Castle Hill 2024/62/93494

Development Description: Restaurant/Café/Bar/6 guestrooms/exhibition/interpretation room/WC's/Terrace/Car Parking & Ancillary Accommodation/Public Toilets (shared with development customers!)/visitor parking for the ancient site (shared with development customers!).

The above categorisation does not mention 'Hotel' but it is categorised as hotel by the applicant in the application.

Misleading Label 'Amended Plans': Suggests this new application is an amendment to the prior application. In fact, it is a new application requiring full documentation supporting the proposed development. Associating documentation from a prior (time expired) application based on a changed development is inappropriate and risks misleading to the public!

- An approach relying upon documentation (related to a prior time expired application), where elements of this NEW application are materially different, is unacceptable on 2 key counts:
  - Several of the changed elements, in this NEW application, must impact on any prior Benefit/Harm Case – rendering prior documentation irrelevant to the NEW application.
  - Without a complete application (ie ALL required supporting documents logged against the latest application) no GP consultation can be valid. Interested parties CANNOT take onboard the full impact of the new application. KMC Planning cannot assume GP have detailed knowledge of prior applications and obviously cannot challenge what is not there!
- Example of impactful differences include:
  - The apparent change in the number of covers (restaurant & café)
  - Changed level of parking provision, and the resultant impact on visitor parking provision.
  - Any 'harm' (in the prior application) could not have considered the level of harm introduced from changed restaurant/café covers and associated access/parking, light pollution arising, additional signage, security paraphernalia, fencing and hedging (the police even comment that the recommended/required provision is potentially incompatible with the nature and location of a heritage site).
  - Fundamentally, the prior approval was conditional upon the acceptability of numerous conditions (not determined until after conditional approval had been granted). These conditions were required to ensure the required balance of benefits over harm. As such, the proposals (developed by the applicant) must similarly relate to the current proposal – why was this application accepted without these elements?
  - The advancement (in the 3+yrs) in geo located mobile phone 'information' systems, capable of providing higher levels of visitor experience than the more traditional concepts proposed in this latest NEW application.
- The above clearly demonstrates, the new application is incomplete without an EVIDENTIAL case which demonstrates the changed benefits (arising from the NEW development) exceed the changed harm inflicted on the green belt, the SAM and the Listed Tower.
  - To be clear, the above process is a requirement for PLANNING approval. HE has already pointed out (within their Consultee response) the requirement for KMC Planning to meet the requirements of Sec 66 LB&CA Act 1990.
  - NPPF 2024 (Para 153) also places a clear responsibility for KMC Planning to ensure harm to green belt (in this case of the highest category) is clearly outweighed by relevant factors.

Formal HIA Requirement: The NEW application REQUIRES an evidenced case demonstrating that the unquestionable harm will be **clearly** outweighed by the benefits delivered by the proposed development. The 'Vision' produced and highly publicised, is largely a promotional document. It does not represent a detailed analysis by specialist heritage commentators.

1. The present application file is difficult to review and has numerous inconsistencies.
2. Docs deleted and replaced by the same (unchanged) document – Why
3. Docs forming part of the application have been deleted without replacement – Why
4. Many of the plans are dated prior to the time-expired application.
5. Certain comparisons of the proposed development drawn (regarding size of prior pub cellar, the size of the prior hotel structure) are incorrect and are misleading. The original pub cellar was only 25% of the **original** hotel footprint. The superimposed outline of the hotel (on certain of the proposed plans) in fact reflect the dimensions of the illegal (unapproved) steel framed hotel demolished under a stop notice. This was significantly larger than the prior approved 'extended' hotel (also never built). As such, any drawings including a comparison should be against the original hotel (standing in 2004) to properly reflect the impact of the current proposal on the previously site.
6. Drawing 3287(0-) 05FWG does not represent the commercial vehicle arriving and driving in as well as reversing and driving out – As such, the plan does not fully reflect the impact on the service area, parking area, or on visitor safety during these manoeuvres. Careful consideration also needs to be given to the applicant's stated intention that staff parking will be within the service area.
7. Plan (3287(0-) 05 FWG is the only plan including detail of parking spaces. This appears to reflect only 37 spaces yet the application quotes 60 spaces! This area needs to cater for site visitors, hotel guests, restaurant & Café customers, those arriving by taxi and disabled parking facilities. The development proposes limited cycle parking for staff, customers and visitors to the site. There is no provision for motorcycles despite many current visitors to the site using this mode of transport. Furthermore, given the nature of the development, it is highly likely coaches and/or minibuses will be used for school trips, celebrations and events. Any operator of the development will be powerless to prevent customers arriving by such means as the access is open to all traffic.
8. It is noted that HE has formerly recommended KMC Planning arrange for an independent qualified professional at the expense of the applicant – the current document does not meet these requirements.
9. HE makes specific reference (in their consultees reply) to the potential involvement of a Community Investment Company (CIC). It would appear this is to provide some form of mechanism to 'ensure' the finished development is 'locked in' to delivery of claimed benefits and provide 'comfort' that once developed the building (and/or venture) cannot fall into insolvency/disuse leaving an eyesore at the heart of a SAM. Unless the completed development remains legally unfettered by debt guarantees, then such a vehicle is unlikely to deliver against this objective. Similarly, without guaranteed financial viability, no CIC could deliver the ongoing benefits required to justify planning and SMC approval of the development on the proposed site.
10. The Transport assessment is out of date. It makes no reference to the fact that all users of the development and/or the site (other than pedestrians without prams etc) must access the top of the hill via the only road access. As such, vehicles using the access (up and down) face the prospect of pedestrians (with or without dogs, children and prams) cyclists, the disabled persons in wheelchairs/powered buggies, being around every corner. This situation is unavoidable given the status of the access.
11. Given the entire justifying case for the development is to attract more visitors to the site (and to provide facilities to such visitors) it is clear future movements (**of all types**) up and down the access road must arise. This scenario cannot avoid the introduction of increased health and safety risks for all. In addition, PLP21 requires safe access of all emergency vehicles. If vehicles meet on the hairpin bend (no advance visibility) away from one the nearest planned passing point one will have to reverse, possibly at night, possibly in bad weather/poor visibility, more than likely around a blind hairpin bend (without easy visibility of the edge of the carriageway). How can such a scenario be viewed as 'safe'?

