
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 19-Feb-2026**

Subject: Planning Application 2024/93494 (amended plans) Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation Victoria Tower, Castle Hill, Lumb Lane, Almondbury, Huddersfield, HD4 6TA

APPLICANT

The Thandi Partnership

DATE VALID

10-Dec-2024

TARGET DATE

11-Mar-2025

EXTENSION EXPIRY DATE

19-Mar-2026

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1) **Sustainable transport:** Measures to encourage the use of sustainable modes of transport, including the submission, approval, and implementation of a Travel Plan, and monitoring fees of £10,000.

2) **Public benefits:** Package of obligations to provide certainty that the identified public benefits are delivered, including confirmation of the arrangement and agreement of funding for the development to take place and reassessment clauses, after a given time, of the business case.

3) **Management:** Implementation of a management plan for the exhibition/interpretation room and WCs (including the securing of public access without charge), and management of any new infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

1.1 This is an application for planning permission for the erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (amended plans).

1.2 The application is presented to Strategic Planning Committee as the proposed development represents a departure from the Kirklees Local Plan and given the substantial number of representations received. Additionally, Councillor Munro has requested the application be brought to committee.

2.0 SITE AND SURROUNDINGS

2.1 The application site is 0.5 hectares in size and includes part of Castle Hill, a prominent flat-topped hill location to the southeast of Huddersfield. The site is of an irregular shape and includes the lane that runs to the southeast side of Castle Hill. The site is currently used for informal parking.

- 2.2 Castle Hill is a Scheduled Ancient Monument (Historic England ref: 1009846) described as follows:

“Castle Hill is situated south of Huddersfield at Almondbury, on a hill top above the Holme Valley south of its confluence with the River Colne. The monument includes the remains of a late Bronze Age or early Iron Age univallate hillfort, a later Iron Age multivallate hillfort, a twelfth century motte and bailey castle and the site of a deserted medieval village”.

- 2.3 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.
- 2.4 The site is designated Green Belt in the Kirklees Local Plan and is bounded by low dry stone retaining walls. A number of Public Rights of Way surround the site, with HUD/171/10 and HUD/171/20 (both byways) and HUD/169/60 (footpath) all running across it and down the proposed access track.
- 2.5 The area surrounding the site is predominantly greenfield (in agricultural use) with the nearest residential dwellings located downhill from the application site, on Ashes Lane, Castle Hill Side and Lumb Lane. The site is also a Local Wildlife Site, a Local Geological Site, and an SSSI Impact Risk Zone. There are no trees close to the site are the subjects of Tree Preservation Orders (TPOs).
- 2.6 Planning permission for the erection of a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, and ancillary accommodation, along with the provision of outdoor terraces, and car parking, was granted in February 2022 under application 2018/93591. Whilst this permission has now expired, it will form a material planning consideration for this current planning application.

3.0 PROPOSAL

- 3.1 The application is for full planning permission for the erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (amended plans).
- 3.2 The proposed building would be located to the northeast of the site and would comprise three levels, the basement of which would be entirely beneath the existing ground level and would include a kitchen/preparation area, laundry room, staff room, officers, WCs and a shower room. The earth sheltered ground floor would include a reception and ancillary shop area, interactive rooms and a gallery, WCs and six bedrooms and a staff entrance. The first floor which would be fully above ground would include the restaurant/café with a lift and a viewing terrace.
- 3.3 Externally, a delivery and service yard would be created to the east of the building with a landscaped area directly to the south which would allow for pedestrian access into the building, along with a 41-space car park¹. Additional landscaping and planting are proposed to the eastern edge of the site, adjacent to the vehicle access to and from the site.

While the plans showed 42 spaces, as reported in the committee update at that time 1 space was lost to provide access to a walking route.

Comparison against previous approval

- 3.4 Planning permission has been previously granted on the site for the 'erection of a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation', under application 2018/93591. That permission expired 10/02/2025, without having been commenced.
- 3.5 The current application has the same description of development and seeks permission for a very similar proposal, although differences are proposed. These are summarised below:
- **Ground floor layout changes:** Update to the interior, including the introduction of a feature fire and the shape of the bar / server area. Lift design amended. Seating area directly shown on external viewing terrace.
 - **Lower ground floor layout changes:** Redistribution of space, including the provision of ancillary shop facility, separation of former exhibition space into exhibition / interpretation room, immersive experience room, and interactive room. Slight encroachment of internal floor space (bedrooms) into lightwell area.
 - **Basement layout changes:** Nominal layout changes, principally to the location of the dumb waiter.
 - **External:** The groundworks, between the building and car park, are altered. This includes more cutting to the west of the ramp to the lower ground floor, a chamfered design to the retaining wall to the west of the ramp, the inclusion of a sitting area,
 - **External:** Reduction in the area of the café terrace. This has the effect of increasing the area of the roof glazing over the exhibition space.
 - **Service yard:** Hedgerow proposed around the service yard for screening.
 - **Car Park:** Clearer delineation between car park and pedestrian area, via either kerb or material change. Introduction of dedicated cycle storage facilities (eight Sheffield stands). Following amendments to the proposal, 41 visitor parking spaces are proposed, as approved previously.
 - **PROW works:** In the previous application a 'new public footpath' was proposed around the north part of the site. However, this is an existing footpath and is no longer 'proposed' as part of the application, given it already exists. The diverting of PROWs HUD/171/70 and HUD/169/60, which would run through the footprint of the new building along a new footpath, is still proposed.
- 3.6 The location, size and overall appearance of the building remain as per the previous application.

4.0 RELEVANT PLANNING HISTORY

Application site

88/04690: Change of use of first floor into hotel bedrooms and new windows – Planning permission granted.

2000/91424: Demolition of flat-roofed and mansard roof extensions, and erection of front and rear extensions to form lobby, stairwell, toilets, conservatory and additional kitchen floorspace, and internal bin store – Planning permission granted.

2004/92962: Deemed application via enforcement appeal for erection of a hotel and the unauthorised excavation of the basement area – Withdrawn.

2004/93324: Rebuilding of public house/restaurant/hotel on the site of the former Castle Hill Hotel – Refused.

2009/93504: Erection of replacement bar and restaurant including first floor guest accommodation and other associated works – Refused.

2012/91867: Erection of public house/hotel with associated parking – Refused.

2012/93683: Erection of public house/hotel with associated parking – Withdrawn.

2018/93591: Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Section 106 Full Permission granted.

2024/92790: Discharge of details reserved by conditions 9 (car park), 10 (cycle parking), 11 (electric charge points), 12 (waste), 16 (interpretation boards), 19 (crime prevention), 22 (materials), 25 (boundary treatment), 26 (external lighting) and 28 (landscaping) – Split decision.

2024/92519: Discharge of details reserved by conditions 3 (Construction (Environmental) Management Plan), 8 (access road works), 18 (kitchen waste water), 20 (archaeological investigation), 29 (biodiversity) and 30 (public right of way) of previous permission 2018/93591 for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Pending consideration.

2024/92517: Variation of condition 17 (drainage) of previous permission 2018/93591 for erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation – Pending consideration.

Surrounding area

None relevant to the current proposal.

Enforcement history

COMP/04/681/W: Enforcement investigation into development not built in accordance with approved plans – Case closed 17/06/2005.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A pre-application was not submitted prior to this specific application being received. However, consideration must be given to the work and negotiation undertaken as part of the previous application, ref. 2018/93591 and work proceeding that. The following is the History of Negotiations section from the committee report of 2018/93591, to provide an understanding of the past engagement:

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.

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:*
 - o *Full archaeological survey.*
 - o *Heritage Impact Assessment (considering impact upon Victoria Tower and Scheduled Ancient Monument).*
 - o *Planning Statement (addressing green belt issues, site’s sustainability, and NPPF policy on town centre uses).*
 - o *Assessment of the proposal set against the Castle Hill Settings Study.*
 - o *Transport Statement.*
 - o *Travel Plan.*
 - o *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.*

During the life of the current planning application, officers raised the following queries and concerns regarding the earlier iteration of the applicant's proposals:

- Transport Statement, Ecological Impact Statement, site management information (including opening hours, public access and staff responsibilities), details of the proposed interpretation room, 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.*

The applicant team responded to some of the above queries and concerns. A detailed Heritage Assessment was submitted on 19/11/2018, corrected drawings were submitted on 21/11/2018, and further details of the management of the proposed development were submitted on 21/11/2018. An archaeological trial trenching report was submitted on 14/02/2019. An Updated Ecological Impact Assessment was submitted on 18/07/2019.

Most significantly, however, the proposals were redesigned and new drawings were submitted on 22/11/2019. Supporting information was also submitted on 22/11/2019. Revised access and parking proposals were provided by HDC Support on 22/11/2019 and 18/05/2020. Further information regarding parking was submitted on 25/09/2020 and 13/10/2020.

Further drawings (including minor changes to the proposed building's entrance, and the location of an outdoor terrace) and 3D images were submitted on 11/03/2020, along with an Updated Planning Support Statement.

Officers met members of the applicant team on several occasions since November 2011, in some cases with Historic England officers present.

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

- 5.2 On receipt of the current application, initially, the applicant sought additional changes to the proposal, compared to that previously approved, which were considered intensifications. Officers advised to return to the scheme as previously approved.
- 5.3 Notwithstanding the above, during the course of the application several amendments have been made, along with corrections and the submission of further details. These include:

- Removing the gate from the proposed service area.
- Updating the Biodiversity Net Gain baseline assessment from 4.0 version to the Statutory Metric.
- Submission of the Ecological Impact Assessment from the previous application, with addendum report.
- Corrections to the elevations, which included correcting an erroneous door.

5.4 The above amendments / further details were advertised across additional representation periods commencing 08/07/2025 and 24/12/2025.

5.5 Final amendments have been received pertaining to highway matters. This includes amendments to the access / passing place drawings, which confirms that an existing damaged drystone wall will be repaired / rebuilt (like for like) as required, which was identified in the Road Safety Audit as a potential risk. The other change was amendments to the layout of the car park, to deliver 41 car parking spaces as opposed to 37, so as to match the original approval. Given the betterment these changes represent and their nominal nature readvertisement was not considered necessary.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

6.2 The site is subject to the following designated:

- Green Belt
- Scheduled Ancient Monument
- Local Wildlife Site (LWS2)
- Wildlife Habitat Network
- Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands)
- Strategic Green Infrastructure Network
- Local Geological Site (LGS1)
- Mineral Safeguarding area (Surface Coal Resource with Sandstone and/or Clay and Shale)

6.3 Relevant Local Plan policies are

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP10 – Supporting the rural economy
- LP13 – Town centre uses
- LP16 – Food and drink uses and the evening economy
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel

- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

Supplementary Planning Guidance / Documents

6.4 Relevant guidance and documents:

- Castle Hill Setting Study (2016)
- Castle Hill Conservation Management Plan (2006)
- Kirklees Landscape Character Assessment
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)

6.5 Regarding small- and medium-scale development at Castle Hill, paragraphs 6.11 and 6.15 of the 2016 Castle Hill Setting Study states:

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.

Slopes and summit of Castle Hill: Medium-scale development on the slopes or summit of Castle Hill would undoubtedly seriously degrade its character and form; adversely affecting its significance. These areas are not suitable for development of this scale.

