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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 03-Jan-2019**

**Subject: Planning Application 2018/93591 Erection of cafe/restaurant with bedrooms, interpretation facilities, car parking and servicing facilities (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**

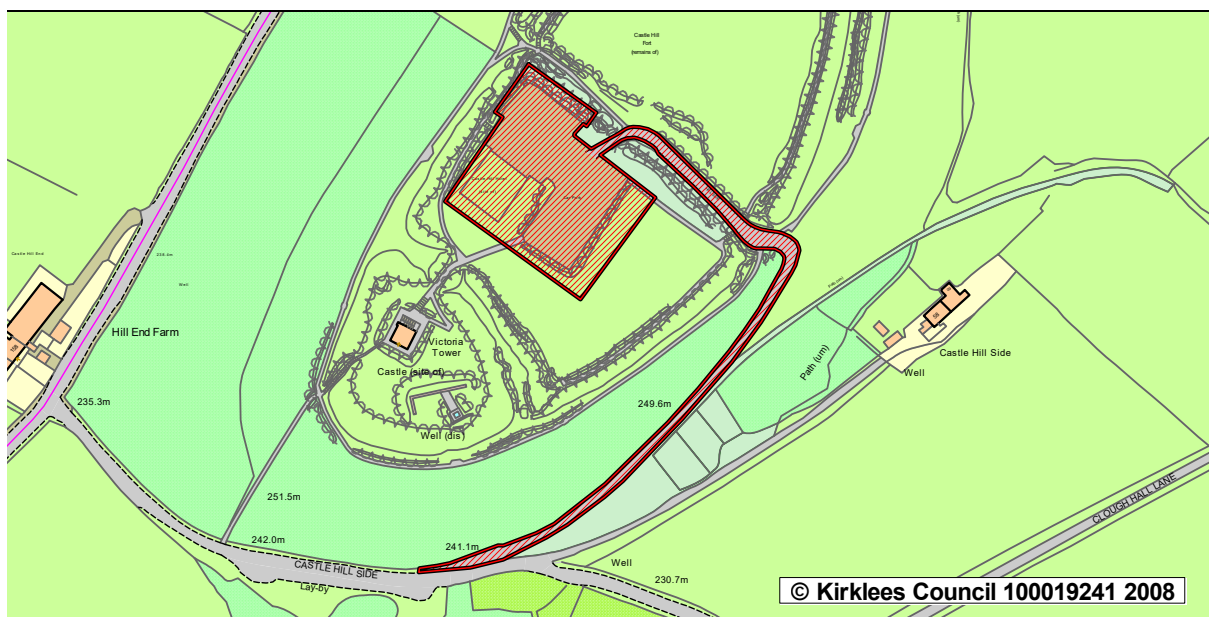
30-Jan-2019

**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Almondbury**

Yes

Ward Members consulted

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**POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.**

**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 Unitary Development Plan.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

**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 of regional significance. 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 area, 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.

### **3.0 PROPOSAL:**

- 3.1 The application is for full planning permission for the erection of a two-storey building accommodating a café/restaurant, seven hotel rooms, interpretation facilities, toilets. The building would be partly sunken at the lower level. An outdoor terrace is proposed at the upper level. A curved metal roof (with photovoltaic panels) would top the building and would partly overhang the terrace. A service area is proposed at the northeast end of the building.
- 3.2 The applicant also proposes the southwards extension of existing informal parking area, and the installation of traffic lights to the lane on the southeast side of the hill.
- 3.3 The applicant is the Thandi Partnership.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 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”.

- 4.2 2012/93683 – Application for planning permission for the erection of a public house and hotel with associated parking. Deemed withdrawn 02/08/2013.
- 4.3 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.

## **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 have to date raised the following queries and concerns:
- Transport Statement, Ecological Impact Statement, site management information (including opening hours, public access and staff

responsibilities), details of the proposed interpretation facility, 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 have responded to some of the above queries and concerns, and these responses are included in the discussion below. Responses on other matters are awaited.

5.5 A detailed Heritage Impact Assessment was submitted on 19/11/2018.

5.6 Corrected drawings were submitted on 21/11/2018.

5.7 Further details of the management of the proposed development were submitted on 21/11/2018.

5.8 Officers met members of the applicant team on 16/11/2018, 23/11/2018 and 03/12/2018.

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

## **6.0 PLANNING POLICY:**

6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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

6.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25/04/2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.4 Between 20/08/2018 and 01/10/2018 the council carried out public consultation on Main and Additional Modifications to the Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.5 The application site is designated as green belt, an Archaeological Site and a Special Site (policy R21). Surrounding land is also within the green belt.

