impact.
- Disturbance during construction.
- Biodiversity net gain would not be achieved.
- Wildlife would be harmed. Biodiversity impacts beyond application site boundary. Castle Hill is a nature reserve.
- Healthy, vegetarian food should be served. Asian restaurant should not be allowed.
- Proposal is contrary to pre-application advice, Local Plan policies, NPPF, Castle Hill Setting Study and Conservation Management Plan for Castle Hill.
- Masterplan needed for Castle Hill before any development can be considered.
- Lack of public engagement.
- No site notices have been posted.
- Statutory period for considering application has been exceeded.
- Statutory and non-statutory consultees have objected.
- Extent of applicant's lease queried. Lease should be terminated.
- Proposal is a vanity project.
- Applicant should have requested an EIA Screening Opinion.

7.9 The following further comments were made by Cllr Munro:

This ancient hill site and the Victoria Tower are part of our heritage and are iconic. They are unique to Huddersfield and Kirklees and should be valued and preserved for future generations as much as possible. Many people go to Castle Hill where there are currently two car parking areas, good paths and access is free. It is a fantastic asset. This however will be lost if the development goes ahead.

I question why a café and toilet block cannot be sited somewhere close to the hill, but not on it and a barrier erected across the access road to prevent vehicles accessing the hill during the evenings and at night and wish to comment on the updated statement and revised plans from the applicants as follows:

Car park and access road – The renewed plans for the development at Castle Hill plans only 37 car parking places, some of which will no doubt be disabled parking bays. I calculate this will mean the car parking spaces available up there will be more or less reduced by 40% (if one includes both current parking areas).

It is proposed that traffic will be managed on the hill and the access road. Visitor numbers have increased over recent years and I attach some photos of the car park and layby taken on the 19th January 2019 late afternoon. As you can see there are a lot of cars parked at the foot of the hill as well as at the top, and this is without the attraction of a café, bar and restaurant. Additionally I had to wait for 7 vehicles to come down the access road in quick succession before I could go up, so I question if the proposed hotel/restaurant/bar are really needed at the top of the site, save for perhaps a mobile catering unit and a toilet block somewhere close by?

Castle Hill is somewhere to go for a walk during leisure time, to take in the spectacular views and fresh air, for most this is usually at weekends, so the site is likely to be at its busiest then and will be even busier when the Victoria Tower is open to the Public, but this is the dilemma:

People who just want to go there and do that however may find they cannot take their car up to the car park as it may be full with people booked in for meals, or a conference or just staying there, so they may be deterred from going at all and the car park will become almost exclusive for use by patrons of the hotel/restaurant/bar/conference centre at peak times, albeit on the face of it this may not be intentional, but it is likely to be the outcome. This cannot therefore and should not be allowed. Alternatively people who are turned away from the car park will no doubt try to park along some of the narrow roads that surround Castle Hill, which could be dangerous.

Additionally while the applicants claim they will prioritise educational visits, I question how a school bus/coach will safely navigate the steep windy access road, particularly in wintry conditions?

Green Belt – The site is within green belt. NPPF 145 construction of new buildings is inappropriate in the green belt. NPPF 143 inappropriate development is by definition harmful.

I do not believe the applicant has demonstrated very special circumstances for this development. The original footprint disappeared when the original building was pulled down quite a long time ago. While the applicants are suggesting the Council needs public toilets and an information centre, in order to justify this commercial development, apparently anyone or any community group could apply for a lease from the Council to build these. This suggests the current applicants do not have exclusive rights.

Additionally should this current plan go ahead, I believe that the focus of this historic site and the monument will become the development itself and on that basis alone the applicants have therefore not shown the very special circumstances required to build on green belt.

I do not therefore believe the justification for building on the green belt has been proved.

Town Centre Use – 10.3 and 10.10 Local Plan Policy: Development proposals for main town centre uses in out of centre locations should only be permitted where identified needs cannot be met within the existing local centre. The proposed facilities are main town centre uses. In Huddersfield we are currently witnessing the death of the town centre as a commercial hub, this has happened for many reasons but one of them is due to planning laws making it possible for out of town shopping outlets and businesses to be built. We now have a Local plan that aims to prevent this kind of development continuing, so I do not believe the case to build these commercial premises is justified by the applicants who again seem to be relying upon a public toilet block and an interpretation room which will only be open to the public during week days Mon to Friday 10:00am to 4pm with priority being given to educational and community groups. Anyone else visiting at the weekends ie the busiest time will have to book. I do not believe this arrangement will benefit the Public and will severely restrict visitor numbers, yet this is our heritage that should be freely available for everyone at any time, whether weekends or weekdays and should be fully inclusive. Additionally in the event the proposal goes ahead, this will possibly result in many more vehicles travelling to the site, which would create additional air pollution. Kirklees Council have declared a climate emergency and this development in my view is contrary to the spirit of that declaration and what this Council is trying to achieve.

I do not therefore believe the applicants have proved their case to build this out of town development that should be situate in the town centre.

This site's importance has been likened to that of Stone Henge, but would anyone consider building something like the one proposed here on that site?

Future Years – I question what will happen if in future years this commercial venture fails and we are left with a decaying building again with no access to public toilets or the information centre. If this plan goes ahead in the event that the business fails, the applicants should be made to pull it down and put it back to its original state. This hill is an ancient site with evidence from the Neolithic period 4,000 years ago. The planning application being considered is a transient amenity in comparison to the hill and it is detrimental to the iconic status of the hill, detrimental to our heritage and detrimental to the natural environment and potentially the surrounding area, due to an increase in air pollution from cars travelling to the site. The justification for building on this site has not been proved. It should therefore be refused.

7.10 Cllr Cooper commented as follows:

[The proposal] is inappropriate development in the greenbelt and I oppose it. It will be visually intrusive and have a negative impact on the character of Castle Hill.