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- 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

6.7 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents

6.8 Relevant national guidance and documents:

- National Design Guide (2021)
- The Setting of Heritage Assets (2017)
- Scheduled Monuments & nationally important but non-scheduled monuments (2013)

Climate change

6.9 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.10 On 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 In the council's initial consultation, the application was advertised as a departure from the development plan, and as development affecting Public Rights of Way and the setting of a listed building.
- 7.2 The application was originally advertised via site notices, within the press and letters delivered to neighbours within the vicinity of the application site. As a result of amendments, corrections, and further details being received through the course of the application, two further public representation periods were undertaken to notify interested parties of the alterations made.
- 7.3 As a result of the above publicity, 123 representations have been received, a summary of which is provided below.
- 7.4 Along with the above, officers have been made aware that a number of petitions have been submitted in respect of the application / proposed works. A summary of the petitions, the number of signatures and the representations received are as follows:

Referendum for "Area of Outstanding Natural Beauty" Protection for Agbridge Elmet:

Concerns are raised in relation to the Local Council and partners proposing to put a café on our Ancient Hillfort for many years. Therefore, the purpose of the petition is to get 15,633 signatures to match 5% of our electorate, to trigger local referendum.

To date 1,147 signatures have been received.

Historic England - Please refuse consent for a hotel on Castle Hill

Campaign for the Department for Digital, Media, Culture and Sport to refuse Scheduled Monument Consent for development on this site.

To date 1,220 signatures have been received.

Do You want to Protect Castle Hill?

Campaign to protect Castle Hill from being developed.

To date 3,832 signatures have been received.

The people of Huddersfield want our pub back at Castle Hill not a new cafe!

The campaign is for the former pub back not a new café.

To date 585 signatures have been received.

Rebuilding of the castle hill hotel to the original design using original materials

A campaign for the former Castle Hill Hotel to be re-built.

To date 129 signatures have been received.

Representations

Supportive comments

- The proposal will create jobs and bring income into the area, and may stimulate wider investment.
- The proposal will be an education opportunity and includes free educational aspects.
- The current access road is degraded and in a poor state. Road improvements are proposed that will make accessing the site easier.
- The is currently “depressing with vandalism everywhere”, with that proposing being an attractive alternative that promotes investment and jobs, with good facilities for people going to the site.
- Access to free toilets will make the site more enjoyable.
- The project brings benefits for better facilities, free access, education, free toilets and improved works.
- The proposed use would promote socialisation in the area.
- The loss of the former public house was “a tragedy”. The proposal will welcome more people to a “historical site with a breathtaking view of the area” and may result in the tower being open more.
- “The proposed design is excellent, blends well with the tower and is not too obtrusive. It provides a sleek, modern facility that genuinely enhances the attractiveness of tower to locals and tourists, by providing shelter in this exposed area and refreshments. This will encourage visitors around the year instead of mostly when weather is good. The space is imaginative to include areas where lectures and events can happen for example a “Poetry Open Mic” and educational events for children such as school trips. To refuse this opportunity to develop the tower in this way would be a backward step with all the modernisation and facilities improvement of Huddersfield in progress.”

General comments

- The tower and hill are iconic, and often the first thing that comes to mind when thinking of Huddersfield. After the former Inn was illegally destroyed, the solitary Jubilee Tower has become even more iconic a symbol of Huddersfield.
- Request that the site include a fireplace and sauna.

Objections

Principle of development

- Concerns over the planning statement making claims that the site is grey belt due to the previous building. Nationally designated sites such as Castle Hill scheduled ancient monument and the free-standing Jubilee Tower listed at grade I are excluded from the definition of grey belt.

- Proposals constitute inappropriate development in the Green Belt. There are no exemptions for the proposed development within the Green Belt, within in the NPPF. The absence of the former Castle Hill Hotel has enhanced the setting of the Tower and enabled better appreciation of the hillfort and its later embodiment of the C12th fortification.
- There are no very special circumstances which should permit building in the Green Belt.
- This is a commercial development, with a minimal public benefit offering.
- The site is in an environmentally sensitive location where the effects of development would be more significant, and the lack of an Environmental Impact Assessment suggests our inheritance has been woefully undervalued.
- The EIA should consider light, noise and other impacts on nature, such as disruption to birds, bats and other mammals (see 9), and people's health and wellbeing.
- The new plans appear to show the building extending further into the embankment adjacent to the bedrooms and full details of the service area impact was not included in the previous conditionally approved plans. As such, the impact on the scheduled embankments was never factored into the Green Belt and/or SAM assessments.
- The changes to this application include an increased footprint, 50% increased car parking, security fencing and lighting, excavation of historic embankments.
- This is a large urban development proposed for an inappropriate remote rural location. The scale of this development goes far, far beyond the limited facilities required for the heritage site. It is also many times greater than the previous hotel removed many years ago.
- 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.

Visual and heritage concerns

- 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.
- The application should be refused as it fails to protect the longstanding heritage assets. The National government's advisors on heritage, Historic England (HE), have advised the Authority to refuse the application on heritage grounds. The Victorian Society maintain their objection.
- Any development in the area must be carefully considered in order to minimise impact on the surrounding area and view of the hill and monument. The representative is not convinced the proposal comes anywhere close to meeting this threshold - nor convinced it would provide any public benefit.

- After 20 years of this fiasco residents remain determined that further building on this site is wholly inappropriate and would be the ruination of this treasured, historically significant and iconic site. The developers had their chance years ago but demolished the 'old' public house, failed to adhere to planning procedures and attempted to 'fudge' the rebuild. Given the hugely worrying history that follows these developers, it is clear they cannot be trusted, grossly lack integrity and do not have the best interests of the site at heart.
- Castle Hill is a peaceful place to be enjoyed. The amount of visitors that this development would create would destroy the character of Castle Hill. Over time the number of attendees will cause harm to the area.
- The jubilee tower is enough and enhances the hill from afar.
- Castle Hill is a Scheduled Monument and should be protected as such. This proposal would have a serious impact, not for the better, on this important site. The proposed building would seriously affect the setting of Victoria Tower, which is Grade II listed. The 'public benefits' do not outweigh the harm that would be done to the site.
- Fundamentally this proposed building is still in the wrong place – it should not be sited in the middle of a sensitive and nationally significant scheduled monument.
- Apart from the interpretation room, the proposal offers little public benefit. The proposed modern hotel design is completely out of sympathy with the Victoria Tower, which was itself designed to augment the original Castle Hill Hotel which did capture the spirit of the hill.
- The appearance of the new, fashionable, glass venue will, in no way, make reference to the history of the area, the Victoria Tower, or the historical background to the Hill. It will also be a huge edifice, requiring massive earth moving – entirely inappropriate on a Hill described as 'a scheduled ancient monument of national importance'.
- With the building being partly sunken into the ground it is virtually impossible to understand how far the new structure will stand out if built. Based on the drawings it appears to stand out substantially – which is entirely inappropriate as it removes the open views over the hill top. Surely, it is inappropriate to start excavating into the primary features of an iron age fort, its flat top with embankments marking its historic defences.
- There is no reference to Kirklees's Heritage Strategy and the applicant/agent does not appear to have drawn the consultant's attention to the consultation response from Kirklees' Museums and Galleries (M&G).
- The planning support, design and access statement fails to fully assess the visual and heritage impact the application would have.
- 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.
- Grave concerns exist regarding the applicant's respect for the site and its unique heritage, given their previous disregard of planning law. The applicant also has the audacity to suggest that there is growing support from the general public for this development.
- The site should be left as it is, the Thandi brothers demolished the public house without permission and sold all the mullions, stone flags,

oak beams and so on and attempted to build an entirely new property at 90° to the original building without planning permission.

- The original building was demolished illegally and is now not there for all to enjoy. Planning permission should only be granted to re-erect what they illegally demolished without planning permission.
- The applicant has no interest in the history or environment of Castle Hill and the plans are not in keeping with the importance of the site.
- Legal concerns regarding the damage to the site by the applicant.
- The applicant has had years to respond to Historic England yet there appears to be no resolution.
- The proposed hotel has little architectural merit and sits low on the ground as if ashamed to be seen. This is the antithesis to the grandeur of the Hill itself and seems to offer little public benefit to counter the damage done to the site and to the environs of the Victoria Tower.
- There are better locations for this development.
- The shape of the proposed development is too modern for this site.
- The proposed development would be a harmful and uncharacteristic urban intrusion into the heart of the site. It is too large. The existing topography is intrinsic to the history of the site, and the proposed changes would inhibit understanding.
- Extensions to the car park will inflict further damage (visually and to the sites heritage).
- The plans proposed would further destroy the remaining archaeology under the scheduled monument and detract from its nature.
- Once the oval appearance of the historic ramparts have been partially removed it will totally ruin the basic shape of the precious hill fort site
- The scheme would include the destruction of an iron age fort just for someone's personal financial gain.
- Question why could the development not match the exact footprint and style of the pub (and was of similar historical value as the folly).
- Anyone wanting to gain in-depth knowledge of the history of Castle Hill can visit the comprehensive exhibition at Tolson Museum, soon to be housed in a new state of the art setting as part of Huddersfield's Cultural Heart.
- The hillside, and especially the summit is of great historical value, anyone who visits the Tolson Museum can find out about it. It is a Scheduled Ancient Monument and therefore should be protected. Centuries of history is too important to be turned into an unnecessary eyesore visible to all of Huddersfield. There are so many other places where a restaurant/hotel/bar could be sited within Huddersfield.
- The proposed security measures seem excessive and risk turning the flat top of the hill into some form of modern prison, with high gates, overnight lighting and video monitoring.
- Huddersfield Civic Society have objected as have The Huddersfield and District Archaeology Society and Castle Hill Civic Associates.
- Huddersfield Civic Society concerns stem from nature and scale of commercial development (beyond simple visitor welcome/shelter facilities), archaeology disturbance, inadequate location access/egress, issues around commercial viability and role of proposed community interest company. The business case does not add clarity or reassurance that this outweighs the harm to the Green Belt or heritage.

Highway concerns

- Inconsistencies within the traffic assessments associated with both the current and prior application, specifically relating to traffic flows and parked vehicles. For example: The 2024 transport assessment provides road trips instead of parking volumes. The estimated traffic volumes appear inexplicably low (with no evidential support) and appear to be irreconcilable with the 2018 data. The figures put forward again exclude visitors looking to make use of what is a public carpark. Fortunately, the access road acted as a break and fire officers were successful in extinguishing the fire, though it had to be watched for many hours due to the drought. More intensive use of the site could pose an additional hazard as would an increase in possible conflicts between emergency vehicles and vehicles escaping down Castle Hill Side.
- The approach road (byway HUD/171/20) is classified as a byway open to all traffic. Proposals are substandard for the projected use and an independent and comprehensive Transport Safety Assessment should have been required.
- Each year there are a number of events where vehicles have become stranded off the track or where they have 'gone off the edge'. One such event occurred in the last few weeks with the vehicle dropping off the track onto the road below.
- Concerns with the findings of the Transport Statement, as it fails to assess safety of other road uses. The statement is based on 100 covers for the restaurant yet there are only 37 spaces. 37 spaces are grossly inadequate.
- The application refers to "100 covers," but this is not supported by the floor plans. It is also unclear whether the "café" and restaurant are the same facility.
- Transport statement out of date.
- The figures in the transport statement are simply not credible particularly the statement the development does not cause any negative impacts in terms of road safety or congestion
- There is no evidence from the highways report that there has been any measurement of existing traffic usage to the hill by general visitors (seasonally, weekly, hourly) which is a simple enough task using a basic traffic counter.
- The Stage One Road safety audit is limited to the proposed "passing places scheme". It is not a comprehensive assessment of site safety
- The proposal is to widen the track (at certain points) to accommodate large vehicles passing, the widths seem reasonable for two cars. However, the concept of two commercial vehicles meeting (one might even be the articulated one illustrated on the plans) clearly introduces the risk of one driving off the track (and potentially dropping onto the road below).
- Traffic management plans cannot be left until the 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.
- The other major risk of course is that the competing pressures of general and specific restaurant visitors results in vehicles parking off the surfaced car parks and on the sensitive archaeological earthworks

-something which commonly occurred on busy weekends before the original Castle hill pub was demolished.