Plans mentioned in application, not present online:

- 3287(0-)05 – Site Plan with waste storage & Collection!!
- 3287(0-)22 – Drawing with Mains sewer detail!!
- 2018/62/93591/W - Bio Net Gain (Date stated 02/08/2023). Reference is for the prior (time expired) application

Development Inconsistencies:

- Permeable Macadam – Rejected by Flood Consultee
- Low-level Lighting – Rejected by Police Consultee
- Claims soakaway drainage and no increased risk of flooding elsewhere. Rejected by Flood Consultee
- Claims no trade effluent – Nature of business means kitchen waste into drains unavoidable?

Consultees Comments:

Consultee	Opinion	Comments	
Victorian Soc	Objection	Viewing gallery too long impacts upon Tower	
		Current design inappropriate – disrupts and erodes the setting of the tower.	
		The design inappropriate for the characterful setting.	
		Any replacement building should not be greater than the original 1810 hotel footprint. Recommend a compact square form Cafe	
		Questions need of accommodation. Lack of any hotel for 20yrs in their view ends any precedent for such facility.	
		Regularised deliveries of stock will urbanise the secluded/rural site inappropriately.	
		State a free attraction isn't a public benefit	
		State free mental health support initiatives are not a public benefit of this development (any would do)	
		Provision of toilets is a benefit but do not outweigh the harm (to the listed tower – never mind the SAM)	
		Concerned the traffic for the development will: • impede flow of all forms of traffic onto the hill • Lead to erosion • Impact upon ecology	
		Proposed benefits do not outweigh the harm	
HE	Refusal	State public Benefit is unclear	
		Site is a key heritage asset comparable with Glastonbury Tor.	
		Planned medieval hilltop is unique in England	
		Ecology of acid grassland rare	
		Level of impact of the proposed development is unclear.	
		Supporting documentation incomplete	
		Financial management plan inconsistent with Vision Doc	

		Site requires a high policy threshold against harm	
		Development must deliver site management, interpretation and education visitor amenities. Current proposal is not clear.	
		Public benefit test not met	
		Applicant does not appear to understand the implications of a CIC company	
		No clear business plan to deliver LASTING benefits	
		Recommend withdrawal of the current application	
KMC Bio Net Gain	No Comment		
Flood Authority	Not acceptable	Gradient > 1in10, soils not suited to infiltration	
		Do not accept infiltration as a means of drainage	
		Require an attenuation tank capable of handling 100yr event	
Museums & Galleries	Concern	Site of overwhelming importance as a SAM, 7 much loved symbol of Kirklees	
		Concern around uncertain nature of the facilities.	
		Visitor facilities need to be balanced with conservation of the site	
		Lack of proof of viability	
		Hold extensive public resource on the site	
Police	Cumbersome infrastructure	See Response	
Highways	Nothing of value	Sub-standard review	

ECO Report: Refers to Castle Hill Hotel Heritage Limited – Is this the CIC?

