45 New Laithe Hill
Newsome
Huddesfield
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To: Kirklees Planning Department

Re: Application Number: 2024/93494/W Proposed erection of restaurant/café/bar, six guest bedrooms, exhibition/interpretation room, WC's, terrace, car parking and ancillary accommodation

The letter is proposing the **refusal** of planning on the following grounds:

This application is a new application, given it has been given a new number. The old planning application this one appears to be based substantively on is application (2018/93591) which has expired. The Town and Country Planning Act Section 91 (1) and (2) does not allow for extensions (as the agent puts in their planning statement).

Given the nature and sensitivity of this site, and the hundreds of comments previously made against this proposal, it is unconscionable that a full and open process with a full disclosure of all the documents isn't being carried out, including new consultations with the public, as if it was a new application, which it is under the law.

This is a major and significant structure being proposed on the most significant heritage site in the area, as recognised by Kirklees Council in 2006 in the Castle Hill Management Plan and 2016 in the Atkins Setting report, which stated at 6.11 *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.* The fact that the applicant hasn't been unable to demonstrate a proposal without harm in this respect is telling.

The previous supposed archaeological evaluations have not been appropriate for such a development and carried out evaluation on the already impacted footprint of the previous building that the applicant knocked down. I see no full and meaningful archaeological survey and report to understand the impact of this proposal in the documentation. Surely this should make the application invalid in its own right.

Where is the evidence that supports the construction of a building, all the security, safely and screening, without directly disturbing the embankment? If it did this would be a contravention of the parameters set out in the WSI. The public can have no confidence without evidence of the construction methods and protections that will be put in place, unfortunately this planning application does not provide such information.

It was established previously that this isn't a Brown Field site within the Green Belt and the proposed development is significantly more intensive that any previous buildings.

How can the inappropriate development in the Green Belt be assess or justified given the essential characteristics of openness and their permanence? This is a commercial development, with a minimal public benefit offering.

The applicant in their planning statement says the extension is necessary to resolve issues with Heritage England. They have had 3 years and prior to that over a decade to come up with an agreeable development, it is hard to believe that had the applicants put their minds to this issue in a timely manner that there would be a need for such an extension.

This application does not provide a clear material evidence-base that the public can judge or make comments on in good faith. There are significant material issues that this application does not address, or is reliant on the previous application, which are not transparent, and a reasonable person should not be expected to have to determine which of the expired information is still valid or not. **On this basis alone it is surprising that the planning department have validated the application.**

From a materiality perspective, there have been changes in legislation, regulations, and the NPPF since this application was first approved. The public are not able to judge if the application would materially influence their understanding of the situation and comments, as the full set of planning application information isn't available within this application.

Without prejudice to other information not available for comment and the lack of time for such a significant consultation, which was flawed in its execution of the consultation notices. Here a few examples that demonstrate why this application should be turned down until the application process is carried out in the proper manner.

1. **Underpass – Consultee Responses [id 1073363] – KC Highway Structures**
   KC Highways department commenting that they have not seen and would require to see details of an underpass. There is no obvious mention of an underpass in the applicant's submission. One can only assume, given this is from Highways that this is for pedestrians to navigate safely along the public rights of way, while heavy goods vehicles are moving around the site. If this is the case, then what archaeological impact assessment has been carried out? As a scheduled monument, the applicant states there will be no harm to the archaeology on site – where is the evidence to back up this claim?

2. **Restaurant has increased to 100 covers** and yet the vehicle movements have hardly changed. The vehicle movements are based on guesswork (albeit hopefully educated guesswork), however, there does not appear to be any indication of the publics' requirements for the site over and above the restaurant movements. Where are the studies and surveys of vehicles on the site currently at all times of the year and under all circumstances? We, as the public are being left to believe a minimal change in use, which then questions the viability of the applicant's offering.

3. **Waste water and sewage – Yorkshire Water require separate drainage systems – Consultee Responses [id 1074465].** How has this been resolved without having an impact on the scheduled monument, we assume it would not be acceptable to the Council or Heritage England that sewage tanks would be used under the schedule monument, so if that isn't an option, what is the applicant planning on doing to resolve this. There are 100 covers that the applicant will want to fill (or any company they may sell the site on to). Notwithstanding the previous applicants lack of adequate handling of drainage for the 70 cover restaurant, hotel and visitor centre, have increased the potential harm by adding to the covers substantially. It is not transparent or acceptable for the planning authority to expect the public to accept issues like this as planning conditions, given the applicant has not resolved them in the past.

4. Will the Castle Hill scheduled monument be closed to the public during construction, or will there be restrictions and other access requirements and for how long? These need to be addressed and evidenced for the public to make comment on. I see no consideration of this in the documentation.

5. The new application shows three passing places on the road leading up to the site, and for all more space has been given for passing vehicles, it is still unclear how

   a) A 2.6m refrigerated lorry (the legal limit of this type of vehicle) and a van or large vehicle would not be able to pass safely and doesn't consider two lorries needing to pass each other.
   b) What weight loading will the edge of the road away from the bank be capable of taking, given any lorry travelling away from the site may have to pass on the outside. Reinforcement is not mentioned in the transport document.
   c) What weight loading will the whole roadway need to take during the construction stages? What state will it be in after the construction stage?
   d) How will lorries and other vehicle be able to leave the top passing point or reverse back into it if something is coming in the other direction? There are significant blind spots being created and if other vehicles are behind it this will create traffic flow issues. We already know the difficulties of meeting other vehicles, and this is without lorries being included in the mix.

