

Planning ContactCentre

From:
Sent: 28 November 2018 21:22
To: Planning ContactCentre
Subject: Objection - Planning Application 2018/93591

28 November 2018

FAO
Planning Dept
Kirklees Council
Civic Centre
Huddersfield

Dear

Castle Hill – Planning Application 2018/93591

The proposed development represents a modern, new build, 'Statement' hotel and restaurant, on Green Belt land. The site is situated in a dominant location within (and central to) a Scheduled Monument and within the curtilage of a grade II listed building. Approval of the development would breach a number of national policies laid down in NPPF (2012).

New Build Green Belt Policy – Openness:

The principal objective of Green Belt policy is to maintain an open character by preventing unnecessary development. The impact on openness, arising from this application, is highly significant because of its proposed location.

- On the skyline of an important area of Green Belt. The plans illustrate a roof-line, level with the higher of the 2nd sets of steps up to the entrance of Victoria Tower. Visual inspection shows that virtually the entire glass curtain walling of the proposed commercial development will be clearly visible from the area to the NW (ie from the whole of central Huddersfield and beyond)
- The new building (& associated parking) covers circa 10% of the hilltop of Castle Hill. Whilst nominally a 2-storey building, the roof construction means its mass is significantly greater. These 2 elements combined, significantly reduce the openness of the hilltop.
- Within the site of a Scheduled Monument. An independent report on the setting of Castle Hill (commissioned by Kirklees) clearly states (sections 3.8 to 3.14) the importance of the open topography of the hilltop. It goes on to state that a development of the nature proposed, on the summit of the hill, would result in significant harm (section 6.11) to the openness, setting, and significance of the Hill and should be avoided.

Whilst previous buildings have occupied parts of the area of the proposed new development all have been demolished for some considerable time (12yrs+) and the site has fallen back to its natural Green Belt state. As a result, the proposed development would have a seriously detrimental impact on the openness of the Green Belt, in which it is situated. If approved, this would breach NPPF9(88).

New Build Green Belt Policy – Exceptional Circumstances:

NPPF9(88) states new construction should not be permitted in the Green Belt except in strictly defined very special circumstances. The application argues the proposed commercial development falls within the exemption of ‘Provision of essential facilities for outdoor education and recreation’. There are very limited qualifying aspects, within the development (less than 10% of the property), and these are well short of the ‘main purpose’ requirement for approval of the overall scheme under NPPF9(89)

Provision of recreational amenities: The proposed layout comprises 7 bedrooms, a restaurant with supporting bar and kitchen. The main purpose of the development is a stand-alone commercial venture, primarily aimed at a closed group of hotel and restaurant guests accessing food, drink and accommodation. Few visitors to the historic site are looking for a sit-down meal or a bed!

The provision of extensive food and drink facilities, not exclusively provided for the enjoyment of the Green Belt, does not fall within the intended exceptional circumstances of NPPF9(89). It should be noted that the Court of Appeal has considered these provisions and held that the lists of exemptions in paragraphs 89 and 90 of the NPPF were closed and a development not in those lists was necessarily inappropriate. Furthermore, visitors to the hill would have to compete for parking (with the guests of the hotel, bar and 90+ cover restaurant) because the proposal takes over the existing public car parking. As such, this development would reduce the provision of essential facilities available for enjoyment of the green belt rather than augment them.

Provision of Educational/Interpretational Facility: The application attaches great importance to the provision of an interpretation facility, as justification for an inappropriate commercial venture. Regular visitors to Castle Hill exceed 100,000pa. A cursory review of the application makes clear:

- The proposed ‘interpretation facility’ has no independent access. It is unrealistic to believe potentially large, noisy groups of children and members of the public, will be allowed to traverse (with dogs, prams, etc), through the reception of the hotel in wet/muddy boots and clothing.
- The facility represents a single room occupying around 5% of the building which it is said will be made available for the education of groups of children and the general public. This area has no doors and is open to the restaurant suggesting the space is likely to be used regularly as further retail space rather than for educational use.

Provision of such a limited facility is purely incidental to the main purpose of the development and falls well short of the exceptional circumstances laid-down in NPPF9.

Provision of Toilet facilities: The claim that shared access to internal washroom facilities represents provision of essential facilities (whilst the hotel is open to the public) for visitors to the hill, is again purely incidental to the main purpose. The restricted nature of these facilities, together with the absence of direct external access, demonstrates this provision is little more than a token gesture.

Provision of Security: This is an indirect and unquantifiable benefit which the applicant claims will flow merely from the ‘presence’ of this new commercial development. A review of the plans reveals no provision for live-in staff. This ‘nebulous benefit’ does not represent the provision of any form of essential facility for the enjoyment of Castle Hill and can in no way justify construction of a new hotel within the Green Belt under NPPF9.

Substantial Harm to Scheduled Monument & Listed Building

This application is contrary to NPPF12(132) on the conservation and enhancing of the historic environment, and Policy 35.3(f) of the Kirklees PLP on preservation of Castle Hill.

New Building – Harmful Impact

The site of the proposed development is on a Scheduled Monument (listing 1009846), which is one of only 150 such sites nationally, and one of very few lying outside Central Southern England. Heritage England have described the site as the most prominent and important heritage site in the borough and one of the most important in the region.

The nature of the proposed development involves the introduction of a standard glass curtain-walled, retail unit into the centre of a historic Scheduled Monument adjacent to a Grade II listed Victorian Tower.

Whilst the lack of datum lines on the application makes it impossible to be certain, the plans present the building at a level which places its entire second floor in full view of Huddersfield. Being all glass, means the building would present itself as an inappropriate, illuminated structure whenever the ambient light required internal illumination.