7.11 Cllr Allison commented as follows:

The Castle Hill site is not just of high local interest but nationally, visitors come from miles around to visit our stunning scenery. The building that is being proposed is not fitting for this particular site and in my opinion goes against the reasons why people visit. The building is visually unsuitable and I feel this will deter visitors and I therefore oppose this application.

7.12 Cllr McGuin commented as follows:

There are a few reasons I object to this:

- 1. It is contrary to the Local Plan.*
- 2. Castle Hill is in the greenbelt and the application fails to display special reasons why it should go contrary to national building guidelines.*
- 3. The Hill is a national monument and the authority designated to care for it has not supported the application.*
- 4. The setting of a listed building will be severely affected by potential building.*
- 5. The Castle Hill management group has not been consulted on building.*
- 6. Access is inadequate any improvements will do harm to the monument and the green belt.*

7.13 Holme Valley Parish Council commented as follows:

Refuse. This is an archaeological site going back to Roman times and further development is unwelcome. New building in the greenbelt should be disallowed. Narrow, local highways for access is a further issue.

7.14 Responses to the above comments are set out later in this report.

7.15 Further amendments (made after the above amendments were made) and the submission of additional information by the applicant team did not necessitate further consultation.

8.0 CONSULTATION RESPONSES:

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

8.1 Statutory:

8.2 Council for British Archaeology Yorkshire – Reiterated objection. Castle Hill has been a focus for settlement and other types of occupation since the Neolithic period: a multi-phase Iron Age hill fort, a Norman motte and bailey fortification, a (probably) 12th century stone castle, the site of a World War II anti-aircraft battery, and the Victoria Tower. Site is a Scheduled Ancient Monument of significant archaeological and historical importance locally and nationally. Proposed development would cause considerable disturbance and irreparable damage to the monument, resulting in loss of vital evidence that might contribute to understanding of the various features at the site, and also similar sites elsewhere. Proposed development, due to its nature, extent and purpose, is entirely inappropriate for this location, and would have a markedly adverse impact on the setting, character and conservation of all

aspects of the monument. The previous public house ceased to function in c2000 and was demolished in 2005, and since then there has been no diminution in visitors for whom Castle Hill is a much-loved leisure destination valued for the lack of modern features which allows an uncluttered appreciation of its various elements.

- 8.3 Historic England – Objection maintained. Welcome the positive changes to the building design, and the reduced level of harm to heritage assets. However, critical information relating to the identification and delivery of the public benefits from this proposal is missing from the application. Recommend that the Heritage Statement be updated in accordance with the current proposal, the building materials are clearly identified and described on the drawings, and a detailed “Heads of Terms” document is prepared to clearly define the benefits of the project and the methods of delivery.

Archaeology – Historic England agree that the suggested location is the best position for any new building. The earlier archaeological evaluation of the proposed development site has revealed that the site is largely archaeologically sterile and the presence of the existing service infrastructure means that any new provision to the new building can be provided with little or no negative impact on archaeological deposits. There will be a need for archaeological supervision during the construction of the bund, building and passing places, and this will require an archaeological condition. All of the archaeological elements of the project should be gathered into the revised Heritage Statement, and this should include the assessment of the past work, identification of source of soil for the bund (the soil should be archaeologically sterile), and an agreed Written Scheme of Investigation (WSI) for all works associated with the build.

Built form – The design of the building has evolved considerably since 2018. It is thoughtful and well-considered, respecting its location, its relationship to the Victoria Tower and the wider landscape. The choice of materials will be an important determinant of the quality of the design. In such a sensitive location the materials palette should be resolved and referenced on the application drawings.

Setting – The photo visualisations submitted are all useful additions, but although there is reference to the Atkins Setting Study, there is no assessment of setting or the contribution that setting makes to the significance of the designated heritage assets. The Heritage Statement should be updated in accordance with the current proposal in order to properly comply with the National Planning Policy Framework (NPPF), para 189. On the basis of the information provided, we conclude that the proposed development will cause harm to the heritage assets on this prominent, open site, albeit to a greatly reduced degree.

The status of the site, its significance and sensitivities requires the application to meet a high policy threshold and that any harm needs to be justified and balanced against public benefit in accordance with paragraph 196 of the NPPF.

Application does not meet the requirements of the NPPF, in particular paragraph numbers 189, 190, 192, 193, 194 and 196.

- 8.4 KC Strategic Drainage (Lead Local Flood Authority) – Reiterated objection. Amended drawings do not relate to drainage. Further information on the proposed soakaway required. Location information needed, as is infiltration testing. Council records suggest infiltration may be suitable at the top of Castle Hill, however infiltration around the hill is very poor. Applicant should carefully consider the impact of increased infiltration on the surrounding area and ground stability. 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 near Castle Hill: one to the southeast of the site (along Lumb Lane), and an open watercourse approximately 730m to the southeast (Lumb Dike). Connection to Lumb Dike would cross two roads, and Highways officers would need to be consulted. Council records show a combined sewer located along Ashes Lane, starting south of the junction with Castle Hill Side.
- 8.5 KC Highways – Access proposals (passing places) acceptable. 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 on the site visits undertaken last year, some drivers already travel at inappropriate speed on this section of road. Request an investigation into appropriate traffic calming measures, and the provision of this should the applicant be approved. This can be secured by condition.

Agreed that some parking associated with the proposed new facilities would be linked trips by existing users rather than unique journeys, and the applicant’s suggested 15% discount in the necessary car parking capacity is justified and acceptable. Sunday 13/09/2020 was particularly clement, therefore parking survey results from this day are likely to be “worst case” figures rather than being indicative of an average weekend day over the course of a year.

Highest demand for off-street parking would occur when there is the maximum crossover between those wishing to visit the proposed restaurant facilities and those using Castle Hill as a base for unrelated leisure activities such as walking, picnicking, and kite-flying. As such, the periods most likely to generate additional traffic are lunchtime and teatime on a Saturday, and lunchtime on a Sunday – the probable times when demand for the restaurant will be at its highest. Unlikely that other elements of proposed development (including interpretation room) would have any significant impact on parking levels at peak times.