The Updated Ecological Impact Assessment (Quants environmental., July 2019) highlights the proposed development may have a detrimental impact upon several designated conservation sites given the site sits within the boundaries of these conservation sites.
These sites consist of;
 Castle Hill Local Wildlife Site (LWS)
Local Nature Reserve (LNR); and
 Kirklees Wildlife Habitat Network (KWHN).

The applicant has little land it can grass! The area they own will virtually be covered over by the development. The suggestion is that the grassed embankments around the development will be allowed to grow and be cut only 2x per annum – not attractive to visitors or hotel guests !

The report submitted gives no consideration of the development The footfall will be much higher

Vehicle fumes will be higher

Vehicle noise will be higher

Vehicle lights will be much higher

Noise, Light food fumes of the development will be a significant impact as currently there is none!

Outdoor drinking and dining will have significant adverse impact as currently there is none"

Animal boxes around a predominantly glass building with light emission and noise is unlikely to lead to much adaptation!

Lifting tile solutions are unlikely to prove successful on a seamed zinc roof!

All of the proposed grass covered areas amounts to <30% of the site in total. The area around the service yard is required to be hedged under police advice. All of the areas are in close proximity to high levels of development traffic of all sorts. Footfall will be high and likely to constantly erode the planting – remedial work will struggle to achieve development beyond planting levels!

Revised Planning statement:

This report refers to the prior, failed planning approval as granted. It was, but only conditionally, and the conditions were not met over the 3yrs allowed.

The report claims 'considerable discussion of a highly detailed nature has taken place with Historic England' the key question is to what avail?

It goes on to state, 'Further details need to be resolved before it is possible to submit the formal application for Scheduled Monument Consent'

The 3yrs granted last time weren't long enough last time – so what has changed?

The document claims extensive community consultation – This was not 'consultation, it was media driven development publicity. No independent consultation was ever undertaken and the 'hi tech sales video' presented a misleadingly spacious environment without mention of potential downsides.

Grey Belt Challenge:

The latest strategy to gain approval appears to be to downgrade the site, so their development can qualify!! It is simply obfuscation to suggest the location of Castle Hillfort could constitute grey belt:

- Grey Belt land only features for housing development – not in point!
- The entire site is part of a bigger SAM sitting within the highest level of Green Belt in Kirklees – excludes the possibility of grey belt designation!
- The site is currently a parking area, enabling visitor enjoyment of the green belt, the SAM and Listed heritage Victoria Tower. As such the site's current use contributes to enjoyment of the green belt – excludes the possibility of grey belt designation!

Fundamentally, the fact the applicant (or at least their agent) can even suggest such an inappropriate reclassification, flies to the heart of the problem! There is no grounded understanding of the meaning of heritage assets nor the intention to enhance its enjoyment – it is all a question of 'what tactic can I use next to get approval'.

Parking:

The development apparently improves parking provision – how? By a circa 50% reduction in capacity at the same time as an unquantified (yet significant) increased demand for parking. Clearly, if the latter statement proves to be incorrect then the development will fail financially!

Reference to the entrance wall revision, at the suggestion of HE, does demonstrate cooperation to an extent. However, the long list of comments and concerns (in their response as a Statutory consultee) suggests otherwise.

Planning Support, Design & Access Statement:

Within Section 2 the applicant draws attention to the 2006 Atkins Report but ignores the 2016 Atkins updated report. It is notable that the 2016 report draws the following conclusion regarding '**the slopes and Sumit 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 [As a scheduled Ancient Monument]. These aspects would be adversely affected by small scale development, and it is unlikely that such development could be accommodated on the hill itself'

This was a specialist report, commissioned by KMC, to inform the district's planning policy into the longer term future. The object being to provide KMC Planning with an evidentially based guide on the type of development that 'might' be and 'should not' be permitted in the **vicinity** of the 4000yr old Castle Hillfort.

It should be noted that the above statement does not even address small scale development (at the peak of the hill in the very heart of the Hillfort, its ramparts and internal Baileys) – fundamentally, this was not even something that might be conceived never mind proposed!

Perhaps the failure to refer to the later report is based on the simple fact that the report makes crystal clear this development (within the heart of the Hillfort) should NEVER be considered.

Within Section 3 the applicant argues visitor facilities are essential. Specialist guidance indicates a small scale development 'might be considered' away from the upper slopes but certainly NOT at the summit. Such a location:

- does not form part of the formal scheduling of the hillfort, reducing the risk of harm to buried archaeological remains,
- avoids harming the iconic profile of the Hillfort and the setting of the listed Victorian Tower.
- Could comprise a SMALL facility, possibly covered by 'green' bunds, on the lower slopes within walking distance of the summit.