Again. The absence of datum lines on the application make it impossible to be certain but it would appear excavation of the foundations will involve digging into the parapet of the Scheduled Monument and significantly below the exploratory archaeological dig carried out to support the application. Indeed, within documents submitted in support of the application is comment that the lower ground floor equates broadly to the basement level of the prior building.

The site of the proposed development is adjacent to Victoria Tower a Grade II listed property (listing 1210385) originally constructed to a level of 1000ft above sea-level, and represents a stand-alone structure intended to tower above its surroundings to create a predominant feature visible from across Huddersfield and surrounding landscape.

The Tower provides a viewing platform overlooking the hill top and affords visitors a clear view of the area below. The current hilltop (as demonstrated in the applicant's own submissions) encompasses purely green belt land with a small gravel covered public car park and no lighting. If the proposed development were to be approved this would introduce several dominant and inappropriate features:

- A vast area of metal and/or reflective photovoltaic panels on the roof of the property,
- A large terraced area,
- Light pollution from the internal lighting of the building and undoubted external lighting for the terracing, the car park and the delivery area. In addition, the proposal includes permanent traffic lights.
- An enlarged tarmac car park filled with vehicles.

The application claims the construction of a new hotel would improve the visual amenity by eliminating a derelict site – This is a misleading proposition! There has been no building on the proposed site for at least 12 years and the site does not have the appearance of a derelict site.

As heritage assets are irreplaceable, NPPF12(132) requires any harm or loss to be supported by clear and convincing justification. Substantial harm to, or loss of, designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional. The evidence submitted with this application falls well short of these stringent requirements.

Traffic – Harmful intensification of use:

For the proposed building to be commercially viable the level of customers will need to be significant all year round. Vehicles entering and leaving the site conveying staff, supplies, deliveries and customers would be substantial to support a bar & restaurant with 90+ covers. The vehicles would range from bicycles through cars to delivery trucks and coaches. Given the existing approach cannot be widened into the hill (due to this being part of the scheduled monument) and there is no scope to extend outward due to the severe slope of the hill, such traffic will need to be accommodated on the existing access which suffers from:

- Sections of subsidence, sub-standard geometry & visibility at the Junction of Castle Hill Side and Lumb Lane
- Steep gradients, restricted forward visibility & no street lighting,
- Insufficient width for 2-way vehicle movement & limited passing places.

The introduction of significant additional traffic (volume, size & weight), together with the installation and operation of traffic lights will:

- Be harmful to the setting and physical structure of the Scheduled Monument due to installation of services for traffic management, likely vibration and subsidence
- Impair both the visual and recreational amenity of both historic assets
- Introduce significant air and light pollution which will adversely affect both enjoyment of the heritage assets and the wildlife within what is a designated local nature reserve

The application merely proposes traffic lights (along Public Byway 171) to manage this problem, failing to recognise the significant damage which would be caused to both heritage and natural assets by the insurmountable intensification of use. Under the circumstances the proposed development would be in breach of NPPF12(132/133) and as such should be refused.

Castle Hill Setting Study – Harmful Impact:

The Schedule Monument is, of course, the entire physical hill top not just a building! The broader setting for such a feature is an essential element for enjoyment of it, and the Green Belt within which it sits. Kirklees Council have already recognised this by commissioning and adoption of a Castle Hill Setting Study which identifies, and analyses influences on the setting of the hill and includes policy guidance:

- The availability of unrestricted views across the top of the hill (section 3.8) allows visitors to experience extensive and wide ranging 360⁰ views from most areas of the site (in particular, from the outer bailey and the area around Victoria Tower).
- The flat topography of the hilltop enables those visiting Castle Hill to enjoy open, uninterrupted views out across the surrounding landscape (section 3.10).
- A development of the nature proposed, on the summit of the hill, would result in significant harm (section 6.11) to the openness, setting, and significance of the Hill and should be avoided

The construction of a 2-storey retail unit on the proposed site will impose a significant visual obstruction on the flat hilltop inflicting significant harm to the openness, significance, setting and enjoyment of the Scheduled Monument. This clearly demonstrates that the proposed development would be in breach of NPPF12(132) and as such should be refused.

Conclusion:

As the principal objective of Green Belt policy is to maintain an open character by preventing development, it follows that any new building or parking area (associated with an appropriate green belt use) should be no more than is genuinely required to enable that use to be carried on. Reference to the guidance states that 'Essential facilities' should:

- Be genuinely required
- Involve uses of land which preserves the openness of the Green Belt
- Not conflict with the purpose of including land in it

Examples offered in the guidance include small changing rooms, unobtrusive spectator accommodation or small stables for outdoor sport and outdoor recreation, making clear the construction envisaged is intended to be:

- Directly (rather than indirectly) related to the outdoor activity
- Limited in size (rather than significantly bigger than any previous buildings)
- Unobtrusive (rather than an intentionally modern statement building), and
- Dedicated to provision of the facility (rather than containing an incidental element)

As detailed above, this application does not fit within any element of the Green Belt exemptions. Furthermore, construction of a new commercial building within the curtilage of Castle Hill, together with the resultant impact of unavoidable traffic would introduce significant harm to both the Scheduled Monument and the Grade II listed tower in contravention of NPPF12(132/133) and policy 35.3(f) of the Kirklees PLP on the preservation of Castle Hill.

This application must be rejected. Any other course of action would be in contravention of national policy and set a dangerous local and national planning precedent.

Yours sincerely