6. The Heritage statement is dated 2021. How have changes on site been taken into consideration in this document. There are a number of material changes to the site which don't appear to have been considered in this document, what changes would these have on the Heritage statement and how are Heritage England responding to this latest proposal. I am sure the public would want to understand this.

7. The site is anticipating a car park with marked out spaces and designation for disabled and EV charging, but the 3D images show hardcore. What interventions will have to be made to provide firm foundations for all the vehicles, including delivery vehicles, presumably refrigerated and of a size not determined by the applicant, but by the logistics and distribution firm.

8. Economic viability study – According to Kirklees Council's planning guidance, a commercial site economic viability study is typically required for planning applications when developing a large-scale commercial site, and it should demonstrate the financial feasibility of the proposed development by assessing factors like land value, construction costs, **potential income**, and developer profit margins, ensuring the project is viable without excessive public subsidies – source "Planning Viability Guidance Note".

   The public has no visibility that such a financial viability assessment has been undertaken from the documents presented within this application and therefore there is no ability for the public to make a judgement on or understand the planning decision recommendations. It would also be incumbent on those that sit on the planning committee to be familiar with the viability before they make an arbitrary decision at such a significant site. Transparency is a key tenant of public duty, and it is for the applicant to demonstrate that public benefit outweighs the harm to the site, including a viable proposition. Given the last application was approved with a recommendation by the planning officer that the public benefit did outweigh the harm with no true explanation, it is important that this aspect of the development is properly considered and explained to the public.

   Considering the harm that this development will have on Castle Hill, it is important that**, if such a decision was taken to approve this application**, which I definitely hope they will not, the public and particularly Kirklees residents have assurances that this hotel and restaurant is viable and sustainable over the long term, without have to change the operational rules in a future submission, which to date leaves many unanswered questions. The impact on the site if this was to be approved and fail is irreversible.

   While there is limited sizing information on the overall size of this site for the public to gauge whether this fits under schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it appears to fall under the statutory development thresholds of 1ha and is recognised as a site which is located in a sensitive area. It is very surprising that, given the Kirklees Council Planning Validation Requirements Document (with effect from 6th February 2023)—after the previous application, an up-to-date Environmental Impact Assessment is not being submitted on such a sensitive site. If an environmental screening has taken place, it is unfortunate that such details are not forthcoming with the application. If an EIA was determined to be necessary, as it appears to do by the national regulations, then formal consultation of the public would have been required, and I see no evidence of that.

   The EIA needs to assess the light, noise and other impacts on nature, such as disruption to birds, bats and other mammals (see 9), and people's health and wellbeing. I have been told of the impacts the original pub had on the site for residence living in Hall Bower, where in summer back bedrooms were too noise for children to sleep. This space is substantially bigger and likely to cause noise and light pollution.

9. As Castle Hill is recognised by Natural England and the Council as a Local Nature Reserve (LNR), which the council's own website describes as "*Wildlife: The site contains a diverse mosaic of wildlife habitats and working with Natural England, Castle Hill is a designated Local Nature Reserve. There is a number of interpretation panels on footpaths on Castle Hill giving the visitor an insight into its history and wildlife."* It would suggest that the council would require an EIA (see 8) on such a sensitive site. I believe there has been or are a population of Twite on or near the site. I have certainly seen Yellow Hammer among other species.

10. While it is appreciated that the Climate Change related document is not an SPD, although it appears to be in all intent and purpose, it is a poor attempt to determine the impact of the development on the site and the Kirklees environment. Kirklees Council have committed to a Climate Emergency Motion in early 2019 and have targets for Net-Zero Carbon Dioxide Equivalent Emissions by 2038. Surely the council would like a better understanding of the impacts this site will have on Scope 1, 2 and 3 emissions, especially with the number of covers, car movements and energy use over this period. There is no evidence that the applicant has tried to make this a carbon neutral site or that there has been full consideration of the impacts on climate change being made. For instances, how is food waste going to be managed and reduced, what carbon footprint will the restaurant have given the menu it is likely to provide, what water and waste management systems is it considering, what alternatives to fossil fuel are being proposed—will the site be all electric (will the grid need reinforcing to meet the needs), LPG or mains gas? These will all be part of the operations of the site and therefore must, surely, have been considered as part of the economic and financial viability study.

11. The drawings submitted appear to have very limited reference points, which makes it difficult to understand the impact of scale, height and position of the buildings. They also look like they are not within the footprint of the previously (approved) building on site. Drawings should provide accurate and sufficient information to make informed interpretation of the proposal which these do not. Including the 3D drawings which are out of date.

For all the above reasons and examples of illustrating the inappropriateness of this application it needs to be refused and should not have been validated in the first place, given the Kirklees Council's and National planning policy requirements.

Newsome Resident