Dear Mr Simcock,

Castle Hill, Almondbury: Planning Application No 2024/93494 – **OBJECTION**

It has been over 25 years since the lease for the Castle Hill Hotel was transferred to the current owners; and following demolition of the 1850s hotel c20 years ago there have been seven or eight attempts to achieve planning approval for a larger commercial venue on this important and sensitive site. The failure to do so surely means ***there is a fundamental mismatch between the aspirations of the developers and the special nature of the site***.

The latest submission continues the concept developed under the previous application (2018/93591) but proposals incorporate the revisions and additions made whilst trying to make that scheme workable and satisfy conditions. Most notable of these are: an extended car park, introduction of a large gated service yard, and an apparent adjustment of the building's position northwards on site (in order to accommodate the extra parking) – ***all of which would have a more damaging impact on the site, physically and in how it is perceived***.

It also appears that the newly submitted scheme has not addressed many of the issues raised by Historic England throughout the previous application (other than perhaps changes to the interpretation area); and the package of information is presented as a continuation of the last scheme rather than the full application required by law – ref cursory Planning Statement requesting an extension. The 2018 planning application has now expired. It ran for over six years and anyone coming afresh to this submission cannot be expected to trawl through previous documents to gain a rounded understanding of the scheme, its planning context and the many special historic and environmental factors to be considered. ***Information must be presented in full, otherwise how else can informed decisions be made by the general public, and importantly by those making decisions on our behalf ie the councillors, especially as the profile of the Planning Committee will have changed?***

***Castle Hill is very special and rare*.** It is recognized as an iron age hillfort (evidence of much earlier Neolithic activity has been found in the locality) and the site embodies remains of the later C12th fortification built under King Stephen (the three wards and embankments are quite apparent). As such it is protected through designation as a scheduled monument (SAM). The hill has a distinctive and prominent profile and can be seen for miles around. The only building on site is the Victoria Tower, built to commemorate the Queen's diamond jubilee in the late C19th. It is listed in the national context at grade 11 for its historic associations, its aesthetic value, its role as a landmark and, together with the hillfort, is a symbol of local and regional identity. Castle Hill lies within the Green Belt and it has been designated as a local nature reserve (LNR) by Natural England.

Proposals constitute inappropriate development in the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Proposals do not comply with any of the exception tests set out in para 154 of the NPPF 2024. The mid C19th hotel cannot be taken as a precedent. It was built prior to the introduction of heritage protections, and was demolished a generation ago. All subsequent proposals have been materially larger and of greater intensity of use eg the 2018 planning application had about twice as many table covers (c70) as the old hotel, and the current transport assessment is based on 100 covers. Proposals are incompatible with the site's Green Belt status.

The essence of the development is commercial with approx. 10% of floor-space allocated for interpretation. Between 5pm and 10pm (prev. condition 11pm) the venue would operate purely as a restaurant and bar with guest bedrooms. This type of use is classified as 'town centre' and, according to Kirklees' local validation criteria, *a* ***sequential test should have been carried out.***

The site is in an environmentally sensitive location where the likely effects of development will be more significant. According to the Town and Country Planning (EIA) Regulations 2017, ***an Environmental Impact Assessment (or Environmental Statement) should be submitted*** - as also highlighted in Kirklees' national validation criteria. The proposed use and site area accord with Schedule 2, 12(c), and the geographical area affected accords with Schedule 3, 2,2(i), (c), (viii) – "landscape and sites of historical, cultural, archaeological significance". The Regulations classify Scheduled Monuments as "sensitive sites". They state that *"projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria"*

The Heritage Statement (dated March 2021) is deficient and has been carried out using doubtful methodology. Historic England have continually drawn attention to the absence of archaeological assessment and the inadequate evaluation of setting. There is no reference to the detailed "Castle Hill Setting Study" by Atkins 2016, or use of key guidance documents such as "The Setting of Heritage Assets" Historic England Good Practice Advice in Planning:3 (2nd edn 2017).

The Atkins setting document sets out risk factors. At 6.11 it concludes- **"***Slopes and summit of Castle Hill: The profile of the upper slopes of Castle Hill and its rural and essentially undeveloped character are key characteristics of the site and contribute to its setting and significance. These aspects would be adversely affected by small scale development and it is unlikely that such development could be accommodated on the hill itself***".**

Historic England's guidance document (above) outlines a wide range of factors to be taken into consideration when assessing harm to settings. These include changes to the environment in which the asset is experienced (noise, movement, light, pollution; issues affecting public use and access; urbanization etc.) in addition to any physical changes to the asset, its context, and views near and far. ***Many of these considerations have been ignored****.*