- The access by car can be challenging at the best of times if you meet an oncoming car I can only envisage the road rage and accidents that will occur with an increase of traffic. The Road is not practical or safe for lorries, coaches and excessive traffic.
- Other concerns are the already busy country roads that are very narrow in places surrounding castle hill and further build-up of traffic would be damaging to these roads as well as dangerous.
- Having a large restaurant/rooms will require frequent freight vehicles to access the top of the hill including refuse / food / waste removal and other large vehicles adding to pressure on the access road, even if the hours for deliveries are controlled.
- To begin with the access to the site, it must be accepted that the 'road' up to the top of Castle Hill is very narrow (partly one way only), has some bends which are challenging to negotiate in even a small car, frequently evidences difficulties with vehicles trying to pass one another, has no footpath (and is therefore dangerous for pedestrians), and is in a poor state of repair. In February 2022, Kirklees Council imposed 30 conditions on the strongly contested planning approval, one of which was: 'coaches are banned from Castle Hill on Saturdays and Sundays'. How any coach is supposed to get up the road to the top is unimaginable!
- Especially on bank holidays, in the summer when the weather is nice. The access and surrounding small country lanes are totally unsuitable for the traffic levels this hotel would create. The roads would be gridlocked.
- Serious alterations and repairs would be needed to underpin the road for future safe access. I have seen more than three cars almost slide off the road in the past few years due to ice. The road is not suitable to consider adding more traffic.
- The parking is reported as reducing from 66 down to 37. This level of parking is unlikely to service the demand of the proposed development leaving no parking for those who want to visit, take a picnic and enjoy the natural setting of the listed tower and Scheduled Ancient Castle Hill.
- No commercial enterprise should be allowed to count a carpark intended for the convenience of the public visiting the Hill as belonging to an hotel.
- The parking spaces will be taken primarily by the uses of the restaurant/bar, therefore where will other visitors park?
- I note the car park is to increase substantially. Again, all this brings is more traffic onto a narrow access that doubles as a pedestrian walkway.
- Significant concerns around the changes proposed to the PROW 171/20 as it would be re-routed onto the underpass.

Ecological and landscape concerns:

- Photographic drawings produced by JCA Ltd (ref Biodiversity & Ecological Management map & Biodiversity Metric 4.0) show comparisons of the site as existing (baseline) and after intervention. They show the sealed surface area (service yard and car parking area) doubled in area, even without the café terrace and viewing

terrace (also sealed). The scope for improving biodiversity would be much reduced by the development due to the extent of hard surfacing, and the presence of humans, traffic, and lighting at night will make the proposed faunal boxes less attractive.

- Would there be a wider site management for the green space?
- The application gives no indication if outdoor seating etc would extend beyond the footprint of the building onto land not leased from the Council and so images give a false impression of the building being self-contained and without impact on the immediate environs of the wider hill. The 3D artist images of the site show a single car in the car park, no service vehicles, no outdoor tables or parasols etc so it is not a realistic representation of how the site will look in operation with the resulting clutter and visual impact on this significant site.
- The proposal does not consider biodiversity or the loss of habitat for local wildlife. This contradicts current efforts to create wildlife corridors around Castle Hill.
- BNG proposal does not take into full consideration the full context of the natural surroundings and the inevitable impact on wildlife without adequate protection.
- 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.
- It is a nature reserve and the proposed development would contribute to destroying this unique environment.
- It would also create an unsustainable environment for rare species of butterfly, moth and other insects as well as rare birds such as short-eared owls, linnets and yellow hammers, whose habitats could be irreversibly disturbed, leading to long-term ecological damage.
- A huge, noisy, brightly-lit venue on the hill would end all hope of wildlife returning, and this would naturally have a negative effect on the trees and landscape.
- Given that Kirklees Council are investing considerable public funds to partnership with the White Rose Forest tree planting initiative to develop extensive woodland in the area immediately surrounding Castle Hill - how does the proposed planning application for the area at the top of Castle Hill fit in with the woodland planting initiative?
- Environmental damage will be caused during construction.

General objections

- Nowhere do drawings show the size and location of the attenuation tank required by the Local Flood Authority. The infiltration method proposed by applicants would unacceptably exacerbate existing run-off.
- Planning have gone on record, that the current application 2024/93494 is sufficiently similar (to the prior 2018/93591) to allow documentation associated with the 2018 application to 'back fill' (my term) any shortfall in supporting documents for the 2024/93494 application.
- No fire safety assessment has been submitted with this application.
- Following the severe fire on Castle Hill of 3rd July this year proposals should be subject to a Fire Safety Assessment by the Fire Brigade.

- Concerns regarding fire safety. Customers of the development could walk off the hill in the opposite direction to the oncoming fire (assuming they are sure footed, so excluding elderly, infirm or disabled customers). However, there will be no-one at the proposed development with authority to prevent customers attempting to leave the hill in their vehicles. This could mean some trying even where it would involve heading towards the fire! This could also cause risks to people driving off the hill in a fire, due to poor visibility, blocking the road for emergency vehicles.
- Why are KMC Planning continue to invest valuable resources by allowing the applicant to submit an incomplete application. The inadequacies of the application are clearly demonstrated by the following consultee responses, including the Victorian Society, Historic England, Biodiversity, Flood Authority, Museums and Galleries, Highways and the Police.
- The current security gate has reduced antisocial behaviour. If the site is to operate 24/7, will this gate be removed? That would undermine public safety.
- Concerns over the information provide within the Revised Planning Statement, including the document claiming extensive community consultation, which wasn't consultation it was media drive publicity.
- Community consultation was carried out and a virtual tour showcasing this new interpretation floor layout was circulated in 2024 to all key audiences, including the public via the examiner, Huddersfield Hub, ward members, the Strategic Planning Committee, and other stakeholders, and was also made available on YouTube. This attracted positive feedback and comments. But as a local resident there was no community consultation.
- Concern that the proposal will cause harmful noise pollution that harms the amenity of nearby residents.
- Concerns raised regarding the first-rate exhibition; i.e. how often will new material be developed and current displays refreshed?
- How will the educational content be developed and delivered to visitors and for how many at a time?
- The application depends heavily on the Atkins Management Plan (2006) which suggested that visitors would welcome having facilities such as interpretation, refreshments and toilets on the hill. The Atkins report is now almost 20 years old and badly out of date. Most visitors wishing to know more about Castle Hill today will most naturally interrogate their mobile telephone rather than seek out a gallery containing information boards. Similarly, those visitors seeking refreshments have long since gone elsewhere for their outings.
- Another issue raised by Historic England is that on the basis of the information currently submitted they are not convinced that the applicant has fully understood the implications of forming and operating a CIC (Community Interest Company). Whilst this may be a good way forward, has this been set up?
- Consumption of alcohol from the site would provide a strong likelihood that anti-social behaviour would actually increase.
- Claims to invoke guardian of the Monument, as per section 12 of the Archaeological Areas Act 1979 for this monument listed as 1005806.
- Concerns regarding conditions on the previous application and their enforceability.

- Objections over the timeframe of the application, including how long it has been under consideration by the Local Planning Authority. Because of how long it has been under consideration, it should be refused.
- The scheme is out of time and the current package of information cannot be relied on. The application should be withdrawn is possible.
- Concerns regarding the longstanding nature of this proposal and the lack of public engagement. The 2018 application should never have been approved and the 300+ comments from the 2018 applications should be added to this application, as there are substantive matters that have not been addressed.
- The building layout internally with a single restaurant suggest that the likely business model will be for function or volume catering use, not just supporting casual / family visitors to the site. If this is the case, then the operators will be seeking to maximise high volume usage and occupancy for example at weekends or functions in the evenings which will create significant additional pressure points in terms of private clients to the detriment of others.
- The application just increases the levels of harm, due to increased parking, higher levels of footfall, increase in the size and location of the building, the construction of new infrastructure, high levels of lighting, additional drainage etc.
- 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?
- What impact would the application have on climate change.
- Is this a carbon neutral build and are they using sustainable materials? Where is the original stone from the old building and is this to be incorporated into the build?
- Concerns over the longevity and viability of the proposed commercial development, and question what would happen if economic issues force it to close. This would result in the loss of the public benefits and leave a vacant building.
- The Wheawill & Sudworth review identifies uncertainties with the applicant's submission, including;
 - the general viability of entities operating in the leisure and hospitality sectors and, for the specific development:
 - take up and sustainability of customer demand and spend relating to the CHVC facilities, plus
 - lack of clarity regarding current funding
- 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).
- There is no indication on the plans as to where ventilation / extraction from kitchens etc will be facilitated and locating the cooking activity in a basement with no direct external access and fire escape seems very strange, would it be in compliance with building and fire egress regulations for catering establishments?
- Historic England states that changes to the environment must be considered - noise, light pollution, urbanization, access etc, along with physical changes to the asset; many of these considerations have been ignored.

- Previously, when the pub was situated on the site, there was a significant problem with litter. It would seem highly likely that this will become a problem again.
- Concerns over the amenity of the proposed accommodation which is considered poor. This will make it unattractive to use that will harm the site's viability.
- The area has been without a building for so long it should now be left for nature that has already started to take over. The environment should be left natural for people to enjoy. If a small building was to be built containing toilets and a small cafe for visitors I would not object to but it is a historical area and a large modern building built only for profit is not essential and would be out of place.
- A far simpler solution is required, potentially involving licensing of 'pop-up' mobile venues (for busy times of the year) and installation of porta-loos secured at the time the security gate is locked and re-opened. These days, information on personal mobiles is what visitors expect - which could be produced using material held in Tolson Museum.
- 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).

7.5 Responses to the above comments are addressed within this report.

7.6 Holme Valley Parish Council: No comment, defer to officers.

7.7 Kirkburton Parish Council: No comments received.

Councillor comments

7.8 Cllr A Munro – Comments received 11/09/2025

I requested the matter be dealt with by committee on two grounds of:

- Highways safety;*
- impact on local area-*

You have asked me for my reasons for requesting that it also be listed for committee due to the impact on the local area.

Please see below:

Impact on Local Area

The Business Plan and amended plans clearly indicate the Applicants are seeking to renegotiate the terms of the previous planning approval, i.e. increased number of covers in the restaurant to 100, open ended closing times in the evening and reduced capacity of the car park. This means the development will be busier for longer with fewer car parking spaces thereby placing heavy reliance for parking on local roads, both for visitors to the restaurant bar café etc and anyone simply wanting to go up to the top of the Hill to view the night sky, take photos etc, or just take in the view.

Not only this but due to all the publicity over the last few years, I suspect this venue will be a popular destination for many and its newness will definitely be attractive to many. This will result in an increase in traffic generation to the area, leading to an increase in pollution, congestion on local roads due to an increase in vehicles and cars etc travelling to and from Castle Hill and parked cars on the narrow roads around Castle Hill; noise and disturbance from people walking to the bar and restaurant and back from their cars late at night and vehicle movements, all in this quiet rural area. Often when people have had a drink they become louder too due to the alcohol consumed. In addition there could be an increase in anti- social behaviour, an increase in litter and fly tipping.

Please include this impact on the local area as a material consideration.

Cllr A Munro – Additional comments received 19/08/2025

That in the event that due to economic reasons the Council cannot appoint an independent consultant to prepare a full transport assessment on its behalf, that the Council undertakes a comprehensive and robust transport assessment of the plans for the hill site itself and the surrounding roads to then provide the up to date TRICs data that is required to enable a better understanding of the impacts of these plans.