Referring to the TRICs data predicting parking accumulation for 60, 70, 80, and 90 covers at the restaurant, and the accepted reduction by 15% for overall car parking capacity, Highways Development Management (HDM) would not wish to see the predicted cumulative vehicle number exceed 49. The predicted maximum accumulation on a Saturday or Sunday lunchtime when considering 70 covers is 48, this tally being reached at 19:00 on a Saturday. As such, HDM would suggest that a condition is added to the decision notice that limits the number of covers to this figure.

On the particular Sunday surveyed, the car park was over capacity at 15:00 and 16:00, and clearly any additional traffic would only exacerbate this

problem. However, given the historic use of this unique site, and that 13/09/2020 was likely to have been one of the most attractive days of the year to visit Castle Hill, some weight must be afforded to the realistic annual frequency that those figures would be repeated. Casual visitors may change course if the car park was already fully subscribed, and these visitors would be likely to leave long before nightfall and the evening peak of a restaurant. The proposed improvement to local amenities is also taken into consideration.

On balance, HDM would support a proposal that initially limited covers at the restaurant to 70 on Saturdays and Sundays. Should the application be approved, this figure could be revisited once the facilities were fully functional and real-time car park capacity figures could be surveyed.

Conditions also recommended regarding new highway works, waste storage and collection, and construction access.

8.6 Non-statutory:

8.7 KC Conservation and Design – Proposed development would cause less than substantial harm. Any structure introduced onto the hilltop must cause harm due to the interruption to the setting of Castle Hill and its Grade II listed Victoria Tower. Equally, as shown by the submitted visuals, the building would be viewed from the wider landscape and would be seen in competition with the tower, albeit lesser competition.

Due to the scale of the proposed building and the fact it would be somewhat sat down in the topography of the hill, the harm would not be substantial as described in the NPPF as there would still be the opportunity to understand the hill top and the interrelationship between the two baileys to themselves and, as a secondary relationship, with the tower. However, it must be noted that harm is harm notwithstanding whether it is substantial or less than substantial. This is stated in paragraph 193 of the NPPF where it states that when considering proposals that impact upon the significance of the asset great weight should be given to the assets conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than significant harm.

Regarding NPPF paragraph 196, the public benefits of the proposed development are noted, however there is no tie-in to the proposed design and the need to provide them in such a relatively large building. There is no evidence provided that shows that the level of facilities proposed are required, or whether a reduced but acceptable level of facility be provided by a smaller building.

There is some enhancement proposed through highway improvements and the provision of facilities, but this is minimal when taken overall from a heritage point of view.

The proposed building is well designed, makes use of traditional materials where appropriate and would allow sheltered views of the tower and the surrounding landscape. No objection to the appearance of the building due

to it following previous advice. Architects should be praised for coming to this conclusion on what is a difficult project.

Conditions recommended, should the council be minded to grant planning permission. This should not be taken as confirmation that conditions can be used to overcome the concerns highlighted above.

- 8.8 KC Ecology – Local Plan policy LP30 is relevant. Regarding the Local Wildlife Site (LWS) designation, LP30 requires the council to weigh up the benefits of the proposed development against the value of the LWS, and be satisfied that there is no alternative means of delivery. Full compensation is also needed. Compensation is also required in respect of any loss of function of the KWHN. Given that the habitats to be affected are considered important at the scale of the site only (i.e. less than local importance), it will be necessary for the applicant to demonstrate that the benefits of the development will be of at least local importance. It is also necessary to consider if there is an alternative means of delivering the benefits. In terms of the Kirklees Wildlife Habitat Network there should be a requirement to manage some, not necessary all, habitats within the LWS for biodiversity (e.g. a species rich acid grassland).
- 8.9 KC Economy, Regeneration and Culture – Castle Hill is a unique location known to appeal to visitors. Provision of additional facilities (accommodation, education suite, interpretation, refreshments and toilets) would enhance the visitor experience. Little information provided regarding the quality of the interpretation or the education room, or its management and opening hours. It is beneficial that the toilet facilities would be open to all visitors. Applicants are sensible to provide facilities for both day and overnight visitors. Local economic impact of staying visitors is considerably greater than that of day visitors. Applicant would invest in creating jobs. It would be useful to understand the nature and number of jobs created at the site itself, and the supply chain benefits for local businesses and local construction firms.
- 8.10 KC Environmental Health – Reiterated previous comments. Conditions recommended regarding dust suppression, lighting, odour and extract, electric vehicle charging, hours of use and contaminated land. Advice provided regarding hours of works.
- 8.11 KC Landscape – Proposal, as is, cannot be supported. Proposal would be highly visible from the surrounding area, should be more sympathetic and should have less of an adverse visual impact. The proposed uses which are being proposed would result in increased use of the car park and increased adverse visual impact.

Proposal could incorporate mitigation measures, however screen planting may not be in keeping with the tower and its setting. The lower roofline helps the proposal sit within the landscape, however the proposal is still impacting on the profile of Castle Hill (which should not be adversely impacted in long views) and the proposal could incorporate green walls.

No landscaping proposals have been submitted, but are required. Details of bin storage and collection are needed.

- 8.12 KC Museums and Galleries – Concur with earlier Historic England and WYAAS comments. Site should be managed as part of a strategic plan for

heritage across Kirklees, which will ensure that Castle Hill's future is sustained, that public learning and enjoyment is enhanced, and that risks relating to the site are minimised and appropriately managed. 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. Little information provided regarding proposed interpretation room. Heritage interpretation plan, details of access and charging, and business plan have not been submitted. For a site of this significance, it is important that any interpretation and access is open to all. Tolson Museum has not closed, and still 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 wide 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 any future museum of Huddersfield, as proposed by the council within the Huddersfield Blueprint, would also tell the story of Castle Hill.