6.6 Relevant policies are:

G1 – Regeneration  
G4 – Design  
G5 – Equality of opportunity  
G6 – Land contamination  
D1 – Open land  
D10 – Green belt – outdoor sport and recreation  
BE1 – Design principles  
BE2 – Quality of design  
BE9 – Archaeology  
BE10 – Archaeology  
BE11 – Building materials  
BE23 – Crime prevention  
EP4 – Noise sensitive development  
EP6 – Noise levels  
EP10 – Energy efficiency  
EP11 – Landscaping and ecology  
EP30 – Prolonged construction work  
T1 – Transport priorities  
T2 – Highway improvements  
T10 – Highway safety  
T14 – Pedestrian safety  
T16 – Pedestrian routes  
T17 – Cycling  
T19 – Parking standards  
B1 – Employment  
B14 – Major hotels and conference facilities  
S1 – Town and local centres  
R1 – Recreational facilities  
R13 – Rights of way  
R21 – Castle Hill

Kirklees Draft Local Plan Strategies and Policies (2017):

6.7 The application site is designated as green belt, a Local Nature Reserve, a Local Wildlife Site, a Local Geological Site, an SSSI Impact risk Zone, and an Archaeological Site, and is part of a Wildlife Habitat Network and a Green Infrastructure Network. Surrounding land is also within the green belt.

6.8 Relevant policies are:

PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP3 – Location of new development  
PLP4 – Providing infrastructure  
PLP7 – Efficient and effective use of land and buildings  
PLP10 – Supporting the rural economy  
PLP13 – Town centre uses

PLP16 – Food and drink uses and the evening economy  
 PLP19 – Strategic transport infrastructure  
 PLP20 – Sustainable travel  
 PLP21 – Highway safety and access  
 PLP22 – Parking  
 PLP24 – Design  
 PLP26 – Renewable and low carbon energy  
 PLP27 – Flood risk  
 PLP28 – Drainage  
 PLP30 – Biodiversity and geodiversity  
 PLP31 – Strategic Green Infrastructure Network  
 PLP32 – Landscape  
 PLP34 – Conserving and enhancing the water environment  
 PLP35 – Historic environment  
 PLP47 – Healthy, active and safe lifestyles  
 PLP48 – Community facilities and services  
 PLP49 – Educational and health care needs  
 PLP50 – Sport and physical activity  
 PLP51 – Protection and improvement of local air quality  
 PLP52 – Protection and improvement of environmental quality  
 PLP53 – Contaminated and unstable land  
 PLP56 – Green belt – facilities for outdoor sport, outdoor recreation and cemeteries

Supplementary Planning Guidance / Documents:

6.9 Relevant guidance and documents are:

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment
- Castle Hill Settings Study
- Castle Hill Conservation Management Plan

National Planning Policy and Guidance:

6.10 The National Planning Policy Framework (2018) 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 chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- 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.

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

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised as a departure from the development plan, and as development affecting the 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 consultation. These 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.
- Inappropriate development in 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.
- Harm to heritage assets. Development would detract from setting of a Scheduled Ancient Monument. 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.
- Harmful impact on long views. Development would be visible over a wide area.
- 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.
- 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.
- Proposed traffic lights would not work.
- Support for traffic management to access lane.
- Traffic lights unacceptable on Scheduled Ancient Monument. Traffic furniture would have harmful impact.
- Maintenance responsibility for traffic lights questioned.
- Highways safety impacts. Existing access lane is already inadequate and would become less safe. Risk to pedestrians.
- 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.
- Proposals are contrary to UDP and Local Plan policies, the NPPF and the council's Highways Design Guide.
- Few people know the planning application has been submitted.

- 7.5 A further update on the number of responses will be provided prior to the meeting of the Strategic Planning Committee, or will be reported verbally.
- 7.6 The Holme Valley and Kirkburton Parish Councils were also consulted, given the proximity of site to parish boundaries. The 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.*

- 7.7 The comments of Kirkburton Parish Council are awaited.
- 7.8 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.*

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

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Transport Statement required, along with an Independent Stage 1 Safety Audit, details of anticipated vehicle movements, peak use hours, vehicle numbers, swept path analysis for an 11.85m long refuse vehicle accessing and aggraving the site in a forward gear, and a Travel Plan (including measures to encourage walking, cycling and public transport use). Current access lane is substandard. Proposed signal control equipment is not appropriate for this site and development. Urban Traffic Control officers have raised concerns regarding the poor visibility at either end of the lane, through-traffic being forced to queue, and lack of information regarding maintenance of the signal control equipment. Unlikely that any traffic signal scheme would be supported here, so other means of improving access to the site and removing potential for vehicle conflict will need to be investigated. Proposed development would intensify the use of byway HUD/171/10 and HUD/171/20, and may necessitate sensitive surfacing and drainage improvements to this lane. Improvements to car park are welcomed, however proposed car park provision must be considered in light of the likely use of the facilities.