Cllr A Munro – Additional comments received – 13/08/2025

There remains significant public interest in the planning application 2024/93494. It is clear it remains contentious. The application continues to raise many concerns. I have stated I have serious concerns for highways safety and risk of wild fires in my submission.

I therefore request the application is dealt with by Committee.

Cllr A Munro – Additional comments received – 11/08/2025

I make this submission as a resident of Almondbury Ward with a beautiful view of Castle Hill and as a Ward Councillor on behalf of residents as follows:

Summary of points I intend to raise:

- 1. 2018-93591-2024/93494*
- 2. Highways- road congestion- Transport Statement Nov 2024*
- 3. Fire safety assessment*
- 4. Business Plan*

2018-93591 and 2024/93494

1-This planning application eventually received planning approval on the 10th February 2022. The current application is a resubmission of this, or so I understand. Arguments in the plans (2018/93591) hinged on the public benefits of the provision of public toilets which were weighted heavily against the assessed less than substantial harm?

Castle Hill is no ordinary site, it is an extra ordinary site which is unique to our Country and part of our national heritage. It is a special place, it is iconic, much loved and it is a famous landmark.

Families residents and people visiting have been going up to the top of Castle Hill for many many years to fly kites, take in the views and enjoy walks around the top of the hill site. Information Boards at the site display pictures on the wildlife there and an information board provides facts on the history of the site.

Tolson Museum has an excellent Castle Hill model and a display that tells the history of Castle Hill. Tolson Museum is set in Ravensknowle Park and schools already visit the display and Museum.

I have been informed and read that if and when Tolson Museum closes, the new Huddersfield Museum will have a display on Castle Hill in any event.

Local Plan Policies PLP 13 and PLP 16 -The proposal remains an out of town commercial development more suited to a town centre but was approved under 2018/93591

Castle Hill 2024/93494

So far a total of 90 objections have been documented and received in response to the amended plans making a combined total of 420 objections and comments received. In addition to this several statutory consultees have also raised objections and dissatisfaction.

As already stated, Castle Hill is hugely significant! Details of the plans submitted under the current application 2024/93494 and what this might mean for Castle Hill, the ancient scheduled monument and the surrounding area and now the submission of the amended plans, were not clear and there is a distinct lack of transparency and detail around the amended plans for example reference is made to approximately 100 covers for the restaurant, well precisely how many covers are planned for each evening? The previously approved application gave permission for no more than 70 people at any given time to be in the bars/ Café/ restaurant/ on Saturdays and Sundays only, including the terrace. The previous permission is silent though on Fridays and days during the week. This could result in many people going there on Friday nights and other evenings during the week?

Furthermore, reference is made to the new build occupying for the most part on the former footprint of the original pub/hotel. Well how much will not be on the former footprint? It also appears that closing times in the evenings are still to be determined, but under 2018/93591, approval was given for closing times at 11pm for the restaurant and bar.

In addition, what is there to stop the Applicants making further plans in the future for additional buildings if they are allowed to build on land that does not form part of the original footprint?

2- The amended plans car park size (2024/93494) Under 2018/93591, planning approval was granted for a car park for 32 spaces with an additional 5 disabled places giving a combined total of 37 parking spaces.

Kirklees Highways as statutory consultees made suggestions/comments based on a Transport Statement dated November 2019 commissioned by the Applicants, but Kirklees Highways admitted they did not have the empirical data to support the transport assessment carried out by the applicant's agents. The Applicants agent's Transport assessment concludes: "The development

does not cause any negative impacts in terms of road safety or congestion and is therefore acceptable in planning terms”.

Under this application 2024/93494, no comments have been made by Highways, but the Applicants have used the comments made in their Transport Statement commissioned by them dated November 2019 under the approved application 2018/93591 as evidence in their business plan and repeated the same assessment in their Transport Statement dated November 2024. This is not current. Any comments made by Kirklees Highways were based on the Transport statement from November 2019. The assessment referred to is out of date.

The Applicants Transport Statement under 2018/93591

(a)- noted “that while they did not consider it to be significant, there will be some increase in traffic in terms of visitors and also service vehicles”.

(b) “Between 5-6pm, traffic flows are forecast to be in the region of 10 vehicles split 6-7 inbound- 4 outbound” But under the current amended plans, the building will not be open to the Public between 5pm and 6pm.

It is my view that even 6-7 vehicles accessing the hill site controlled by traffic lights will cause issues around the junction with Lumb Lane regardless of the time.

(c) The Busiest time between 6-7pm with a peak traffic flow of 18 vehicles split 10 inbound with 8 outbound.

While the Applicants agents believe the time slot 6-7pm will be the busiest, under the amended plans, the bar and restaurant will open from 6pm, but presumably vehicles will be arriving and leaving increasingly in the evenings particularly towards the end of the working week and weekends.

(d) They continue that the main traffic generators would be visitors to the hotel and restaurant, but this would be spread throughout the day. Again, this information is out of date as the word hotel has been dropped and the restaurant bar and visitors centre will only be open in the evenings, but the building will still have 6 bedrooms!

(e) The report continues:” traffic flows during the morning peak for the restaurant are considered to be insignificant.” Again, the restaurant will not be open during the day under the new plans.

“Taking into account the two main traffic generators”, (Which are the Hotel and restaurant as referred to in the Transport Statement dated November 2024 even though the Applicants have seemingly dropped plans for a hotel) during the day a forecasted increase in traffic during the morning peak hour would be in the region of 4 additional movements. During the evening peak, an increase of approximately 15 vehicles would be forecasted.” This suggests they are expecting only 15 vehicle movements between the peak 6pm to 7pm? Which day of the week are they referring to? I seriously question their calculations.

The transport statement continues that “the above does not take into account the trips generated by a visitor centre / exhibition facilities. The proposed size of this element of the development is 78 sq. metres and is difficult to forecast

what the likely traffic generation would be as result of this use" Presumably though schools will book in advance so they will have an idea of the number of vehicles?

The statement goes on to predict "Nevertheless, adding another 6 trips during the morning peak and a similar number during the evening peak would be a robust scenario. As a result, the total traffic generation for the development would be in the region of 10 additional movements during the morning peak and 21 vehicle movements during the evening peak hour. The forecasted increase in traffic is not considered to be significant-"

(e) Traffic lights are proposed for the access road to control traffic movement on it but these will cause congestion from the junction of Lumb Lane with Ashes Lane along Lumb Lane to its junction with the hill site access road, traffic will back up and some people are likely to abandon their cars anywhere to walk up.

It is clear Highways must undertake a further appraisal of the amended plans and submit a report.

In addition, I request an independent assessment for Transport is requested by the Council, as I do not believe the data provided in November 2019 under the previous application 2018/93591 can be relied upon, as it is outdated and there are several other reasons including:

There are ever increasing numbers of vehicles on our roads and this is set to increase in the future as populations grow. In addition, where is the TRICs data?

I have grave concerns for highways safety! And it is concerning that Highways as statutory consultees remain silent in relation to the amended plans. The Applicants have not provided any new assessment of the roads and vehicle movements or any TRICs data, it is imperative that the Council request an independent assessment for Transport.

The Business case states Castle Hill is set to serve 270,000 residents and more than 443,000 borough-wide. This is with capacity of the car park at 37 max and does not include the 200 or so visiting schools! In addition, the public bus service is sporadic and Ashes Lane is not wide enough for a cycle way and the pavement is narrow. Furthermore, I would like to know if further accidents have been recorded since the last report filed under 2018/93591?

On the 28th February 2025, at approximately 6:58 pm I was caught up in congestion on Lumb Lane, just below the access road to Castle Hill which was blocked. This was due to vehicles being abandoned anywhere and everywhere there as people could not find anywhere to park as they wanted to walk to the top of the hill to view the planetary alignment. I have attached photos which I took at the time. Due to the road being blocked myself and my friend were late for an event. This is a scenario that will be played out time and time again if these plans receive approval. The road will not just be blocked at Castle Hill side though but Lumb Lane; Clough Hall Lane; Ashes Lane and possibly Hey Lane.

How would emergency vehicles get through the narrow lanes around Castle Hill? How would a local resident get to hospital urgently if they could not pass on the road? Such blockages are happening now and the bar, restaurant, café, 6 bedrooms, interpretation facility and gift shop have not even been built.

3. There was a recent wild-fire at Castle Hill, the earth is still charred and black. A fire safety assessment has not been submitted. This is concerning if these plans are approved, especially with the access road and congestion on Castle Hill Side and Lumb Lane as I experienced. Please request a fire safety assessment be carried out for the site.

4. According to the Business case, submitted under the current application 2024/93494. only the café; shop and interpretation room will be open during the day between 9am - 5pm and the restaurant and bar will open from 6pm to a time to be determined. This was 11pm under the previous planning application on Saturdays and Sundays only. The Business Case references a CIC, but no details are given and it's not clear where/how funds would be made available. Reference is made to an asset locked body being set up, but no details are provided. No figures are provided to understand viability of the scheme. Where is the complete Business Plan. I request an independent assessment be commissioned of the Business Plan.

7.9 Cllr P Davies – received 30/07/2025

I want to share my comments on the revised plans for the proposed development at Castle Hill. My direct comments are listed below - you may see that the comments relate more to the whole development than the proposed site rather than the revision. This is deliberate as I feel that the amendments do not address or alleviate any of my original concerns.

I believe that the planned development is too big for the site in terms of physical size and the scale of operation proposed for the new building. In addition, I think that the plans as submitted are not detailed enough to support the proposed development and that additional works required to address these shortfalls mean that the development and its impact will be far greater than the current plans.

Firstly, in terms of size of the building and operation. Due to its position and location, the building will become a dominant, visible feature for miles around. It will drastically alter, what has become an iconic view of Jubilee Tower on Castle Hill and we need to be mindful of that impact on all residents of Kirklees and surrounding areas who share the view.

It is too big in terms of physical size and in terms of the size of the proposed restaurant. Access to the site is very restricted with a steep, winding single track road. The additional traffic caused by visitors and customers will be detrimental to the peace and beauty of the site. The scale of the operation will mean that large delivery wagons for food and drinks and then the subsequent waste wagons will require frequent access and the road and cause damage and pollution to the hillside and its environment. In the long term, the increased traffic will impact in the peace and tranquillity of the areas as traffic queues to go up or down the hill and will block lanes in the vicinity if people choose to park there, rather than go up the hill. It will also increase the risk of accidents to foot visitors to Castle Hill. Many families with pushchairs or wheelchairs, children with bikes or scooters use the roadside to access the top of Castle

Hill instead of the stepped access routes. In the short term, this will be even worse due to the size and nature of the vehicles required during construction, deliveries of material, removal of waste and the actual access of the construction vehicles. These will all have a massive, irreversible impact.

The inclusion of bedrooms is at the site also mean that operations will be 24 hours, so the access road – which is currently locked off at night to discourage anti-social behaviour, will need to be left accessible. This will re-open Castle Hill to anti-social behaviour, which was such a blight on the area. Regarding the lack of detail in the plans. Other consultees have noted there are shortfalls in the details on the plan. One major shortfall is the lack of drainage plan. This needs to be addressed so that the impact of adding sufficient drainage for such a large restaurant, bar and kitchen can be considered properly in line with the application. The lack of lighting scheme is another cause for concern and conflict. The lighting scheme and its impact on the views, at night and in the dark winter afternoons of all residents of Kirklees and surrounding areas who share the view. This needs to be considered as part of the application. Especially, as noted by the Police, security lighting and CCTV will be necessary at the site due to the potential for increased anti-social behaviour. Our prime aim should be the conservation of the Scheduled Ancient Monument and the protection of the peace and tranquillity of the environment on Castle Hill now and for future generations. I am not confident that the current plans do this.