- 8.13 KC Parks and Green Spaces – Kirklees Parks and Green Spaces manage the site on a day-to-day basis with other council services, stakeholders and Historic England. There is currently one site-based ranger. Volunteers assist with work at Castle Hill including repair, dry stone walling, litterpicking and habitat surveys. The Castle Hill Management Advisory Group has installed information boards and worked on other projects. Castle Hill is significant in relation to biodiversity. Anti-social behaviour is dealt with by the ranger and other staff where necessary, and reported to the police. Fireworks are prohibited by law. Volunteers' employability has been enhanced. Schools visit Castle Hill. The two parking areas can accommodate approximately 25-30 vehicles each. Visitors to Victoria Tower openings and events in 2017/8 reached 13,181. Green Flag awarded in 2018 and Tripadvisor's "Certificate of Excellence" in 2015.
- 8.14 KC Public Health – Measures to mitigate health impacts during construction suggested. Measures to reduce car dependency and to encourage the use of sustainable transport modes, physical activity and social interaction suggested. Recommend that proposed café serves healthy food.
- 8.15 KC Public Rights of Way – Objection. Proposed development would obstruct footpath 169 and byway 171.
- 8.16 Environment Agency – No objection. EA is only a statutory consultee on non-mains foul drainage proposals for major development. EA therefore do not wish to make detailed comments, however council should satisfy itself that proposed development complies with Planning Practice Guidance and EA guidance. Hierarchy of drainage options must be considered: connection to public sewer, package sewage treatment plant, septic tank, cesspool. Further advice provided regarding foul drainage.

- 8.17 West Yorkshire Archaeology Advisory Service – Strong reservations regarding the scale and intensity of the proposed development. Recommend that the application should be redesigned again to make it smaller to reduce the scale and intensity of use on the site to help preserve the significance of this nationally-important monument.

The direct impact of the proposed location of the development on the archaeological remains on Castle Hill would be relatively minor and could be dealt with by archaeological condition.

The scale and location of the necessary service trenches for the proposed development are currently undefined and their impact on below ground archaeological remains – which could be substantial – is currently unknown. Further information should be sought from the developer before any decision is made. Potentially, further archaeological evaluation may be necessary. The absence of this information could be used as a reason for refusal.

The archaeological impact of the proposed passing places can be dealt with by archaeological condition.

Further information on the potential impacts on the Scheduled Monument needs to be provided by the developer before a decision is taken whether to grant planning permission.

Concern regarding the indirect impact on the setting, significance and appreciation and use of the monument caused by the scale of customer parking and hard landscaping around the building. 37 parking space proposed, yet close to 100 covers are proposed, and staff will require parking spaces – proposed development is likely to increase off-road car-parking around the site. On busy days in the summer one can easily envisage a full car park and the new building surrounded by parasols and seats on the proposed hard landscaping. The intensification of use of such a large development is likely to seriously detract from the setting of the Scheduled Monument, both visually and with regard to noise and congestion at busy times. No application document addresses site management.

In the event of failure to redesign the scale of the proposals and make available the requested information, given the substantial harm to the monument caused by the proposed scale and design of the proposals and the way this would detract from the significance of the site, WYAAS would recommend that the application as it stands be refused.

- 8.18 West Yorkshire Police Designing Out Crime Officer – No objection in principle. Reference to staff presence on site and links with the Ranger service are noted, however due to the remote nature of the site it would be unwise to rely wholly on an on-site presence, as there may be a safety and security issue for the person(s) in attendance. Secluded potential gathering points are proposed at lower ground floor level, at the deep secluded recessed entrance and interpretation room viewing window. Persons could gather here out of sight of the passing public or police patrols. Proposed design would make the building more vulnerable to burglary and criminal damage due to the concealed entrance. These should be removed or gated. Meeting with applicant team requested. Compliance with Crime Prevention

Through Environmental Design and Secured by Design guidance recommended.

- 8.19 Yorkshire Water – Reiterated previous comments. A water supply can be provided. Regarding waste water, site is in an area remote from the nearest public sewerage network. Application should be referred to the Environment Agency and the council's Environmental Health section for comment on private treatment facilities.

9.0 MAIN ISSUES

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

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.
- 10.2 A wide range of planning policies and considerations are relevant to land use and the principle of development at this site.
- 10.3 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.

10.4 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.

10.5 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 193 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 195 and 196 of the NPPF set out how such harm should be balanced against the public benefits of a development.

- 10.6 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.
- 10.7 Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the green belt, and paragraph 143 states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF lists kinds of development (involving the construction of new buildings) as exceptions that can be regarded as appropriate, however the proposed development does not fall under any of these. To justify the construction of a new building at this site, therefore, the applicant must demonstrate very special circumstances in accordance with paragraph 143 of the NPPF.
- 10.8 It is noted that a public house previously existed at the application site, although given the time that has elapsed since the pub's demolition in 2005, 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.
- 10.9 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 in that are above 150 sqm in non-urban areas (the green belt) and in out-of-centre locations will only be permitted where 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 uses 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 also require the submission of a sequential test and impact assessment.
- 10.10 It is noted that the vast majority of responses to the council's consultations objected to the proposed development, and the majority of objectors raised concerns regarding the principle of development at this site, and/or did not comment that *some* form of development would be appropriate here.
- 10.11 While the above considerations and constraints are noted, so too must be the site's opportunities. A form of development on Castle Hill has the

potential to deliver leisure-, tourism- and employment-related benefits, and the proposed development is supported by the council's Economy, Regeneration and Culture team. Local Plan policies strongly encourage job creation and the development and improvement of the borough's leisure and tourism offer. A small number of responses to the council's consultations recognised that some provision of facilities (such as a small café and public toilets) could enhance the attraction of Castle Hill as a leisure destination. It is also acknowledged that a form of development that included interpretation facilities could enhance the role and appreciation of Castle Hill as a hugely important educational resource. Finally, it is recognised that a high- quality facility at Castle Hill could improve the image of Kirklees, much as well-designed and useful facilities have improved their locations elsewhere in the UK and the applicants have submitted details of several schemes.