KC Strategic 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.

Council for British Archaeology Yorkshire – 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) 12<sup>th</sup> 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.

Historic England – Objection. Castle Hill is a nationally important Scheduled Monument (NHLE 1210385), which is also home to the Grade II listed Victoria Tower. Occupied and used from the Neolithic period onwards, Castle Hill

functioned throughout the prehistoric period as a typical hill fort, similar to those more common in the south of England. Becoming the site of a medieval castle and a planned, but subsequently deserted medieval village, Castle Hill is an impressive landscape feature that plays a special role in the identity of Kirklees, with the high, flat-topped hill and the Grade II listed Victoria Tower an iconic image for the district. The proposed scheme represents a major and inappropriate development in this sensitive location due to its size and detailing. HE do not consider that the application successfully addresses the requirements of Section 12 of the NPPF and has not reflected the significance of the site. As a consequence this scheme would lead to substantial harm to the significance of the monument and its setting. In its present form it fails to address paragraphs 189, 190, 193, 194 and 195 of the NPPF and therefore HE object to it on heritage grounds.

Yorkshire Water – 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.

## 8.2 **Non-statutory:**

KC Conservation and Design – Initial, informal comments provided. Applicant's reference to Atkins's Castle Hill Setting Study is minimal. Submission documents are inadequate. Proposed development would cause less than substantial harm. NPPF paragraph 193 directs the council to attach great weight to the heritage asset's conservation, and paragraph 194 states that any harm should require clear and convincing justification. Concerns regarding the size and visibility of the proposed development, and its unwelcoming blank elevation to car park. Clear and convincing justification for harm has not been provided. Currently the proposal fails to comply with NPPF paragraphs 193, 194 and 196 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

KC Ecology – This site is subject to a number of nature conservation designations, including a Local Nature Reserve, Local Wildlife Site, Local Geological Site and Kirklees Wildlife Habitat Network. Together these designations have a number of legal and policy implications, which require high quality ecological information to ensure proper consideration. To date the applicant has submitted only preliminary ecological information, which is of a standard suitable for informing scheme design, but unsuitable for supporting a planning application. In accordance with current national guidance, the applicant will need to submit an Ecological Impact Assessment. Based on the

available information I am unable to provide a substantive response on whether the requirements of relevant planning policy can be satisfied.

KC Environmental Health – Conditions recommended regarding dust suppression, lighting, odour and extract, electric vehicle charging, hours of use and contaminated land. Advice provided regarding hours of works.

KC Public Rights of Way – Initial, informal comments provided. PROW team would have object to application, due to a fundamental lack of information. However, as the council is expecting to receive additional submissions from the applicant, the PROW team will withhold formal consultation response, pending receipt and consideration of any amendments to the proposal.

Campaign to Protect Rural England – Objection. Very special circumstances for green belt development have not been demonstrated. Harm to openness of the green belt. Adverse impact upon iconic heritage asset. Proposal is contrary to Local Plan policy PLP35. Significant departure from UDP. Access lane is grossly unsafe, traffic light system fails to address underlying safety problems. Development inappropriate in relation to Castle Hill Setting Study. Huddersfield would become known as the town that had little regard for its history and natural environment. Development would become the destination (rather than the hill itself), and would dominate and overwhelm the hill. Sense of isolation on Castle Hill would be lost. Damage to one of the rarest classes of Iron Age heritage assets. No market research supports assertion that visitor facilities are sorely needed. Strategic masterplan for Castle Hill required. Objection to proposed design. Profile of the building would not be reminiscent of a natural Pennine hill. Balance between Castle Hill and Victoria Tower would be destroyed. Seven reasons for refusal recommended.

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.

Huddersfield and District Archaeological Society – Objection. Very special circumstances for green belt development have not been demonstrated. Other development in the green belt has been refused permission and enforcement action has been taken. Development would detract from the setting and character of the Scheduled Ancient Monument. Construction, and increased car parking, traffic and footfall would impact upon listed building. Access to site is unsuitable for additional traffic. Emergency vehicles would have difficulty accessing site. Visitor facility is inadequate. Integrated visitor facilities should be provided off-site. 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.