7.10 Cllr A Cooper, Cllr K Allison, Cllr S Lee-Richards and Cllr A Vickers (on behalf of the Green Group Kirklees) – comments received on 24/02/2025

This planning application should not be considered as it fails to meet Kirklees Council's own criteria as published in Kirklees Planning Validation Requirements (which came into effect from the 6th February 2023) and essential required documents have not been provided for members of the public to be able to understand and comment on this planning application.

We also object to the proposed development for the following reasons:

- 1) Castle Hill is a Scheduled Ancient Monument (SAM). Historic England's List Entry No. 1009848 states this is a 'slight univallate hillfort, small multivallate hillfort, motte and bailey castle and deserted village.' Hillforts are rare in the North of England making this one important not only to the Yorkshire but also nationally. This is a historic environment resulting from the interaction between people and places through time.*
- 2) This is Green Belt, and the proposed development would be inappropriate and cause substantial harm. The proposal does not comply with any of the exceptions tests as set out in para 154 of the NPPF 2024.*
- 3) Victoria Tower is a designated heritage asset being grade II listed. It is recognised as a symbol across the whole of the borough. It is a prominent visible landmark above the town of Huddersfield; it can be seen from Beaumont Park, Netherton and Newsome to name just a few of the places it can be observed distinctly on the skyline.*

- 4) *Castle Hill Setting Study by Atkins (2016) which appears on the Kirklees website appears to have been ignored. P38 Slopes and summit of Castle Hill 'The profile of the upper slopes of Castle Hill and its rural 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'.*

And para 6.12 Developers bringing forward in the areas identified above should provide evidence that demonstrates the scale of impact of their proposals on the setting and significance of Castle Hill.

- 5) *There is no Environmental Impact Assessment (EIA) This is a sensitive area as defined in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). This should be carried out due to the significant effect on the environment of Castle Hill. The need for an EIA is clear due to the scale and complexity of the proposed project.*
- 6) *This is a Local Wildlife Site (LWS2) 9.93 hectares under policy LP30 an area identified for its nature conservation value.*
- 7) *The proposal is for a commercial enterprise and is a threat to both architectural and archaeological heritage by the very nature of the plan to excavate into the SAM and its close proximity to a regionally important iconic listed building, the grade II listed Victoria Tower built in 1899.*
- 8) *There is no reference to any commercial viability test for this essentially town centre business to be located here.*
- 9) *A commercial business here would create noise, light pollution and litter in a place that is highly valued for its openness, peace and tranquillity. The value of this space to the wellbeing of those who walk here, enjoy the fresh air and take in the panoramic views should not be underestimated.*
- 10) *The access road is inadequate. It would not be safe for large vehicles to access the site for construction work, deliveries and waste collection. This would also adversely affect the safety of pedestrians.*
- 11) *There is reference to an underpass. What is this? There are no drawings that show this feature which would seem to be a significant feature that would also potentially create significant harm to the SAM.*
- 12) *There is little public benefit to be gained as the site is now more secure as the gate secures the site at dusk which has reduced both anti-social behaviour and littering significantly. The site already contains display boards explaining some of the history, nature and significance of the site. The history of Castle Hill and its environs is also recorded in The Tolson Museum to which interested visitors could be signposted.*

8.0 CONSULTATION RESPONSES

The following is a summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

Historic England: Revised comments dated 11/08/25 provided below:

Historic England has previously provided advice on the original development proposal on 27th November 2018. At that time we objected to the proposal on heritage grounds. In the intervening period we have been consulted on modifications to the scheme and several Discharge of Condition notifications, and most recently a resubmission of the original scheme with additional supporting information on 7th March 2025.

Historic England have maintained a consistent position throughout, stating that this important and sensitive site can benefit from the presence of a well-designed and executed building. We would be supportive of such a proposal if the public benefits are articulated clearly enough for us to be confident that they will outweigh the less than substantial harm to significance.

The updated documentation submitted presents a much clearer vision for the operation of the site and what public benefits will be secured from the development, and crucially, how they will be implemented. On this basis, Historic England does not object to the proposals. However, we strongly advise that your authority commission an independent viability review of the business plan to ensure that the proposed benefits can be realised.

K.C. Conservation and Design: Provided the following conclusion within their comments dated 21/11/2025:

The principal heritage issue relates to the degree of harm to the setting of the Scheduled Monument and the Grade II listed Victoria Tower, and whether the identified public benefits sufficiently outweigh that harm in accordance with the National Planning Policy Framework (NPPF) paragraphs 212 to 221. The proposal does introduce harm to the significance of these designated heritage assets through the introduction of a new building within their setting. However, this harm is assessed to be less than substantial. The scheme provides some public benefits, including an interpretation room to enhance understanding of the historic environment and improved facilities that encourage visitors to stay and appreciate the monument and tower, which is currently limited due to the exposed nature of the site. The design incorporates mitigation through careful siting and scale, and it is essential that the building is not extended in the future; the applicant must confirm that the proposed size meets operational requirements. On balance, the proposals do create harm but less than substantial harm and some of the public benefits could be considered to outweigh the harm identified.

K.C. Conservation and Design therefore offer no objection to the proposal, subject to conditions.

K.C. Crime Prevention: There are no fundamental matters relating to crime management or mitigation at the site, with no objection to the proposal subject to condition.

K.C. Ecology: Consider that the applicant's approach to ecological assessment of the site, including use of an older Ecological Impact Assessment and addendum report following site survey and update, to be acceptable. The submitted Biodiversity Net Gain Metric is also acceptable. No objection subject to conditions.

K.C. Environmental Health: No objection to the proposal, with no concerns over the impacts on environmental health matters. Conditions are requested for external artificial lighting, a kitchen extract system, a drainage scheme for the food premises, the installation of EVCP's and contaminated land.

K.C. Highway Structures: No objection subject to conditions in the case of an approval relating to the design and construction of any new retaining walls and the underpass which will support the PROW.

K.C. Highways Development Management: The proposal is not materially different to the previous scheme, following amendments to the proposal to include 41 parking space. The supporting reports, while noted to be the same and therefore older than when previously considered, remain valid and robust. Following a Road Safety Audit relating to the improvement works having been undertaken, and the minor points raised being incorporated into the proposal, no objection subject to conditions.

K.C. Lead Local Flood Authority (LLFA): Object to the proposal. Inadequate details have been provided to clearly demonstrate how drainage would be managed. Infiltration of surface water is suggested by the applicant, but LLFA records indicate this is unlikely to be appropriate.

KC Museums and Galleries: Provided the following comments:

The nature of this historic site is of overwhelming importance as a Scheduled Ancient Monument also accommodating a Grade II listed building. Castle Hill is Kirklees' most important heritage site and a unique and much loved symbol of the town and its identity.

We therefore concur with the comments previously submitted in response to a similar planning application made in 2019 from other consultees representing the heritage sector, such as Historic England stating that the preservation and protection of the site must be of the highest priority so that Kirklees residents will be able to enjoy Castle Hill for generations to come. In addition, Historic England stated "In addition, Castle Hill contributes to the importance of the Green Belt in this area and any proposal will require very special circumstances to be established in support of any development. We do not consider that the uncertain nature of the visitor facilities provides these necessary public benefits and circumstances". Although further information has been provided as part of this subsequent planning application about the nature of the facilities, there does not seem to be a detailed management plan or business plan of the level necessary to remove uncertainties about the future success of the proposal...

Although providing public access, visitor facilities and information is very important, this must be balanced with conservation of a Scheduled Ancient Monument, and other ways could be considered to deliver these outcomes. Some examples of these are providing new interpretation in the Jubilee Tower which is already a popular heritage attraction, providing new outdoor heritage interpretation panels, the use of mobile digital heritage interpretation and providing toilets and pop up high quality food facilities lower down the hill, but adjacent to the historic site. Providing flexible facilities away from the immediate vicinity of the Scheduled Ancient Monument would also minimise the risk of traffic congestion, emissions, erosion of the archaeological site and improve visitor safety and the ambience of the site.

The proposal does include a heritage interpretation space, and some information has been supplied as to what form this would take and what would be included. However, the application has not been accompanied by a heritage interpretation plan for the facility determining which audiences would be provided for and how. There is no evidence of public consultation about the provision of heritage interpretation.

The document "Castle Hill Visitor Centre - Background, Vision and Management" sets out the proposal as follows:

"Developer and local authority are committed to a strong collaborative partnership to develop a comprehensive management plan for Castle Hill. The CIC Board can then take advantage of other expertise and experience available to them. A full range of talents can thus contribute to joint decision-making in the development, implementation, and oversight of the Castle Hill management plan."

However, until a formal agreement with Kirklees Council of this nature is in place, this section cannot be considered as wholly relevant to the application.

In addition, there is a lack business plan information available which would determine whether the heritage interpretation facility and the Visitor Centre as a whole, could be sustained or whether this service could be withdrawn by the operators due to lack of financial stability.

Tolson Museum which is managed by Kirklees Museums and Galleries, currently covers the story of Castle Hill in a first floor gallery, which contains a model of the site, collections from the archaeological excavations at Castle Hill and a range of interpretation information. The gallery is set in the historic context of the history of Huddersfield from early settlers through to the development of Ramsden's town. It is very likely that the Museum and Gallery in development as part of town centre Our Cultural Heart Home, will tell a comprehensive story of Castle Hill, the town's most iconic and significant heritage site, ensuring that visitors and residents would be able to access the information and collections readily and be encouraged to visit Castle Hill. Similarly visitors to the Hill would be encouraged to visit the museum to find out more and to be able to view collections".

K.C. PROW: Note that the applicant seeks to stop up two PROWs (HUD/171/70 and HUD/169/60), that would sit beneath the proposed building and re-route the PROW around. No objection, subject to condition requiring this take place prior to works commencing.

The Environment Agency: No comments received.

The Victorian Society²: Offered an initial objection to the proposal dated 04/02/2025. Their conclusion summarised their stance as:

In conclusion, the Society objects to these proposals due to the design of the centre, the damage increased traffic may do to the site and the unnecessary impact the below-ground level would have on the monument. The Society recommends moving the centre further away from the tower in order not to intrude on its solitude. The Society accepts the principle of a centre of this purpose, but not in this manner – The National Planning Policy Framework advises in the need to carefully protect heritage locations (2024, para. 202). We object to the proposal as presented and strongly urge your authority to require more information

Following amended plans and re-consultation, the Victorian Society provided the following comments 22/05/2025:

“We maintain our objection to these plans. Our previous objection was dated 4th February 2025, and this letter follows the upload of amended plans to the Kirklees Council Planning Portal... This amended proposal appears to be substantially unchanged to the previous scheme with no obvious revisions being made, despite our advice and recommendations to reduce the impact on the setting of the listed building” The Society have raised a number of concerns in regard to design, location and setting, the wider site, public benefits and the ancient monument. Full comments can be found on the Council's website for this application.

West Yorkshire Archaeology Advice Service: Advisory comments and feedback have been provided on the submitted Written Scheme of Investigation for Archaeological Excavation and Watching Brief.

Yorkshire Water: Conditions are requested regarding separate systems of foul and surface water and there not be no discharge of surface water until to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design and conservation
- Archaeology
- Landscape impacts

² The Victorian Society is one of several organisations together referred to as the National Amenity Societies, who provide advice on various heritage matters. The National Amenity Societies were consulted, with no organisations (other than the Victorian Society) providing comments. Of note, this includes the Council for British Archaeology, who had objected to the previous application on site (ref. 2018/93591).