- 10.12 The council's pre-application advice of 20/10/2017 indicated that Castle Hill would benefit from additional facilities for visitors including toilets, somewhere to eat and drink, and interpretation, that a viable business would be needed to deliver these facilities, that any new facility would by definition be harmful to the green belt, and that the applicant would need to demonstrate very special circumstances to outweigh harm. Historic England have previously recognised "that there is an opportunity to improve the visitor experience on Castle Hill and provide the interpretative and educational space and infrastructure it deserves", and most recently commented that "Historic England remains of the view that this important and sensitive site can benefit from the presence of a well-designed and executed building" and "We support the principle that a good quality development could provide valuable amenities including shelter, access to refreshments, public conveniences, education and interpretation facilities and future positive management of the site and its operation".
- 10.13 The applicant's now-superseded Design and Access Statement notes that, at a meeting held in 2013 and attended by Barry Sheerman MP, the applicant team, council officers, English Heritage and Huddersfield Civic Society, it was agreed that any proposal for this site must:
- Place the protection of the heritage assets at the forefront of any scheme.
 - Maximise the opportunities for visitors to the site, for educational, cultural and recreational purposes.
 - Provide facilities for visitors comparable or superior to those found at similar iconic visitor attractions.
 - Provide enhanced facilities commensurate with the iconic status of the site. Include a commercial element to the scheme to minimise revenue costs, enable a permanent presence on the site, ensure security and provide a facility of national standing.
 - Acknowledge and respond to the location of the site within Green Belt in a visually prominent position.
 - Acknowledge and respond to the access, parking and highways issues associated with the development of the site.
- 10.14 Several representations have made references to other sites. Officers are not aware of any single site that shares all of Castle Hill's particular

attributes, or where a very similar development (to the current proposal) has been built, however comparison with other sites is nonetheless of some use. Several other examples of prominent Pennine hilltops (with listed monuments) exist – these include Stoodley Pike in Calderdale, Alderman’s Hill (Pots and Pans) in Oldham, Hartshead Pike in Tameside, and Wainman’s Pinnacle and Lund’s Tower (Salt and Pepper Pots) in Craven. Sites with heritage assets where sensitively-designed visitor facilities have been built nearby include Rievaulx Abbey in North Yorkshire and the Wallace Monument overlooking Stirling. Examples of visitor facilities at or close to a summit or other landform include the Snowdon summit café and the Gallie Craig cafe at the Mull of Galloway. Examples of earth-sheltered buildings include Underhill in Holme. Examples of other locations of iron age hill forts include Maiden Castle in Dorset, Cadbury Castle in Somerset, and Cissbury Ring outside Worthing. Representations have also referred to Glastonbury Tor, Stonehenge and other sites.

- 10.15 In accordance with pre-application advice, 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. 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. 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 10.18 to 10.22.
- 10.16 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. 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.
- 10.17 If the principle of development is to be accepted, very special circumstances must be demonstrated by the applicant to justify development within the green belt. This requirement of paragraph 143 of the NPPF sets a very high bar – paragraph 144 of the NPPF states that 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. It is considered that very special circumstances have been demonstrated by the applicant in the form of public benefits, however these benefits would have to be worthy of attracting a very high degree of positive weight in the planning balance. It would not be sufficient for these public benefits to simply be good, or good enough – they need to be exceptional. Furthermore, the *public* benefit of the proposed

development would need to be genuine, and further still those benefits would need to be secured and enforceable and maintained in perpetuity.

10.18 The applicant has provided a list of the proposed development's public benefits at paragraph 4.01 of the Updated Planning Support Statement (March 2020) 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. The applicant has suggested that the WCs would be open to the public from 10:00 to 23:00, seven days a week, however it is considered that a 09:00 opening time is justified and reasonable. 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. Several representations also note that sites such as Maiden Castle and Glastonbury Tor do not have WCs at the top of the hill, yet large numbers of visitors are still attracted.
- 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, and the council intends to license a mobile catering unit at Castle Hill.
- Information boards – The applicant has suggested that 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 – The applicant has suggested that this facility would accommodate 30 people, would be provided with audio-visual equipment and moveable furniture, and could be available for pre-booking between the hours of 10:00 and 16:00 on weekdays and at other times by appointment (with priority always given to educational and community groups wishing to book). 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. Some representations also pointed out 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.

- 10.19 In a further document dated 06/08/2020, the applicant additionally provided generic information regarding the economic, social and environmental benefits of cultural and heritage tourism. These 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 historical site carries positive weight.
- 10.20 There would, however, 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.
- 10.21 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.
- 10.22 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 area 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 be provided by the applicant, it would be formalised with a new surface and edging, and with spaces (including disabled parking spaces) marked out.

- 10.23 Regard must be had to the concerns raised in several representations 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.
- 10.24 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.
- 10.25 Regarding the proposed interpretation room, its content, and how it would sit alongside other cultural assets, the applicant has discussed the proposed interpretation facility with 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 was also encouraged to engage an exhibitions consultant to provide advice on the contents and management of the proposed interpretation room. The advice of KC Museums and Galleries would need to be incorporated into any management plan for the proposed interpretation room.
- 10.26 It is considered that, together, the public benefits listed above carry significant weight. Regarding paragraph 143 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. The public benefits also help to outweigh the likely harm caused by the proposed introduction of main town centre uses outside a defined centre, as well as the harm to heritage assets that would be caused, as set out in the design and conservation section of this report. 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, as well as those matters listed at paragraph 8.01 of the applicant's Updated Planning Support Statement, and other matters.

Sustainability and climate change

- 10.27 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.

- 10.28 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 Updated Planning Support Statement suggests that it may be possible to include a rainwater recycling tank located in the development's service yard, however no such installation has been shown on drawings. The applicant has added 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 notes 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. The applicant has otherwise submitted little information regarding sustainability and climate change.
- 10.29 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.
- 10.30 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.