West Yorkshire Archaeology Advisory Service – Castle Hill is a Class 1 archaeological site (of national archaeological importance) and includes remains of a late Bronze Age or early Iron Age univallate hill fort, a later Iron Age multivallate hill fort, and a 12<sup>th</sup> century motte and bailey castle, and is the postulated site of a deserted medieval village. Site of the proposed

development lies within the ramparts of the hill fort and within the Middle Ward of the medieval castle, and is on the approximate site of the original Castle Hill Hotel (built 1852) which replaced an earlier tavern of c1810. Results of the summer 2018 archaeological evaluation have not been submitted, therefore it is not possible to make a judgement on the impact of the proposed development upon the site's archaeological potential, nor define whether further archaeological work would be required should planning permission be granted. Proposal appears to physically impact on the rear of the ramparts of the hill fort and medieval castle, which would cause substantial harm. Archaeological impact of cabling for the traffic management system has not been addressed. Application should be refused.

West Yorkshire Geology Trust – 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.

## **9.0 MAIN ISSUES**

- Land use and principle of development
- Design and conservation
- Archaeology
- Landscape impacts
- Highways issues
- Public Rights of Way
- Drainage issues
- Ecological and geological considerations
- Amenity issues (including noise)
- Tourism and economic impacts
- Sustainability
- Crime and anti-social behaviour
- Public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

## **10.0 APPRAISAL**

### Land use and principle of development

- 10.1 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. 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. UDP policy R21 states that proposals for development within the boundary of Castle Hill should have regard to the status of the hill as

an ancient monument, the significance of the hill as a landscape feature, the effect on the local road network and pedestrian movement on the hill, and the recreation and educational potential of the site. These and many other considerations are relevant to the principle of development at this site.

- 10.2 The application site is within the green belt. 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.
- 10.3 Emerging Local Plan policy PLP10 states that development proposals for main town centre uses in out-of-centre locations will only be permitted where identified needs cannot be met within existing local centre or in edge-of-centre locations. The proposed café/restaurant, hotel and interpretation facility are main town centre uses.
- 10.4 The status of Castle Hill as a Scheduled Ancient Monument, and the applicant site's location within the setting of listed building (Victoria Tower), are important considerations relevant to the principle of development. 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 of 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.
- 10.5 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. A small number of responses to the council's consultation 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.
- 10.6 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, the site cannot be described as previously-developed (brownfield) land. Many people responding to the council's consultation have argued that visitors to Castle Hill have become accustomed to there being no such building (and no facilities) at the site.
- 10.7 It is noted that the vast majority of responses to the council's consultation 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.

- 10.8 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. More recently, Historic England have 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".
- 10.9 The applicant's 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.
- 10.10 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. It is therefore considered that there is sufficient reason to accept the provision of main town centre uses at this site as part of a scheme that demonstrated and delivered public benefits.
- 10.11 Given that the purpose of the planning system is to contribute to the achievement of sustainable development, some commentary on the sustainability of the proposed development is appropriate. On the one hand, the proposed development demonstrates aspects of environmental sustainability as it includes measures such as the installation of photovoltaic panels. However, the proposed development would extend beyond the footprint of previous development at this site, very special circumstances for development in the green belt have not been demonstrated, adequate public benefit (to outweigh harm to heritage assets) has not been demonstrated, and the applicant has not submitted sufficient information to demonstrate that staff and visitors to the development would use sustainable modes of transport. The applicant has not yet demonstrated that the proposal constitutes sustainable development.

- 10.12 Significant public benefit *could* be demonstrated by the applicant, if adequate public access to the proposed toilets is proposed, and if acceptable details relating to the proposed interpretation facility are provided. The applicant is currently preparing details of how these facilities would be managed, and has additionally discussed the proposals with the council's Museum Service (who have provided some advice, but would not be able to equip, or take on management or staffing of the interpretation facility). It is also noted that the West Yorkshire Geology Trust have offered assistance in relation to geological interpretation. The applicant could also engage an exhibitions consultant to provide advice on the contents and management of the proposed interpretation facility.
- 10.13 Clearly, if the principle of development at Castle Hill is to be accepted, that development would need to be of an exceptionally high quality, of an appropriate design, and of clear public benefit. An opportunity exists to sensitively celebrate and support this important landmark, destination and heritage asset. Any such development, however, must be viable and sustainable.
- 10.14 Regarding paragraph 143 of the NPPF, it is considered that very special circumstances *could* be demonstrated by the applicant in support of a form of development at Castle Hill, however they have not been demonstrated yet, due to the limited information provided in support of the proposed development's public benefits. Similarly, compliance with chapter 16 of the NPPF has not yet been demonstrated, as the public benefits of the proposed development (as detailed by the applicant to date) would not outweigh the harm to heritage assets that would be caused. It is also noted that the harm caused by the proposed development would need to be reduced (through amendments to the proposed design) before officers would be able to recommend approval of planning permission. These matters are considered in further detail later in this report.
- 10.15 Do Members have any comments in relation to land use and the principle of development at this stage?**

Design and conservation

- 10.16 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 a standard that wins awards and recognition beyond the boundaries of Kirklees. High quality design is, in any case, required by UDP policies G4, BE1, BE2 and R21, emerging Local Plan policy PLP24 and chapter 12 of the NPPF.
- 10.17 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. Emerging Local Plan policy PLP35 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.