The case for a summit development is not as strong as portrayed:

- Kirklees Councils aspirations for a public facility do not need it to be at the summit – indeed they have professional advice this would be harmful to the asset they wish to show the world!
- The parking at the top could be retained, reduced in size and retained for disabled parking only
- Placing an interpretation facility at the summit adversely impacts upon the profile of the asset visitors wish to enjoy
- Similarly, the installation of a building astride the embankments marking out the inner and outer baileys would harm the very asset visitors visit to see.
- Whilst WYAS may have concluded (on limited excavations) that buried archaeology is unlikely, the current proposal involves excavations into areas still protected by scheduling. The latest drainage requirement requires greater excavations in currently unplanned locations.
- There is little logic for housing of an education and interpretation facility in a location that harms the very site it is expounding on.
- Modern technology means much of the interpretation can be delivered using geo location Apps. These deliver information specifically relevant to the physical location of the visitor.

This form of delivery is already in place at many important sites. Design and installation may carry a cost, but this should be nothing compared to the cost of harming the asset!

- Building a facility at the summit means visitors (and the funding customers!) traversing the narrow access road face material safety risks.
- It is totally inappropriate to contrast (at 3.08/9) the current proposal with the redevelopment of the original hotel which ended up being demolished due to planning breaches. Indeed, the overlays, supplied with the application, appear to be of the larger steel framed structure terminated by formal stop notice.
- The Hillfort has, over the last 20+yrs, regained its KEY feature 'a Flat-top' which reveals the form of its defensive Bailey's and showcases its vast defensive views in all directions. Historic England draws particular attention to the singularly unique nature of Huddersfield's Castle Hillfort in their statutory consultee's report.
- Claim justification (unsupported by hard evidence) around shortages of overnight accommodation, supporting the local economy, attracting visitors and providing affordable accommodation for visiting parents are meaningless and cannot be accepted as delivery of public benefits – Indeed, the Victorian Soc also points out difficulties with claimed 'public benefits'
- If the loss of profits from operating 6 affordable rooms would bring free benefits into question, then clearly viability is a key risk.
- The applicant claims that involving a CIC turns the project into a public benefit project, supported by sustainable revenue streams. As pointed out by Historic England, this demonstrates a limited understanding of a CIC structure. The development will:
    - take years to construct, during which build cost and viability will remain unclear.
    - Whilst the physical hotel can (in theory) be held as a protected asset, this is complex and depends on any secured borrowing requirement, and the condition it is in at the time of assignment.

Within Section 4 it is claimed agreement has been reached (with the LPA and HE) on height and size of the proposed development. This seems inconsistent with the absence of datum points on any of the development plans and the statements made by both HE and TVS in their official responses.

Section 4 also claims the building has been designed to minimise impact looking into the site (from distance). However, the plans show roof lights on the side which is most visible at night from afar! These will introduce light into an otherwise black environment at present.

At 4.08 the applicant claims the harm is substantially outweighed by the benefits to the heritage assets. However, there is no independent professional opinion on this position. The importance of the site is such that this application should have been rejected without an HIA drawn up by a recognised heritage specialist using recognised judgement criteria, desk research and supported by recognised and respected Hillfort specialist opinion.

A simple list of claimed benefits does not meet this need. Where is the third party evidence behind each claimed benefit? Without this it is valueless hearsay which cannot meet the planning tests around harm to the green belt, the listed tower and the SAM.

Scholars can access detailed historic information about the site at the Tolson Museum!

The topography is an inescapable fact! the SAM is a hillfort built at the highest point for 12mls in all directions.

Interpretation Clarification:

First rate exhibition & interpretation facility – how often will new material be developed and the current display refreshed?

How will the educational content be developed and delivered to visitors and for how many at a time?

Where is the public benefit from advertising the existence of the Hill and the hotel

Great store is given to the provision of free toilets. What is the true benefit derived from the provision of 6 stalls and 2 urinals? The restaurant/café/bar caters for circa 100 guests – this leaves very limited availability for site only visitors

Free shelter to be provided – for how many? What happens when the venue is already full of customers?

Provision of hot meals is convenient but is not delivery of a public benefit per say

The management of green space benefit is little more than managing your own shop window to attract customers, does this involve site wide management?

Traffic management plans cannot be left until he end – they need to be laid down, valued and balance against the unquestionable harm development means to the site

The passing places appear to be significantly less than the earlier concept

This proposal is not the only option. It is not the most practical solution, and it reintroduces questions around the whole harm vs benefit debate, Health & Safety, viability, deliverability and a host of other risks (inappropriate for a community benefit venture).

The development is dismissed by the Atkins Report 2016, rejected by HE, and the Victorian Society (both knowledgeable national Heritage Consultees).

The various iterations over the last 30+ years have regularly met with record levels of adverse comments from Kirklees rate paying residents!

It is time to end the uncertainty and firmly reject a failed concept.