Design and conservation

- 10.31 Given the prominence of the application site, Castle Hill's status as a Scheduled Ancient Monument and Victoria Tower's status as a Grade II listed building, it is essential to ensure that any development at this site is of an exceptional quality, and of an award-winning standard that attracts recognition beyond the boundaries of Kirklees. High quality design is, in any case, required by Local Plan policy LP24 and chapter 12 of the NPPF.
- 10.32 With regard to conservation, as noted by relevant stakeholders in 2013, 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 193 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 195 and 196 of the NPPF set out how such harm should be balanced against the public benefits of a development.

- 10.33 Extensive commentary on the significance of Castle Hill and its setting have been provided in the comments of KC Conservation and Design and the West Yorkshire Archaeology Advisory Service (WYAAS). In addition, the Castle Hill Ranger has provided useful supporting information. The assessment and commentary provided in the Castle Hill Setting Study (2016) are relevant, and paragraphs 6.11 and 6.15 are again noted.
- 10.34 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.
- 10.35 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 area's 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.
- 10.36 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.

- 10.37 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.
- 10.38 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.
- 10.39 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.
- 10.40 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).
- 10.41 Many representations also refer 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.
- 10.42 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.

- 10.43 While it was appreciated that significant thought had gone into the design initially proposed by the applicant team under the current application, the resulting proposal was not considered successful in design and conservation terms. The applicant team duly acknowledged that the design of the proposed development needed to be reconsidered, and that a smaller-scale proposal was more likely to be considered acceptable.
- 10.44 A three-storey development is now proposed. The proposed development's 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 42-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 are specified in the applicant's Updated Planning Support Statement, and would include natural stone, timber and zinc, with areas of full-height glazing proposed at ground floor level.
- 10.45 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 for 15 years) or with the previous iteration of the applicant's proposals. It is noted, however, that the redesign carried out during the life of the current application has certainly improved the scheme, and has reduced the harm that would be caused to heritage assets.
- 10.46 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.
- 10.47 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, and due to the most recent amendments to the berms either side of the entrance, the building would be legible and visitors approaching from the southeast would have a positive arrival experience.
- 10.48 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" in the Updated Planning Support

Statement) facing the Victoria Tower, and this is a very welcome feature that would enhance the use of this facility.

- 10.49 During the council's consultation on the current application, it was suggested that a green roof would help to reduce the visual impact of the proposed development. The applicant team's architect has confirmed that a green roof was indeed considered for earlier iterations, and in the current scheme the applicant has 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.
- 10.50 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).
- 10.51 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.
- 10.52 The previously-proposed photovoltaic panels have been deleted from the scheme, and the extent of glazed rooflights has been reduced. These changes are welcomed.
- 10.53 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.
- 10.54 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.

- 10.55 The existing southern parking area would be slightly enlarged, resurfaced and formalised to provide the proposed 42-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.
- 10.56 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, any external plant would need to be carefully designed into the scheme, and hidden within the proposed building's envelope. An appropriate condition is recommended.
- 10.57 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.
- 10.58 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 (although Historic England have not confirmed whether they would recommend call-in), and Historic England would also deal with the applicant team's Schedule Monument Consent application. Both Historic England and KC Conservation and Design have raised objections to the proposed development on conservation grounds. Officers have stated that the proposal would cause less than substantial harm to heritage assets.
- 10.59 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.
- 10.60 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. Notwithstanding the most recent comments of Historic England (which do not specify what level of harm would be caused, in their view), it is considered that less than substantial harm would be caused.
- 10.61 Paragraph 193 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.

- 10.62 Paragraph 194 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 196 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.
- 10.63 Reference is therefore again made to the public benefits set out at paragraphs 10.18 to 10.21 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.
- 10.64 Notwithstanding the above assessment, the applicant has been invited to respond to the latest comments of Historic England and KC Conservation and Design by way of an updated Heritage Statement.

Archaeology

- 10.65 Local Plan policy PLP35, and chapter 16 of the NPPF are relevant.
- 10.66 Castle Hill is a Scheduled Ancient Monument and a Class 1 Archaeological Site. It includes the remains of a late bronze age or early iron age univallate hillfort, a later iron age multivallate hillfort, and a 12th-century motte and bailey castle, and is the postulated 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.
- 10.67 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.

- 10.68 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.
- 10.69 On 24/04/2018 HE 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 submitted on 14/02/2019. 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.
- 10.70 The Archaeological Trial Trenching Report states that the results of this evaluation will be used to assess the potential impact of any proposed development, however the report only includes brief mention of the previous iteration of proposed development (including an appended plan that overlays the footprint of that previous proposal with the footprints of the site's demolished buildings and the extents of the trial trenches). In the planning application submission, the applicant team have not illustrated how the current proposed development (and its extent) relates to the area(s) where archaeological investigation has been carried out. The extent of excavation and intrusion into the earth works around the northeast and northwest edges of the proposed development has not been clarified by the applicant. Officers therefore 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.
- 10.71 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, 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 solutions are "unknown". This is of concern, 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. Some representations 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).

- 10.72 No detailed information has been submitted regarding the archaeological impact of the proposed creation of passing places along the site's vehicular access.
- 10.73 Concerns regarding this lack of archaeological information have been raised with the applicant. In response, the applicant's Updated Planning Support Statement states 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.

- 10.74 Regarding services, the applicant has reiterated that the Castle Hill Hotel's services and drainage connections remain in place, and can be reused without the need for excavation. Although the applicant has stated that it is not yet clear if the capacity of existing services is sufficient for the needs of the proposed development, the applicant has gone one to state 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.
- 10.75 Regarding the passing places proposed along the site's vehicular access, the applicant notes 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 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.
- 10.76 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.
- 10.77 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.
- 10.78 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).
- 10.79 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.

- 10.80 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.
- 10.81 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.
- 10.82 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.

Landscape impacts

- 10.83 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.
- 10.84 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.
- 10.85 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.

Highways and transportation issues

- 10.86 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.