- 10.18 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.
- 10.19 While it is appreciated that significant thought has gone into the proposed design, the resulting proposal is not successful in design and conservation terms.
- 10.20 The size and appearance of the proposed building would result in it competing with the Grade II listed Victoria Tower as the dominant built feature on Castle Hill, when what is needed is a smaller-scale intervention that appears subordinate to, and does not detract from, this important landmark and heritage asset. Although a contemporary design approach is considered acceptable in principle in this location, and although the proposed curved metal roof brings some drama to the scheme, it would exacerbate the impact of the development, making it jar visually with, and appear alien in the context of, the Victoria Tower. The curved roof would also unacceptably add height and prominence to what would already be a large building – internal floor-to-ceiling heights of around 4.5m would be reached. The applicant team's architect has noted that a simple flat roof was considered, however it would have given the building a poor appearance. This is accepted, however other roof designs will need to be explored by the applicant team.
- 10.21 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. Any such roof would need to be carefully designed to ensure it would have the desired visual effect. Adequate substrate would need to be provided to ensure grass would thrive, and this would have loading implications for the building below. Appropriate species of grass would need to be planted – a sedum roof would not be appropriate here. Adequate irrigation and weatherproofing would also need to be designed.
- 10.22 It is unlikely that the glazed elevations of the building's upper storey would give the building a transparent or lightweight appearance, and the objections of residents regarding daytime glare and night-time light pollution are noted. The glazing would, however, enable good outlook from the proposed café/restaurant across the Holme Valley and beyond. The proposed southeast elevation (facing the car park) is of concern. This would present a long, blank wall to the car park and to visitors approaching the building from the southeast, creating a poor arrival experience. This blank wall, and the proposed location of the building's main entrance, would not assist legibility. A more obvious and logical location for the entrance would improve the proposed development.

- 10.23 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. Further thought will 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 new Snowdon summit café (Ray Hole Architects, 2009) demonstrates how an appropriate choice of stone can help reduce the visual prominence of a hilltop development). The submitted drawings indicate that zinc would be used on the curved 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.
- 10.24 The proposed photovoltaic panels are considered unacceptable in design and conservation terms. Due to their colour and sheen, they would increase the prominence and alien appearance of the proposed development. While the proposed use of renewable energy technologies is to be commended, officers have questioned whether the proposed photovoltaic panels would in fact generate much electricity, given that they would not be positioned at the optimum angle. Officers have also queried whether alternative measures, such as a ground source heat pump or enhanced thermal efficiency of the building, would bring about similar or greater benefits for the same cost but without the same visual impacts. The applicant team's architect has confirmed that he is not wedded to the idea of installing photovoltaic panels on the building's roof.
- 10.25 With regard to the impact of the proposed development upon heritage assets, the comments of Historic England (HE) are noted. HE have advised that the proposed development represents a major and inappropriate development in this sensitive location due to its size and detailing, and that the development would lead to substantial harm to the significance of the monument and its setting such that it fails to address paragraphs 189, 190, 193, 194 and 195 of the NPPF. Officers, however, are of the view that the proposed development would cause less than substantial harm. Either way, regardless of what level of harm would be caused by the proposed development, 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.
- 10.26 The applicant appreciates that the support of both the council and HE is essential if planning permission is to be approved. Of note, the Secretary of State (via HE) has call-in powers in respect of this application, and HE would also deal with the applicant team's Schedule Monument Consent application. The applicant team have therefore requested a three-way meeting with HE and council officers. This has been scheduled, and it is expected that the design of the proposed development will subsequently be amended before this application is considered again by the Strategic Planning Committee. Officers would suggest that such an amended scheme would need to be smaller (the overall scale of development would need to be reduced, and the proposed hotel rooms may need to be deleted from the proposals), a different roof would need to be proposed (a green roof could help reduce the development's visual

impact), and an improved arrival experience and a redesigned southeast elevation would be necessary.