The Design and Access Statement has been replaced by the "Castle Hill Visitors' Centre: Background Vision and Management Document Nov 2024". It incorporates the "Working Scheme of Investigation" (WSI) produced by West Yorkshire Archaeology Services,

presumably to address the missing archaeological assessments in the Heritage Statement. The WSI is a document that outlines the work required to explore archaeological remains at a development site. It serves a different purpose entirely to the assessment of significance and impact which is required at earlier stages of design development and which would be used to inform decisions at the application stage. ***The absence of an archaeological impact assessment for a development proposal which is <u>on, in, and under</u> a scheduled monument should surely make the application invalid.***

A most important stipulation of the WSI cannot be complied with. At 3.1 the report states *"One of the pre-conditions of the proposed project is that intrusive work must not impinge on the historically significant earthworks, and the radio-carbon dating samples were drawn from the Iron Age earthwork banks".* The section drawing on page 51 (drwg 3287(0)19 sectn AA) demonstrates the close relationship between the proposed building and the NW embankment. The drawing, dated Nov 2019, shows the situation prior to the current proposal to extend the car park within the defined area leased by the applicants. The implication is that the amended scheme would encroach even further into the embankment than shown. ***It would not be possible to construct the building, provide security and safety barriers or privacy screening to the bedrooms, without directly disturbing the embankment, and this is in contravention of the parameters set out in the WSI.***

In the same document (Background, Vision and Management Doc. Nov 2024) there are two illustrations purporting to compare the former Castle Hill Hotel with the new proposals. On page 35 the proposed profile looking north is set against the elevation of the unauthorized three storey, five bay, steel-framed structure (erected without the benefit of planning permission c2007/8). The demolished hotel had a much smaller footprint and lower eaves height than the building shown, even with the approved alterations (which were to replace the mid C20th extensions in stone and add a lobby and a small conservatory). On page 77 the plan shows overlays of various below ground excavations. The pink area is labelled "Castle Hill Hotel basement". This is not the case. The basement was a much smaller "keep cellar". The drawing more probably shows the ground floor footprint of the former hotel. ***The comparisons are inaccurate and misleading, seeming to imply that the current proposals would be less harmful to the SAM, and to the setting of the assets, than would be the case in reality.***

Drawings omit reference points, making it difficult to relate the height and position of the proposed building to existing features on site, so preventing a true appraisal of its impact. Probably the most reliable fixed points would be the base of the tower steps and the tops of the lower and upper stone balustrades. Datum points for these, and for all three floor levels and ridge heights of the proposed development should be provided. Distance from the tower is also required and from two other fixed points within the central ward, to enable its exact height and location to be visualized in relation to the tower and adjacent embankments.

Indicative 3D images need to be updated to show the building (with its balustrades and external seating) in the context of the extended car park and service yard, the latter with

2.4m high security gates as required by West Yorks. Police. ***Night time views should also be represented.***

From a distance the Victoria Tower identifies the hillfort in the wider landscape. From the railway line, or the M62 approach roads the combined distinctive profile is seen across an urban landscape and it brings the countryside closer to the town. From greater distances west and south, such as Holme Moss, Holmfirth, or from surrounding hill villages, the tower pinpoints the hillfort as an important place, commanding the rural landscape for miles around***. The two elements are distinct and complementary in reinforcing the high significance of this very special historic site.***

The proposed development would be a harmful and uncharacteristic urban intrusion into the heart of the site. It would undermine the direct relationship between the two forms (tower and hillfort) and harm the unique character of the tower's setting. At night the proposed lighting on site, the car headlights coming and going (up to 10/11pm) and the elevated glazed top floor of the building would be visible for miles around. The changed environment would reduce the effect of the dramatic dark profile of Castle Hill with its simply illuminated tower standing as a beacon within the wider rural landscape.

The most harmful impacts would be experienced in the immediate locality, on approach roads and on Castle Hill itself. ***The development would 'take over' the central ward thereby disrupting the integrity of the site and the ability to see its visible history as a whole***. The new three storey building has been designed to take advantage of the previous illegally excavated basement. The lower half would be constructed below ground, and land would be re-profiled around the middle/entrance floor leaving only the upper floor completely visible. ***The existing topography is intrinsic to the history of the site, and the proposed changes would inhibit understanding***, especially as the new landform would merge with the embankment. This point is emphasized by the Atkins study at 4.22 which states "*On the hilltop itself the open ground of the baileys, without interruption from buildings or infrastructure, enables the appreciation of the earthworks spanning the periods of occupation of the Site. That the hilltop itself can be appreciated as a single entity within a view across from one end of the hilltop to the other, with visible archaeological and historical evidence of its use and reuse over time, also contributes to its significance".*

The open nature of the site is a defining characteristic of people's experience. This would be lost in the central ward and replaced by the densely set-out car park with its signs and lines and charging points; and by the dominating presence of the building with terrace seating, and clutter of notice boards, planter, lighting and CCTV; and not least by the service yard whose eight feet high security gates (req'd by police) would be apparent on approach. ***The site would be uncharacteristically busy, noisy and less safe, having had negative characteristics of the urban environment imported.***