- 10.87 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, 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 109 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.
- 10.88 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.
- 10.89 The applicant previously proposed the installation of traffic lights to the existing access lane on the southeast side of Castle Hill, however this is no longer proposed. Officers considered that proposal to be unworkable, ineffective and vulnerable to vandalism.
- 10.90 The applicant now proposes a more simple 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.
- 10.91 These access proposals 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 on the site visits undertaken by officers last year, some drivers already travel at inappropriate speed on this section of the lane. With the provision of traffic calming measures (which can be secured by a recommended condition), it is considered that the applicant’s proposed access proposals are acceptable.
- 10.92 Regarding parking, the applicant previously stated that 100 vehicles can currently park at Castle Hill, however the accuracy of this figure was doubted. The Castle Hill Ranger has since advised that the two existing parking areas can accommodate approximately 25-30 vehicles each.
- 10.93 The current proposals involve the creation of a 42-space car park (including 5 disabled parking spaces) in an area slightly larger than the existing southern parking area. In addition, an areas to the northeast of the building is annotated “Deliveries / Staff Parking” on the applicant’s drawings, however no number of staff parking spaces has been specified. For the 42-space car park, the applicant’s earlier 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 take into account existing visits to Castle Hill, which can reasonable be expected to continue, post-development. Castle Hill is well-used as a meeting place, and by dog-walkers, hikers, families, and those wishing to visit Victoria Tower. Officers expressed concern that adequate parking should be provided for all visitors, and that existing visitors (who may not wish to visit the proposed development) should not be excluded.

- 10.94 The applicant therefore 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 is 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.
- 10.95 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.
- 10.96 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.
- 10.97 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.
- 10.98 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.
- 10.99 Measures to encourage the use of sustainable modes of transport would be necessary, given the site's relatively isolated location away from populated areas and other facilities. It is 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. Cycle parking for staff and visitors

would also need to be provided, and an appropriate condition is recommended.

- 10.100 Details of waste storage and collection would also be secured by recommended condition.
- 10.101 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.
- 10.102 Details of means of access to the site for construction traffic would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.103 A condition regarding new highway works is recommended.

Public Rights of Way

- 10.104 Paragraph 10.103 of the Local Plan states that where a new development affects an existing public right of way (PROW), for example by changing the alignment, levels, surface, drainage arrangement, provision of new structures, or obstruction, full details will be required within the planning application with appropriate mitigation measures to ensure the protection of the PROW for users.
- 10.105 Several PROWs cross and circle Castle Hill. These include footpaths HUD/169/30, HUD/169/50, HUD/169/60, HUD/170/10, HUD/170/20, HUD/170/30 and HUD/173/10, and byway HUD/171/10 and HUD/171/20, which runs along the lane on the southeast side of the hill and which is open to all traffic. Of note, in some cases the recorded routes of PROWs do not reflect the routes of paths that currently exist at Castle Hill. For example, paths on site do not match the recorded route of HUD/169/60 – later paths have been created and are now the main pedestrian routes around the application site, however no recorded PROW at Castle Hill has been formally diverted or extinguished.
- 10.106 In the previous iteration of the proposed development, a terrace proposed at the southwest end of the building would have interfered with the alignment of footpath HUD/169/60. In the current, amended scheme, the footprint of the proposed building has been pulled back. However, the council's Public Rights of Way team have objected to the proposed development, on the grounds that it would obstruct footpath 169 and byway 171. While this is of concern, it is not considered to be a reason for refusal. Granting of planning permission would not divert these recorded routes – this would require a separate process, application and cost.
- 10.107 The proposed development would intensify the use of byway HUD/171/10 and HUD/171/20. This may necessitate sensitive surfacing and drainage improvements to this lane, which can be provided at the same time the works related to the proposed passing places are carried out.

Flood risk and drainage issues

- 10.108 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.
- 10.109 Regarding the disposal of surface water from the proposed development's hard surfaces (including the car park), the applicant's earlier submission documentation referred to a proposed soakaway, 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).
- 10.110 The proposed development 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 be secured by condition.
- 10.111 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.
- 10.112 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.113 The submitted application form states that the proposed foul sewage disposal method is "unknown". Yorkshire Water have stated that the site is in an area remote from the nearest public sewerage network, however a sewer extends to the corner of Ashes Lane and Castle Hill Side, and it is understood that foul sewage pipework for the demolished pub may still survive. It is recommended that further details of the applicant's proposals for foul sewage disposal be secured by condition.

- 10.114 Yorkshire Water have confirmed that the site can be provided with a drinking water supply.

Ecological and geological considerations

- 10.115 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.
- 10.116 Chapter 15 of the NPPF is relevant, as is Local Plan policy LP30, which states that the council will seek to protect and enhance the biodiversity of Kirklees, including the range of international, national and locally designated wildlife sites, and the Kirklees Wildlife Habitat Network. Significant loss of harm to biodiversity in Kirklees must be avoided, and net biodiversity gains will be required.
- 10.117 The nature conservation designations applicable to this site require high quality ecological information to ensure proper consideration. The applicant initially submitted only preliminary ecological information, which was of a standard suitable for informing scheme design, but unsuitable for supporting a planning application.
- 10.118 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, reseeded of disturbed ground, and provision of wildlife information boards and dog waste bins – no significant residual effects would be caused.
- 10.119 This conclusion is accepted, however the proposed development would nonetheless need to comply with current requirements of planning policies regarding net biodiversity gains. A recommended condition would address this by requiring the submission of details of the site's baseline ecological value, and of measures to secure a biodiversity net gain. A related planning obligation is also recommended, should off-site compensation prove necessary.
- 10.120 There are no protected trees within the application site.
- 10.121 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.

Amenity

- 10.122 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 well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.123 The nearest residential properties to the site are located approximately 170m downhill to the southeast.
- 10.124 Development at this site certainly has the potential to impact upon the amenities of neighbouring residents in the form of additional traffic moving 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.
- 10.125 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.

Tourism and economic impacts

- 10.126 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).
- 10.127 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.
- 10.128 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.