- 10.27 The proposed service yard is likely to require some form of boundary treatment to prevent visitors falling up to 3m from the earth mound to the new hard surface below. No details of any such boundary treatment have been provided by the applicant, and there is a concern that a 1.1m fence or wall at the top of the earth mound would further increase the development's prominence and impacts upon heritage assets.
- 10.28 In terms of design and conservation, the proposed works to the existing car park are considered acceptable on balance. While the proposed enlargement of the parking area would normally be of concern, the proposed resurfacing of the entire car park would represent an improvement, if an appropriate material is used (the proposed permeable macadam may not be the most appropriate material for this sensitive location) and if the works include tidying of the edges of the hard-surfaced area.

**10.29 Do Members have any comments in relation to design and conservation at this stage?**

Archaeology

- 10.30 UDP policies BE9 and BE10, emerging Local Plan policy PLP35, and chapter 16 of the NPPF are relevant.
- 10.31 On 24/04/2018 HE granted Scheduled Monument Consent to allow an archaeological dig at Castle Hill. This was carried out in 2018. The applicant team have verbally advised that nothing of archaeological interest was discovered, however a report on the findings of the dig has not yet been submitted to HE or the council. In the planning application submission, the applicant team have not clarified how the proposed development (and its extent) relates to the area(s) where archaeological investigation has been carried out. It is unclear whether the area of the 2018 dig corresponds with the application site boundary, whether the 2018 dig would at least provide an adequate representation of what archaeological interest may exist across the application site, or whether further investigation would be required before the archaeological impacts of the proposed development can be fully assessed. The 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.
- 10.32 Objections have been received from the West Yorkshire Archaeology Advisory Service, the Council for British Archaeology Yorkshire and the Huddersfield and District Archaeological Society.
- 10.33 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.

**10.34 Do Members have any comments in relation to archaeology at this stage?**

Landscape impacts

- 10.35 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, and Huddersfield town centre. 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. Daytime glare from the proposed glazing could make the development more visible in certain times of the year, however less reflective glass, the angle of the glazing, and the careful design of a roof overhang could help reduce this glare.
- 10.36 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.
- 10.37 Limited illustrated information has been submitted regarding the proposed development's wider landscape impacts. CGI images of the proposed development, as seen from the above-mentioned vantage points, would be helpful, and more images (such as those provided at page 13 of the applicant's Interim Design Report dated June 2014) are likely to be required once the proposed development has been amended in accordance with officer and HE advice.
- 10.38 The comments of the council's Landscape Architect Manager are awaited.
- 10.39 Do Members have any comments in relation to landscape impacts at this stage?**

Highways issues

- 10.40 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 107 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken up, that safe and suitable access to sites should be achieved for all users, and that any significant impacts on the transport network or on highway safety should be mitigated.
- 10.41 The 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.
- 10.42 Little information regarding highways matters has been submitted by the applicant. No Transport Statement or Travel Plan have been submitted. These documents would need to provide information including anticipated visitor numbers, vehicle movements, and details of how the use of sustainable modes of transport would be encouraged. With the little information submitted to date,

officers are unable to provide a comprehensive assessment of the highways-related impacts of the development.

- 10.43 The applicant proposes the installation of traffic lights to the existing access lane on the southeast side of Castle Hill. The lights at the bottom of the lane (where it leaves Castle Hill Side) would default to green unless exiting vehicles waiting to descend are detected at the top of the lane. This proposal is considered unworkable. Vehicles waiting at the bottom of the lane would obstruct eastbound movement along Castle Hill Side and Lumb Lane. There is a risk that waiting drivers, who would be unable to see much of the access lane or vehicles descending, would ignore a red light and would proceed uphill, thus rendering the proposed solution ineffective. Officers are also concerned that traffic lights in this location would be vulnerable to vandalism, and that responsibility for their maintenance may fall upon the council.
- 10.44 Subject to the applicant's forthcoming information regarding visitor numbers and vehicle movements, alternative measures would need to be devised by the applicant. The provision of additional passing places on the lane could improve matters, however excavation of the hillside may trigger archaeological concerns, and widening of the lane with retaining walls may have harmful landscape impacts, and may adversely affect the openness of the green belt and the setting of heritage assets.
- 10.45 The applicant has stated that 100 vehicles can currently park at Castle Hill. The accuracy of this figure is doubted. The applicant has also indicated that the proposed car park would accommodate 74 vehicles, however it has not been explained how this figure was arrived at, whether this provision would be sufficient for the proposed development, and whether this figure includes the staff parking spaces within the proposed servicing yard.
- 10.46 Do Members have any comments in relation to highways issues at this stage?**

Public Rights of Way

- 10.47 UDP policy R13 states that development proposals which would affect a PROW should take account of the convenience of users of the PROW, and the provision of facilities for people with disabilities. Paragraph 10.103 of the emerging Local Plan states that where a new development affects an existing PROW, for example by changing the alignment, levels, surface, drainage arrangement, provision of new structure, or obstruction, full details will be required within the planning application with appropriate mitigation measures to ensure the protection of the PROW for users.
- 10.48 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.
- 10.49 Little information has been provided by the applicant regarding the impacts of the proposed development upon the PROW network. Of particular concern, the terrace proposed at the southwest end of the building would interfere with the alignment of footpath HUD/169/60, yet no acknowledgement of this is included in the applicant's supporting documentation. Also of concern, the proposed

development would intensify the use of byway HUD/171/10 and HUD/171/20, and may necessitate sensitive surfacing and drainage improvements to this lane.