- Highways and transportation issues
- Public Rights of Way
- Flood risk and drainage issues
- Ecological and geological considerations
- Amenity issues (including noise)
- Tourism and economic impacts
- Crime and anti-social behaviour
- Public health
- Ground conditions
- Representations
- Planning obligations
- Other planning matters

10.0 ASSESSMENT

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Weight to give to the previous decision

- 10.2 As noted in paragraphs 3.4 – 3.6 and the Planning History section of this report, the current proposal is a re-submission (albeit with alterations) of 2018/93591, an application previously approved February 2022. While that previous permission has expired, the authority's previous decision forms a material planning consideration in the assessment of this application. Planning case law establishes expectations for authorities to operate in a consistent and reasonable manner.
- 10.3 For the avoidance of doubt, the decision maker is not bound by past decisions, with the planning history and previous permission being one of many material planning considerations. However, in making a decision, due regard should be given to whether any change of circumstances would warrant a different outcome.
- 10.4 As noted, there are changes between the current proposal and 2018/93591, the impact of which (if any) needs to be considered, where relevant, in this assessment. Officers consider there to be no change in circumstance in the immediate environment since the assessment and determination of the previous application. In terms of local policy, the Local Plan (2019) was the development plan at the time of 2018/93591's assessment and determination³, and remains the same. The NPPF has been through several revisions, most notably in December 2024 through the introduction of the grey belt principle. This will be considered later in this report.

Development within the Green Belt

- 10.5 A wide range of planning policies and considerations are relevant to land use and the principle of development at this site.

³ Presented to committee (final) 28/10/2020 and decision issued 10/02/2022.

- 10.6 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 (which, due to the work of the Castle Hill Ranger, many volunteers and other staff, has achieved Green Flag status). 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. Paragraphs 14.16 and 14.17 of the Local Plan state:

Castle Hill is a special place that plays an important role in the identity of Kirklees. It is a place that is valued by the local population and for many people is an iconic symbol of the area. The continuity of its use as a place for settlement and recreation from probably at least the Late Neolithic period through to the present day has given it an almost unique standing not only in Kirklees but in the whole of the north of England.

Castle Hill is one of the most distinctive and prominent landscape features in the region. It is visible from a wide area and is a familiar and valued landmark. Victoria Tower, which lies on the south-western end of the hill top, accentuates this dramatic location and has become a key feature of the area's skyline. Castle Hill is a well-used recreational facility that serves Kirklees, in particularly Almondbury and Huddersfield. The visual connections between the site and the rural and urban areas around it are a fundamental aspect of its setting. Development proposals will be expected to take into account the council's Castle Hill Setting Study when considering potential impacts on this designated heritage asset.

- 10.7 Local Plan policy LP35 states:

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:

... f) preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

- 10.8 The status of Castle Hill as a Scheduled Ancient Monument, and the application site's location within the setting of listed building (Victoria Tower), are important considerations relevant to the principle of development. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Paragraph 212 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 213 and 214 of the NPPF set out how such harm should be balanced against the public benefits of a development.

- 10.9 The application site is within the Green Belt, as set out in the Local Plan. The application site was also designated as Green Belt land in the previous (1999) Unitary Development Plan.
- 10.10 Paragraphs 143 and 153 to 160 of the NPPF are of relevance when considering the submitted proposals. Paragraph 143 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, and it establishes five purposes of the Green Belt. These are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.11 When considering any planning applications/proposals, paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

Whether the proposal is 'appropriate development' in the Green Belt

- 10.12 Paragraph 154 of the NPPF sets out development exceptions that are not considered to be inappropriate development in the Green Belt. The proposal, for a restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation, does not meet any of the exceptions listed in the sub-sections of this paragraph.
- 10.13 For the avoidance of doubt, it is noted that 154d allows for 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. Given the time that has elapsed since the pub's demolition in 2005, 154d is not considered applicable and the site cannot be described as previously-developed (brownfield) land. Of note, the NPPF definition of brownfield land excludes "*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*". It is also noted that some the comments received as a result of the publicity of the application have argued that visitors to Castle Hill have become accustomed to there being no such building (and no facilities) at the site.
- 10.14 Paragraph 155 of the NPPF states the development of homes, commercial development and other development in the Green Belt should also not be regarded as inappropriate where certain criteria are met, and refers to grey belt land. This policy was introduced in the December 2024 version of the National Planning Policy Framework and therefore is a material change in circumstance compared to the assessment of 2018/93591.

10.15 The criteria of NPPF paragraph 155 are:

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) that there is a demonstrable unmet need for the type of development proposed,
- c) that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below

10.16 Considering the above, the first test is to consider whether the site can be defined as grey belt land.

10.17 The NPPF states that for the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143⁴. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

10.18 The land in question is considered to be greenfield land, as considered in paragraph 10.13, although, per the definition of grey belt above, greenfield land is not prohibited from being grey belt.

10.19 Officers consider that the site and the surrounding land provide a strong contribution to purpose a) of the Green Belt, to check the unrestricted sprawl of large built-up areas. This is because the site is adjacent to the large built-up area of Huddersfield, is predominantly free of development (Victoria Tower excluded), and lacks other features that could otherwise restrict or contain the development. The land is effective in preventing the sprawl of Huddersfield.

10.20 Regarding purpose b), given the separation distance between Huddersfield and the settlements to the south, the site only provides a weak role in limiting neighbouring towns from merging. Finally, regarding purpose d), Huddersfield is not deemed to be a historic town, and therefore this test is not applicable.

10.21 Given that the site provides a strong contribution to purpose a), officers do not consider the site to be grey belt land. The applicant considers that the site is grey belt, however, reference is only made to the land being previously developed. As set out, this is not the relevant test to make and therefore the applicant's stance on the matter is not accepted.

10.22 As the site is concluded to not form grey belt, the remaining provisions of paragraph 155 are not considered relevant and need not be assessed.

⁴ See these in paragraph 10.10.

- 10.23 The proposal is deemed to be neither appropriate development by virtue of paragraphs 154 nor 155 of the National Planning Policy Framework. It is, therefore, inappropriate development. Paragraph 153 states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 10.24 Accordingly, consideration is required as to whether any Very Special Circumstances exist which, either individually or cumulatively, would clearly outweigh the identified harm, caused by being inappropriate and any other harm identified through the course of this assessment.

Consideration of Very Special Circumstances

- 10.25 The applicant has provided a list of the proposed development's claimed public benefits within section 5 of the Planning Support, Design & Access Statement (April 2025, rev. A) as follows:

- WC provision – Male, female and accessible WCs are proposed at lower ground floor level. The applicant states that these would be free to use by members of the public, and would be maintained, cleaned and monitored by the building management. Under the previous application, the applicant suggested that the WCs would be open to the public from 10:00 to 23:00, seven days a week. At that time, officers considered that a 09:00 opening time would be justified and reasonable, and that was secured via condition. The provision of publicly accessible WCs attracts significant positive weight, particularly as it would help increase and diversify the range of people who can comfortably visit Castle Hill (including young children and older people), would extend the duration of visits for many people, and would generally enhance the visitor experience. This positive weight, however, is slightly reduced by the fact that large numbers of people visit Castle Hill throughout the year already, without the provision of WCs. A condition securing this provision is recommended.
- Shelter – During inclement weather, visitors would be able to take shelter within the proposed building, and outside (under its overhanging eaves, and/or on its leeward side). This attracts positive weight, as it could further help increase and diversify the range of people who can comfortably visit Castle Hill and would enable visits in less favourable conditions. It is, however, noted that shelter is not needed all the time at Castle Hill, that the space available for shelter (by visitors who are not paying customers) within the proposed building would be limited, that inclement weather is likely to reduce the number of people wishing to visit Castle Hill in any case, and that large numbers of people visit Castle Hill throughout the year already. These considerations limit the positive weight to be attached to this aspect of the proposed development.
- Refreshment provision – Again, it is accepted that this provision could further help increase and diversify the range of people who can comfortably visit Castle Hill. In relation to public benefits, however, the

number of additional visitors that would engage in economic activity, learn about and appreciate Castle Hill, and/or engage in outdoor activities as a direct result of refreshments being provided has not been quantified by the applicant. It is also noted that alternative sources of refreshment are already available – visitors often bring picnics, an ice cream van often visits Castle Hill in good weather. In the previous committee report, officers at the time stated '*the council intends to license a mobile catering unit at Castle Hill*'. It is unknown whether this remains the case, but it remains the case that the proposal would support such a decision.

- Information boards – These could be mounted on the walls flanking the building's main entrance, could be viewed at all times, and could detail Castle Hill's history, flora and fauna. This proposal potentially attracts positive weight, depending on what exactly is provided (which the council could control by condition). This proposal could enhance people's knowledge and understanding of site. This positive weight, however, is reduced by the fact there are already outdoor interpretation boards installed at Castle Hill.
- Interpretation room – This proposal attracts significant positive weight, and it is noted that this facility would be available to school groups, universities, societies, the University of the Third Age and other parties concerned with education. Control over the content and use of the facility could be maintained by the council through a management plan drawn up pursuant to requirements of a Section 106 agreement. Although there is extensive information regarding Castle Hill (and opportunities for school visits) available 3km away at the Tolson Museum, the provision of such a facility, and on-site interpretation, carries positive weight. Past representations raised that there is scope for interpretation within the Victoria Tower (which reduces the need for such a provision in a new building), however it is noted that space within the tower is limited, and is not accessible to people with disabilities.
- 24-hour supervisory presence – For the reasons set out in the crime and anti-social behaviour section of this report, this attracts little positive weight.

10.26 The applicant's supporting documents do not include extensive commentary on the minimum scale of commercial development that would be required to deliver the above-listed public benefits, nor whether the current proposal reflects that minimum scale of development. Nevertheless, officers do not consider the proposal to be unduly or excessively large (having due regard to the facilities proposed and required) so as to warrant seeking a smaller proposal.

10.27 In a further document dated 06/08/2020, submitted under the previous application ref. 2018/93591, the applicant additionally provided generic information regarding the economic, social and environmental benefits of cultural and heritage tourism. As was the case in the previous assessment, such arguments are not disputed (inasmuch as they can indeed be achieved by developments of an appropriate nature, location and design), and although the applicant has not explicitly related these potential benefits to the proposed development, or quantified the possible benefits, the enhancement of the attraction of Castle Hill as a leisure destination at a historic site carries positive weight.