The proposed building cannot accommodate all its service requirements, hence the large yard adjacent with staff parking, waste bins, and most probably storage for the external tables and chairs in inclement weather (unless permanently fixed down outside). No space within the building has been allocated for plant (M&E). The amount will be considerable due

to the subterranean nature of the kitchens and the hidden middle floor, requiring forced ventilation, extracts, cooling of fridges and freezers, heating, traps and filters, noise attenuation and so on. ***It is likely that this new alien landscape would be visible from the embankments.***

The central ward has been an important gathering space for community expression and national events over centuries. The best connections and services are here, close to the tower and at the heart of the monument. Activities have included the early C19th Chartist rallies, the mid C20th coronation bonfire, and the early C21st Platinum Jubilee celebrations, as well as charity events (cycle rally), exhibitions (sheep art, illuminate Kirklees), religious festivals for Eid or Ramadan, and informal gatherings for the solstices. ***The sense of isolation and elevation and the spectacular views, emphasize the historical importance of the site as a defensible position and seat of power. The same qualities draw people to this special place today.*** It is essential for the health of a community, especially an ethnically diverse one such as that of Kirklees, to protect such rare places of free association. ***Proposals would remove this treasured historic "breathing space" from public use.***

An intensification of vehicular traffic would undermine pedestrian safety, exacerbate erosion of the site and place pressure on the surrounding road network. Larger, heavier vehicles used in any construction phase would be of particular concern. In 2018 Kirklees' Highways department withdrew their ongoing objections to development when "passing places" were proposed for the narrow steep access road (byway HUD/171/20). Whilst the measures would allow traffic on the approach road to flow more freely they would not remove safety concerns for pedestrians. The recently added security barrier, to prevent vehicles amassing on site at night, has been effective in reducing anti-social behaviours. ***Presumably the barrier would be removed, leaving the site vulnerable to abuse again over-night.*** Plans show a conflict "hotspot" on site where delivery/waste vehicles would turn near the car park access, close to the "Visitor Centre" main entrance. Creating the passing places would result in "bites" of material being removed from the hillside. Further loss is implied by the new transport condition (see internal consultations) which requires details of the ***"underpass supporting the PROW". What is this***? It is not shown on any of the drawings and not acknowledged in the WSI.

The 2018 application and the current one, add an area of interpretation/exhibition for daytime use to supplement the main commercial offer. There are other less harmful ways to enhance the visitor experience; especially via electronic means linked to the numerous high quality information boards provided by the Local Authority in accessible locations close to seating; or by using the Victoria Tower, itself built as a visitor attraction with panoramic views; and by linking with displays and archaeological finds housed in the local museum; and perhaps providing a suitable pitch for a licensed mobile refreshment facility. There is scope for enhancement of existing on site facilities to achieve broader access for all***. It would seem perverse to house the additional "public benefit" in a building complex which would itself bring substantial harm to the heritage assets and the environment in which they are experienced.***

Exceptionally, the 2018 planning application was recommended for approval. It was passed by one vote. All previous applications for new build proposals had been rejected or withdrawn. The Committee meeting took place virtually during the Covid pandemic and it deliberated on the second scheme to be submitted under 2018/93591 (with last minute substitution of some drawings). There was a block vote of support by one party, with local councillors (Conservative, Lib Dem and Green) voting against approval. It took eighteen months to finalize the conditions listed in the Sectn 106 agreement; so agents have been fully aware of obligations for a long time; and the statutory time allowed for implementation has expired. Since Oct 2023 an update in legislation means that ***councillors have greater authority to refuse planning applications formerly granted but lapsed. The ability to extend an existing permission has ceased.***

Section 38(6) of the Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Kirklees Council's policies state that "*proposals that detrimentally impact on the setting of Castle Hill will not be permitted*". The National Planning Policy Framework states that "*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be*". At section 66(i) the Planning (Listed Building and Conservation Areas) Act 1990 states "*in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting*". The Ancient Monuments and Archaeological Areas Act 1979 states that if any person executes (or permits to be executed) any works that result in any damage to a scheduled monument they shall be guilty of an offence, unless the works are authorised by development consent and scheduled monument consent.

Hillforts in the North of England are rare. Castle Hill has a high number of designations; and national and local policies should be sufficient for its protection from harmful proposals such as this; yet for some reason there remains an ongoing threat. It is noted that ***this type and scale of development in a scheduled monument in this type of setting is unprecedented in modern times*** (York Archaeology HIA 2023), and Professor Melanie Giles, a foremost authority on iron age hillforts, warns that ***approval would set a dangerous precedent for analogous sites of cultural heritage significance nationwide.***

In view of the above important considerations please recommend **REFUSAL** of this planning application.

Yours sincerely