- 10.50 It has not been demonstrated that the existing PROW network has been accounted for in the design of the proposed development, or that the network would be appropriately enhanced or that impacts would be mitigated. The proposed development will need to be amended in accordance with officer and HE advice, and these amendments will need to take into account the existing PROW network.

**10.51 Do Members have any comments in relation to Public Rights of Way at this stage?**

Drainage issues

- 10.52 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.
- 10.53 Regarding the disposal of surface water from the proposed development's hard surfaces, the applicant's submission refers to a proposed soakaway, but provides 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).
- 10.54 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. Further details of the applicant's proposals for foul sewage disposal have been requested.
- 10.55 Yorkshire Water have confirmed that the site can be provided with a drinking water supply.

**10.56 Do Members have any comments in relation to drainage at this stage?**

Ecological and geological considerations

- 10.57 The application site is subject to a number of nature conservation designations, including a Local Nature Reserve, Local Wildlife Site, Local Geological Site and the Kirklees Wildlife Habitat Network.
- 10.58 Chapter 15 of the NPPF is relevant, as is draft policy PLP30 in the emerging Local Plan, 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.
- 10.59 The nature conservation designations applicable to this site require high quality ecological information to ensure proper consideration. To date the applicant has submitted only preliminary ecological information, which is of a standard suitable for informing scheme design, but unsuitable for supporting a planning application. In accordance with current national guidance, and as confirmed to the applicant at pre-application stage, the applicant will need to submit an Ecological Impact Assessment.
- 10.60 Based on the information submitted to date, a meaningful assessment of the ecological impacts of the proposed development cannot be made yet.
- 10.61 There are no protected trees within the application site.
- 10.62 Castle Hill is a Local Geological Site. Little information regarding the proposed development's geological impacts has been submitted by the applicant, however the West Yorkshire Geology Trust have advised that the proposed development would not cause impacts to the geological and geomorphological interest of the site.

**10.63 Do Members have any comments in relation to ecological and geological considerations at this stage?**

Amenity issues

- 10.64 UDP policy BE1 states that all development should be of good quality design such that it contributes to a built environment which promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution. UDP policy EP4 states that proposals for noise generating uses of land close to existing noise sensitive development will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development. UDP policy EP6 states that existing and projected noise levels will be taken into account in considering applications for developments which are, or have potential to be, noise generators. UDP policy EP30 states that conditions will normally be applied to planning permissions for development proposals which involve prolonged construction work.
- 10.65 In the emerging Local Plan, policy PLP24 states that development proposals should promote good design by ensuring they provide a high standard of

amenity for future and neighbouring occupiers. Policy PLP52 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 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.

- 10.66 The nearest residential properties to the site are located approximately 170m downhill to the southeast.
- 10.67 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 without the required Transport Statement (and its information regarding visitor numbers and vehicle movements), a full assessment of these impacts cannot be provided.
- 10.68 Do Members have any comments in relation to amenity issues at this stage?**

Tourism and economic impacts

- 10.69 The proposed development would have economic benefits during the construction phase. In addition, the applicant has stated that, when the proposed development is in operation it would provide 30 full-time equivalent jobs (12 full-time, 36 part-time).
- 10.70 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 would inform a further assessment of the proposed development's economic impacts.
- 10.71 As noted above, significant public benefit could be demonstrated by the applicant, if adequate public access to the proposed toilets is proposed, and if acceptable details relating to the proposed interpretation facility are provided. The applicant is currently preparing details of how these facilities would be managed, and has additionally discussed the proposals with the council's Museum Service (who have provided some advice, but would not be able to equip, or take on management or staffing of the interpretation facility). 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 facility.
- 10.72 Do Members have any comments in relation to tourism and economic impacts at this stage?**