- 10.28 Notwithstanding the above there would clearly be economic benefits resulting from the proposed development in terms of both the direct and indirect employment and additional spend in Kirklees from tourists and visitors, although this has not been formally quantified.
- 10.29 Further public benefit can be identified in the proposed provision of more formal passing places along the existing access lane. These would ease access to Castle Hill, particularly for existing regular weekday and daytime visitors. This would be a benefit for all users that drive to Castle Hill, not just those attending the proposed development. Further details regarding the proposed passing places are provided within the Highways and transportation issues section of this report.
- 10.30 The proposed creation of a formal car park would also be of public benefit. The two existing parking areas at Castle Hill are in a poor condition, with rough areas of gravel, tarmac and other hard surfaces. Edges are poorly defined by a variety of low treatments, and no markings define spaces. These parking areas adversely affect the settings of heritage assets, the appearance of Castle Hill, and the experience of visitors. Although details of the surfacing of the proposed car park have not been provided by the applicant, it would be formalised with a new surface and edging, and with spaces (including disabled parking spaces) marked out.
- 10.31 Considering the public representations received (to both the original application, ref. 2018/93591, and the current one), regard must also be had to the concerns raised regarding the current attraction of Castle Hill, and the potential impact the proposed development would have on that attraction. Many representations highlighted the exposed, undeveloped and uncluttered nature of Castle Hill (of note, the trend in recent decades here has been the removal of buildings, rather than their introduction), the character derived from these attributes, and the loss of this character that would result from the erection of a new building and the introduction of a commercial operation open day and night. Although the proposed development would no doubt enhance the appeal of Castle Hill to some, to others it may render Castle Hill a less attractive destination.
- 10.32 It is again acknowledged that requirement of paragraph 153 of the NPPF sets a very high bar when considering whether Very Special Circumstances clearly outweighs the harm through inappropriate development (or other harm).
- 10.33 Nevertheless, it is considered that, together, the public benefits listed above carry significant weight. Regarding paragraph 153 of the NPPF, on balance it is considered that these public benefits constitute very special circumstances that justify the proposed development within the Green Belt.
- 10.34 The public benefits also help to outweigh the likely harm caused by the proposed introduction of main town centre uses outside a defined centre⁵, as well as the harm to heritage assets that would be caused, as set out in the design and conservation section of this report⁶.

⁵ See paragraphs 10.42 – 10.45.

⁶ See paragraphs 10.52 – 10.106

10.35 To ensure that these public benefits would be delivered and secured in perpetuity, relevant conditions are recommended, as are Section 106 planning obligations that would secure details of management, opening hours, provisions related to accessibility and baby-changing facilities, booking, security, measures to resolve potential conflicts between users, and the continued delivery of public benefits in the event that the proposed commercial element is not open. Further to this, in the previous application, the applicant included a commentary of the objectives of the site management plan to include:

- o Ensure clear understanding of areas of responsibility between the visitor centre management team and KMC.
- o Define methods of communication and liaison between the parties e.g. regular meetings.
- o Maximise public benefits whilst permitting commercial activity to support those benefits.
- o Promote the centre to the widest possible audience.
- o Clarify responsibility for external areas of the site and to set out a complementary maintenance and management programme to ensure that
 - the ecological value of the site is retained and enhanced
 - the contextual setting of the heritage asset is maintained
- o Clarify responsibility and arrangements for traffic control, movement, parking and exceptional circumstances
- o Agree emergency procedures including liaison with the emergency services

It remains the case that officers expect the management agreement to cover these provisions.

Business viability

10.36 It is acknowledged that the development approved via 2018/93591 was not implemented, and that the permission expired. The applicant has stated this was due to the complexities of progressing the scheme, including securing Scheduled Monument Consent from Historic England. Nevertheless, this has raised concerns over the viability of the business and questions over its potential longevity. Should the proposed works be implemented, and then the business fail, the Very Special Circumstances outlined would not be delivered while the harm would be caused.

10.37 In light of this concern the applicant was requested to provide a Business Viability Report which has been independently reviewed by an external advisor on behalf of the council. The advisor concluded that the applicant's Financial Business Plan and Forecast document has been prepared on a sensible basis and there are no inherent concerns regarding the financial viability of the proposed business that would suggest fundamental issues.

10.38 Notwithstanding the above, the council's independent advisor acknowledged that certain risks and uncertainties could impact on viability (of any business). In light of this, the assessor suggested that the LPA require:

- Periodic updates on the applicant's source of finance to demonstrate adequate funding.
- A fresh financial forecast in November 2026, to reflect any changes in the business plan or the impact of external factors (such as changes to National Minimum Wage).

- 10.39 As this relates to a planning application, where, once commenced, permission could not be reasonably rescinded, periodic reporting could not be practically secured. However, it is recommended that the Section 106 agreement include a clause requiring that, prior to development commencing, up-to-date information be provided to demonstrate that appropriate funding is in place for the development to be undertaken⁷ and that, if development does not commence within one year of approval, a business plan addendum is provided prior to commencement to demonstrate the business plan remains sound. This has been agreed with the applicant.
- 10.40 The inclusion of the above clauses within the Section 106 agreement are considered necessary, to ensure that the public benefits associated with the proposal, which are necessary for it to be acceptable in planning terms, are appropriately and reasonably secured.
- 10.41 The council's independent advisor also recommended that the applicant instruct a professional advisor to consider matters such as VAT and PAYE/Ni regulations. This recommendation has been passed on to the applicant.

Main town centre use

- 10.42 The proposed restaurant/café/bar, guest rooms, and exhibition/interpretation room are main town centre uses. Local Plan policy LP10 states that development proposals for main town centre uses that are above 150 sqm in non-urban areas (the Green Belt) and in out-of-centre locations will only be permitted where the identified needs of the business cannot be met within existing centres or in edge-of-centre locations. Policy LP13 states that proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a sequential test. It adds that main town centres use shall be first located in the defined centres, then edge-of-centre locations, and only if there are no suitable sites shall out-of-centre locations be considered. Proposals which fail to pass the sequential test will not be supported. Policy LP16 states that proposals for food and drink and associated proposals will be supported, provided they are located within a defined centre. Proposals for food and drink uses located outside of defined centres will be subject to criteria b to g (of policy LP16) and require the submission of a sequential test and impact assessment.
- 10.43 The applicant has not undertaken a formal sequential test or retail impact assessment. However, the first stage of a sequential test is to identify the search area where the proposed development could be located. Given the specific details of the proposal, being intrinsically linked to Castle Hill, officers would not envision many sequentially preferable locations that provide the same value and have the same attributes as the application site. It is certainly the case that no sites in existing centres offer the same opportunities for enhancement and public benefits, nor would they provide the setting and context that the proposed development would rely on to make it attractive and viable.

⁷ A similar provision has recently been considered by the Strategic Planning Committee under application 2025/91122 at Turnbridge Mills, where the application sought the demolition of a listed building and the council required aspects of the development to go ahead to secure public benefits to outweigh the harm that would be caused.

- 10.44 Further to the above, it is accepted that Castle Hill would benefit from additional facilities for visitors including toilets, somewhere to eat and drink, and interpretation, and that a viable business would be needed to deliver these facilities. 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.
- 10.45 Considering these factors, it is considered that there is sufficient reason to accept the provision of main town centre uses at this site as part of a scheme that demonstrates and delivers significant public benefits. Consequently, officers consider that non-compliance with Local Plan policies LP13 and LP16 has been adequately justified without the submission of a sequential test and impact assessment, because of the provision of town centre uses as part of the wider offer this mixed use scheme will provide and be delivered alongside the public benefits identified at paragraphs 10.25 to 10.35.

Mineral safeguarding

- 10.46 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply.
- 10.47 Criterion b of policy LP38 is relevant, and allows for approval of the proposed development, as the proposed development would not inhibit mineral extraction if required in the future – of note, mineral extraction at this site would not be considered acceptable if proposed in the future, due to its status as a Scheduled Ancient Monument. It is considered, therefore, that land use concerns in relation to mineral safeguarding are satisfactorily addressed.

Sustainability and climate change

- 10.48 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.49 The proposed development demonstrates some aspects of environmental sustainability, as much of it would be earth-sheltered, which can reduce the need for heating and cooling (and, therefore, energy consumption). The applicant's statement confirms the intended use of local contractors and materials, to reduce travel impacts and promote the local economy. This includes the use of reclaimed materials. Other approaches include the use of water efficient appliances. In the previous application, the applicant stated that "A well-insulated and energy-efficient building using natural materials intended for long-life and low maintenance was thought to be the most appropriate response under the circumstances", and noted that features that required excavation outside the site (such as ground source heat pumps) or visually obtrusive features (such as solar panels) would not be appropriate. While this statement is not included within the current application's submission pack, the comments remain relevant.

- 10.50 Regarding transport, were the proposed development to be accessed entirely by private motorised vehicles, it is unlikely it could reasonably be described as sustainable. It is noted that Ashes Lane is served by a very limited bus service. The applicant has not submitted sufficient information to demonstrate that staff of and visitors to the development would use sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, a Travel Plan and other measures would need to be secured by condition.
- 10.51 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design and heritage considerations

- 10.52 Given the sensitivity of the site, due to the prominence of Castle Hill and its status as Scheduled Ancient Monument and Victoria Tower's status as a Grade II listed building, any development should be to an exceptional quality. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district". Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.
- 10.53 Policy LP35 of the Kirklees Local Plan further outlines that proposal which affect designated heritage assets should preserve and enhance the significant of the asset. 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. More specifically, in cases likely to "result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment".
- 10.54 With regard to conservation, as has been considered through this project's lifetime, any such development at this site must place the protection of heritage assets at the forefront of any scheme. Local Plan policy LP35 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 212 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 213 and 214 of the NPPF set out how such harm should be balanced against the public benefits of a development.
- 10.55 K.C. Conservation and Design have provided the following summary of Castle Hill's significance:

Castle Hill is a landmark of exceptional heritage value within Kirklees and the wider region. It is a scheduled monument and also has the grade

It listed Victoria Tower on the site. Its striking topography and geological prominence have shaped its role as a focal point for human activity for over 4,000 years, making it one of the most significant and continuous sites of settlement and recreation in northern England. The hill's commanding position provides panoramic views across Huddersfield and surrounding valleys, reinforcing its historic function as a place of power, community, and identity.

The setting of Castle Hill contributes fundamentally to its significance. The undeveloped summit and surrounding open landscape preserve the historic integrity of the site, allowing appreciation of its archaeological features and earthworks that span multiple periods of occupation. Its dual character—as a dramatic feature viewed from afar and as an elevated vantage point—enhances its cultural and visual importance. The openness of the hilltop, combined with its isolation within the landscape, creates an experience that is both historically resonant and valued for recreation today.

Castle Hill's prominence, visibility, and enduring role in the lives of local communities make it a regionally significant heritage asset. Its topographic form, historic associations, and unspoiled setting collectively underpin its status as an iconic symbol of Almondbury, Huddersfield, and Kirklees.

10.56 Historic England have provided their own assessment of the site's significance:

Castle Hill is an evocative place which plays a special role in the identity of Kirklees. It is a place valued and loved by the local population and for many people it is an iconic symbol of the area.

The closest parallel for its landscape impact and iconic status is Glastonbury Tor, Somerset, with both places sharing a similar, dramatic and recognisable silhouette, composed of very simple, memorable shapes. The continuity of its use as a place for settlement and recreation from potentially as early as the Late Neolithic period through to the present day has given it an almost unique standing not only in Kirklees, but in the whole of the north of England. Its form as a planned medieval hill top settlement places it in a similar category to the 13th and 14th century 'Bastides' of central and southern France, but something that is unique in England.

Castle Hill is a significant place for many different reasons; archaeologically and historically it represents one of only few such sites in the county displaying continuity of human activity for over 4,000 years, ecologically it boasts rare acid grassland and nesting birds, and socially it is a place where people have gathered for enjoyment, protest and celebration. It is an iconic representation of Huddersfield and is loved and valued by the local population. These values are both tangible, expressed physically at the site itself, and intangible, either relating to the contemporary use of the site or residing within local communities and memory as a much loved landmark and place of recreation. Its significance is further acknowledged by its designation as a Scheduled Monument, and Victoria Tower's listed building status. It is a focal point within the Green Belt, south of Huddersfield.

The powerful landscape presence of Castle Hill has attracted people to its summit for millennia and ensured that it has served as a prominent local landmark equally as long. This activity and landscape prominence has ensured that the Site has become imbued with a wide range of values, all of which are ultimately reliant on the fact that it is a prominent hill.