Crime and anti-social behaviour

- 10.129 It is noted that anti-social behaviour and crime, including vandalism, is a regular occurrence at Castle Hill. In recent years, vandalism, fires, use of fireworks, theft of stone flags and noisy gatherings have occurred.
- 10.130 The applicant has argued that a 24-hour permanently-staffed facility at Castle Hill could help deter such activities. This argument could have had some merit, however, it is unclear if staff members would be able, willing, authorised or insured to leave the building to deal with incidents, and the West Yorkshire Police Designing Out Crime Officer has advised against relying wholly on an on-site presence to address these problems.. Furthermore, the council now intends to restrict vehicular access to Castle Hill at night – this will deter some of the anti-social behaviour and crime, and reduces the need and benefit of having a 24-hour permanently-staffed facility at Castle Hill.
- 10.131 Several responses to the council's consultation suggested that the proposed development, with a licensed bar, would attract crime and anti-social behaviour.
- 10.132 The West Yorkshire Police Designing Out Crime Officer has also commented that secluded potential gathering points are proposed at lower ground floor level, at the deep secluded recessed entrance and interpretation room viewing window. The concern is that persons could gather here out of sight of the passing public or police patrols, and that the proposed design would make the building more vulnerable to burglary and criminal damage. It is noted, however, that these are key features of the proposed design that are welcomed in relation to legibility, accessibility and interpretation. Deletion of these features is not recommended, and alternative means of securing the building would need to be proposed by the applicant.

Public health

- 10.133 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the health-related measures that can be secured via conditions and a Section 106 agreement (regarding construction management and active travel, it is considered that the proposed development would not have negative impacts on human health.

Ground conditions

- 10.134 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 KC Environmental Health on site contamination grounds. Officers have, however, recommended conditions related to unanticipated site contamination.
- 10.135 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.

Representations

10.136 To date, a total of 316 representations have been received in response to the council's consultation and reconsultation. The comments raised have been addressed in this report.

Planning obligations

10.137 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 implementation of a Travel Plan, and monitoring fees of £10,000.

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

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).

4) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.

10.138 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. (Applicant- details to confirm) 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 planning matters

10.139 Given the council's consultation and reconsultation (detailed above), the number of responses received, the work of Members in their respective wards, and extensive recent press coverage, officers are of the view that there is good public knowledge of the proposed development, and that it is not the case that few people are aware of the current planning application.

- 10.140 The identity of the applicant is not a material planning consideration, nor are details of the landowner's lease agreement with the applicant.
- 10.141 There was a reference to viability at page 17 of the applicant's now-superseded Design and Access Statement, however no financial viability information has been submitted in support of the current application. It is considered unlikely that the applicant would propose (or would be able to finance) an unviable development. No planning policies require the submission of a business plan for such a proposed development.
- 10.142 There is no suggestion in the applicant's submission that the proposed development would be converted to a private residence in the future.
- 10.143 In their comments, Yorkshire Water did not raise concerns regarding the proposed development's impacts upon water pressure in the surrounding area.
- 10.144 Consultation with the Civil Aviation Authority was not necessary.
- 10.145 There is currently no alternative proposal for a similar development in a nearby, off-summit location currently before the council.
- 10.146 Representations queried whether building managers would be willing to allow hikers (with muddy boots) in to use the development's facilities, and whether there would be conflicts between user groups when, for example, functions are being held. These matters would need to be addressed in the management details to be secured via planning obligations, and a condition restricting the use of the proposed development for wedding receptions and functions is recommended in any case. Regarding WC use, it is noted that that these facilities would be close to the building's entrance, so that hikers and dog walkers would not need to enter the restaurant/café/bar if they only intended to use the WCs.
- 10.147 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.
- 10.148 A separate license application would be required for the sale of alcohol at the proposed café/restaurant.

- 10.149 The wording of key conditions relating to highways matters, archaeology and the proposed development's public benefits are provided in section 12 of this report.
- 10.150 The type of food that may be served at the restaurant/café/bar is not a material planning consideration.
- 10.151 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 (subject to the potential Secretary of State call-in), and an extension of time (to the life of the application) has been agreed with the applicant.

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 10.18 to 10.21 carry sufficient positive weight in the planning balance to outweigh this harm and non-compliance with relevant planning policies. NPPF paragraph 144 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 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 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 (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 specifications.
3. Submission of a Construction Management Plan.
4. Restriction of restaurant/café/bar covers to 70:

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.

5. Restriction on weddings and functions:

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

6. Restaurant/café/bar use not to commence until publicly-accessible WCs and interpretation room are operational:

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.

7. School and group visits by coach to be restricted to Mondays to Fridays:

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.

8. Submission of details of passing places and traffic calming prior to commencement of works, and implementation prior to commencement of use:

Prior to the commencement of development, a scheme detailing passing places and traffic calming shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the design of the passing places and traffic calming on the existing access road, and the means by which these highway works are to be carried out. 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 in writing by the Local Planning Authority all construction works shall be in accordance with the approved scheme. The scheme shall be completed in full prior to the restaurant/café/bar use hereby approved is brought into use.

9. Submission of details of hard surfacing and drainage of car park.
10. Completion of car park prior to occupation.
11. Cycle parking provision to be provided within the site.
12. Provision of Electric Vehicle charging points.
13. Provision of waste storage and collection.
14. Restricted opening hours of restaurant/café/bar.
15. Submission of a remediation strategy should unexpected contamination be found.
16. Submission of a validation report.
17. Submission of details of interpretation boards.
18. Submission of drainage strategy and details of foul water disposal.
19. Site to be developed with separate systems of drainage for foul and surface water on and off site.
20. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
21. Crime prevention measures.
22. Submission of further archaeological investigation and impact assessment:

Prior to the commencement of development, 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.

23. Imported soil to be archaeologically sterile.
24. External materials.
25. Boundary treatments.
26. External lighting.
27. No external plant, CCTV or other accretions to be installed without prior approval.
28. Submission of a full landscaping scheme.
29. Submission of a Landscape and Ecological Management Plan.
30. Biodiversity enhancement and net gain.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93591>

Certificate of Ownership – Certificate B signed