### Sustainability

- 10.73 As noted above, it has not yet been demonstrated that the proposal constitutes sustainable development. The proposed development demonstrates aspects of environmental sustainability as it includes measures such as the installation of photovoltaic panels, however officers have raised concerns regarding the appearance of these panels, and have questioned whether they would in fact generate much electricity, given that they would not be positioned at the optimum angle. Officers have also queried whether alternative measures, such as a ground source heat pump or enhanced thermal efficiency of the building, would bring about similar or greater benefits for the same cost but without the same visual impacts.
- 10.74 Also of note, the proposed development would extend beyond the footprint of previous development at this site, very special circumstances for development in the green belt have not been demonstrated, adequate public benefit (to outweigh harm to heritage assets) has not been demonstrated, and the applicant has not submitted sufficient information to demonstrate that staff and visitors to the development would use sustainable modes of transport. On this last point, the required Travel Plan (which is yet to be submitted) should provide information regarding transport modal split, although it is noted that public transport facilities in the area are limited. A development which was entirely reliant on staff and visitors arriving by private car is unlikely to be considered sustainable.
- 10.75 Do Members have any comments in relation to sustainability at this stage?**

### Crime and anti-social behaviour

- 10.76 It is noted that anti-social behaviour and crime, including vandalism, is a regular occurrence at Castle Hill. The applicant has argued that a 24-hour permanently-staffed facility at Castle Hill could help deter such activities, and this argument has some merit. It is, however, unclear if staff members would be able, willing, authorised or insured to leave the building to deal with incidents. Several responses to the council's consultation suggested that the proposed development, with a licensed bar, would attract crime and anti-social behaviour.
- 10.77 The comments of the West Yorkshire Police Architectural Liaison Officer are awaited.
- 10.78 Do Members have any comments in relation to crime and anti-social behaviour at this stage?**

### Public health

- 10.79 The comments of the council's Public Health team are awaited.
- 10.80 Do Members have any comments in relation to public health at this stage?**

### Ground conditions

- 10.81 The applicant will need to provide 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.
- 10.82 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. The applicant's forthcoming Transport Statement will need to provide information regarding the lane's ability to cope with the construction and operational traffic that the proposed development would entail.
- 10.83 Do Members have any comments in relation to ground conditions at this stage?**

### Representations

- 10.84 To date, 194 representations have been received in response to the council's consultation. The issues which have been raised have been addressed in this report.
- 10.85 Do Members have any comments in relation to representations at this stage?**

### Planning obligations

- 10.86 Planning obligations, that would need to be secured via a Section 106 agreement, would be necessary to mitigate the impacts of the proposed development, should approval of planning permission be recommended and granted. Section 106 heads of terms have not been proposed by officers at this stage, but would need to include provisions regarding Travel Plan implementation and monitoring, and the provision of public access to the development's toilets and interpretation facility. Provisions regarding highways works and works to PROWs may also be necessary – these matters would be considered further once the applicant's Transport Statement has been submitted and the highways and PROW impacts of the proposed development have been fully assessed.
- 10.87 Do Members have any comments in relation to planning obligations at this stage?**

### Other matters

- 10.88 Given the council's consultation (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. Should the proposals be significantly amended by the applicant, it is likely that re-consultation will be necessary in the New Year.
- 10.89 The identity of the applicant is not a material planning consideration.

- 10.90 There is a reference to viability at page 17 of the applicant's Planning Statement, however officers understand that the applicant does not intend to submit financial viability information in support of the current application.
- 10.91 In their comments, Yorkshire Water did not raise concerns regarding the proposed development's impacts upon water pressure in the surrounding area.
- 10.92 A separate license application would be required for the sale of alcohol at the proposed café/restaurant.
- 10.93 Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?**

## **11.0 CONCLUSION**

- 11.1 Members are asked to note the contents of this report. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.
- 1) Do Members have any comments in relation to land use and the principle of development?
  - 2) Do Members have any comments in relation to design and conservation?
  - 3) Do Members have any comments in relation to archaeology?
  - 4) Do Members have any comments in relation to landscape impacts?
  - 5) Do Members have any comments in relation to highways issues?
  - 6) Do Members have any comments in relation to Public Rights of Way?
  - 7) Do Members have any comments in relation to drainage?
  - 8) Do Members have any comments in relation to ecological and geological considerations?
  - 9) Do Members have any comments in relation to amenity issues?
  - 10) Do Members have any comments in relation to tourism and economic impacts?
  - 11) Do Members have any comments in relation to sustainability?
  - 12) Do Members have any comments in relation to crime and anti-social behaviour?
  - 13) Do Members have any comments in relation to public health?
  - 14) Do Members have any comments in relation to ground conditions?
  - 15) Do Members have any comments in relation to representations?
  - 16) Do Members have any comments in relation to planning obligations?
  - 17) Are there any comments that Members wish to make in relation to other matters relevant to planning?

## **Background Papers:**

Application and history files.

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

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