- 10.57 The assessment and commentary provided in the Castle Hill Setting Study (2016) are relevant, and paragraphs 6.11 and 6.15 of the study are again noted⁸.
- 10.58 There is no doubt that Castle Hill plays an important role for Kirklees. It is much loved by the population, and it is an iconic symbol of the area. The continuity of its use as a place for settlement and recreation for over 4,000 years is almost unique not only in Kirklees but in the north of England as a whole.
- 10.59 Castle Hill is one of the most distinctive and prominent landscape features in the region and is widely visible within Kirklees. It is an instantly recognisable landmark and an icon for Almondbury, Huddersfield and Kirklees, and it forms a visual backdrop to the daily lives of thousands of people. As such it is an important aspect of the wider areas' and communities' identities. The powerful landscape presence of Castle Hill has attracted people to its summit for millennia and has ensured that it has served as a prominent local landmark equally as long. This activity and landscape prominence has ensured that the site has become imbued with a wide range of significances, all of which are ultimately reliant on the fact that it is a prominent hill.
- 10.60 In many respects Castle Hill's significances stem from this topographic form and its underlying geology. Without its topography Castle Hill would never have formed the focus for continued human occupation, use and reuse. It would not be the iconic landmark for Almondbury, Huddersfield and Kirklees, and it would not be the highly valued recreational area that it is now. This topographic form has in effect created two Castle Hills – one that is viewed from afar as a dramatic feature of the wider landscape, the other experienced from atop the hill as a place from which the town and surrounding villages can be seen. Moreover, when viewed within its landscape, Castle Hill is both a dominant presence over its immediate surroundings, and also a prominent feature within a wider landscape of ridgelines and valleys. As such, the topographic form of Castle Hill is critical to the site's overall significance. In terms of the influence that Castle Hill has in the wider landscape this extends for many kilometres in all directions, and it could be viewed as a regionally significant landscape feature.
- 10.61 The setting of Castle Hill undoubtedly makes a fundamental contribution to the significance of the site. This is through the prominence and dominance of the hilltop within the landscape as a result of its topography, the resulting views to and from the hilltop, the character of the hilltop itself, and the role played by visual and non-visual historic relationships with related features and heritage assets.

⁸ See paragraph 6.5 of this report.

- 10.62 The character of the immediate surroundings of the landscape plays an important part in the contribution which this aspect of Castle Hill's setting makes to its significance. The fact the hilltop is largely free of development and is surrounded by such landscape contributes to the historic integrity of the landscape character. The hilltop stands alone in the current landscape, just as it stood alone as a point of settlement and power in the historic landscape.
- 10.63 The character of the hilltop itself enhances the views to and from Castle Hill, and as a result further enables significance of the site to be derived from its setting. The open and exposed nature of the hilltop is an integral part of the setting, allowing for unbroken views out into the landscape and from further afield across the hilltop to ridgelines beyond. This aspect helps to place Castle Hill within the landscape and again helps to emphasise both its prominence and the wide panoramic vision offered from the hilltop, thus contributing to the significance of the site as a position of historic settlement and power.
- 10.64 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 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. This open nature is also a defining characteristic of people's experience of it as a pleasant open recreational space (which is an important part of the site's historical development through the 19th and 20th centuries especially).
- 10.65 Past representations have also referred to the silhouette of Castle Hill, and the iconic profile created by the balance and the symbiotic relationship between the flat hilltop and the vertical feature of the Victoria Tower. Both contribute to each other's setting and character.
- 10.66 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. Any development would need to be of an exceptionally high quality, of an appropriate design, and of clear public benefit. The site offers a potential opportunity to sensitively celebrate and support this important landmark, destination and heritage asset.
- 10.67 The proposed building is largely the same as that approved under application 2018/93591. The proposed changes are nominal and do not affect the assessment made previously. The building as proposed is three storeys. Its basement would be created entirely beneath the existing ground level. An earth-sheltered lower ground floor (with openings in its grassed berms providing access and views out) is proposed, as is a ground floor fully above ground and berm level. The building's pitched roof would have a main ridge running roughly southwest-northeast. The main entrance would be at lower ground floor level, facing a new 41-space car park proposed on the land already used for informal parking. An area for deliveries and staff parking is proposed at the northeast end of the building. A viewing terrace is proposed to the building's northwest side, and a café terrace is proposed to its southeast side. Materials would include natural stone, timber and zinc, with areas of full-height glazing proposed at ground floor level.

- 10.68 Of note, any assessment of the proposed design should not be based on a simple comparison with the demolished pub (which has been absent from the site since 2004) or with the previous iteration of the applicant's proposals submitted under the previous application. It is noted, however, that the redesign carried out during the life of the previous application has certainly improved the scheme, and has reduced the harm that would be caused to heritage assets.
- 10.69 Contextual (Green Belt, heritage asset and landscape) concerns aside, the proposed design has significant merit. A thoughtful, high quality design is proposed, with much consideration having been given to the visitor experience, and the need to celebrate the site and facilitate appreciation of Castle Hill's positive attributes.
- 10.70 The proposed development's main entrance is appropriately located in the southeast elevation, facing the car park. This is an obvious and logical location for the entrance, the building would be legible and visitors approaching from the southeast would have a positive arrival experience.
- 10.71 The ground floor glazing would enable visitors to enjoy the expansive views from Castle Hill, whilst making use of the development's facilities (including interpretation, which would not be confined to the interpretation room). The interpretation room would have a window and opening in the proposed berms (described as a "slot view") facing the Victoria Tower, and this is a very welcome feature that would enhance the use of this facility.
- 10.72 During the consultation on the previous application, it was suggested that a green roof would help to reduce the visual impact of the proposed development. At that time, the applicant team's architect confirmed that a green roof was considered for earlier iterations, and in the current scheme the applicant proposed grassed berms that would help to conceal much of the lower ground floor. The potential for greater use of earth-sheltering and green roofs has been considered, however a development resembling a small hill would not be appropriate in this location, and green roofs bring with them design challenges – adequate substrate would need to be provided to ensure grass would thrive, and this would have loading implications for the building below.
- 10.73 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. At conditions stage, further thought would 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 Snowdon summit café (Ray Hole Architects, 2009) demonstrates how an appropriate choice of stone can help reduce the visual prominence of a hilltop development).
- 10.74 Zinc would be used on the pitched 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.

- 10.75 The use of photovoltaic panels was ruled out under the previous application and those originally shown were deleted from the scheme. The extent of glazed rooflights was also reduced. These changes were sought to simplify the appearance of the building and to reduce its prominence.
- 10.76 The objections received regarding night-time light pollution (due to the extensive glazing proposed at ground floor level) are noted. The proposed glazing would, however, enable good outlook from the proposed café/restaurant across the Holme Valley and beyond. Daytime glare is likely to be limited by the building's overhanging eaves.
- 10.77 Details of boundary treatments have not been provided, however it is in any case noted that extensive and obtrusive fences or walls (around the building, its servicing area, or to provide guarding around the sunken terrace and berm slots) would not be considered appropriate at this site. If edge protection is needed for safety reasons, the applicant will need to propose solutions that are not visually obtrusive, for approval at conditions stage.
- 10.78 The existing southern parking area would be slightly enlarged, resurfaced and formalised to provide the proposed 41-space car park. It is recommended that details of the proposed car park, including its surface treatment and any necessary edging, be secured by condition.
- 10.79 No details of external plant have been provided by the applicant, nor has the applicant indicated that external CCTV, flues or other accretions would be required. As the proposed development would be visible from all directions, and therefore not have a secluded rear, any extract plant would need to be carefully designed into the scheme, and hidden within the proposed building's envelope. An appropriate condition is recommended.
- 10.80 Similarly, any waste storage would need to be discreet. An internal waste storage area would be preferable. It is recommended that details of waste storage, management and collection be secured by condition.
- 10.81 The applicant has previously acknowledged that the support of both the council and Historic England is essential if planning permission is to be approved. Of note, the Secretary of State (via Historic England) has call-in powers in respect of this application. Historic England did not utilise these powers under the previous application and, since then, have reflected on the further details provided by the applicant and have confirmed they no longer object to the proposal, subject to a detailed business case being undertaken (as has been and concluded to be acceptable, per paragraphs 10.36 – 10.41). Historic England commented on the proposal's impact as follows:

As with earlier iterations of the scheme, the proposed new building could still result in a degree of less than substantial harm to the significance of both the Scheduled Monument and Victoria Tower, primarily through changes to their setting and the way their cultural and landscape values are experienced.

However, the updated submission now offers much greater clarity on the intended use and management of the site, as well as the anticipated public benefits such as enhanced interpretation, improved visitor facilities, and increased access and educational value. These more coordinated measures represent a positive shift in the applicant's approach and go some way toward addressing our earlier concerns.

That said, we emphasise the importance of ensuring that these benefits are secured and viable in the long term. Independent verification of the business plan by a suitably qualified consultant will be essential to satisfy this requirement.

- 10.82 Historic England's final position includes no objection to the application on heritage grounds; however, they commented in detail as follows:

Historic England continues to believe that this important and sensitive site could accommodate a well-designed building that delivers real public value provided that such benefits are tangible, clearly defined, and sustainable.

The updated documents represent a more positive and integrated approach to the development and its management, and we acknowledge the applicant's efforts to address previous concerns. In particular, the business plan now outlines how the proposals could be implemented and maintained in a manner consistent with the site's significance, to deliver public benefits.

On this basis, Historic England does not object to the proposals. However, we strongly advise that your authority commission an independent viability review of the business plan to ensure that the proposed benefits set out can be realised. It is essential that your authority commissions a specialist consultant (at the applicant's cost) to audit the Business Plan to confirm that the proposals are viable, that the proposed use (especially the accommodation) is the Optimum Viable Use and as such justifies the less than substantial harm to the Scheduled Monument. Historic England will be happy to advise your authority on the preparation of a brief for this work.

- 10.83 The above aligns with the consideration of planning officers and K.C. Conservation and Design, with the conclusion that the proposal would cause less than substantial harm to heritage assets.
- 10.84 Any structure that is introduced onto the hilltop will cause harm due to the interruption it would cause to the setting mentioned above. This assessment is consistent with the findings at paragraphs 6.11 and 6.15 of the Castle Hill Setting Study (2016). Equally, as shown by the applicant's 3D images, the building would be viewed from the wider landscape and be seen in competition with the Victoria Tower, albeit the tower would remain the dominant structure in terms of height.
- 10.85 Due to the scale of the proposed building and the fact it would be somewhat sat down in the topography of the hill, substantial harm (as described in the NPPF) would not be caused, as there would still be an opportunity to understand the hilltop and the interrelationship between the two baileys to themselves and, as a secondary relationship, with the tower.
- 10.86 Paragraph 212 of the NPPF states that when considering proposals that impact upon the significance of the 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. With regard to Local Plan policy LP35, it cannot be said that the proposal preserves or enhances the Scheduled Ancient Monument's significance due to the harm it would cause in introducing a building to an open landscape.

- 10.87 Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 215 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case here), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Similarly, the public benefits of the proposed development can be taken into account when assessing the proposed development's non-compliance with Local Plan policy LP35.
- 10.88 Reference is therefore again made to the public benefits set out at paragraphs 10.25 to 10.35 above, and the weight to be attached to them. As with the above assessment in relation to Green Belt policy, on balance it is considered that the identified public benefits of this particular proposal outweigh the harm it would cause to the significance of heritage assets. The proposed development is therefore considered acceptable in design and conservation terms. Relevant parts of Local Plan policies LP24 and LP35 would be complied with (or justification for non-compliance has been demonstrated), as have chapters 12 and 16 of the NPPF. Furthermore, it is considered that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with.

Archaeology

- 10.89 Consideration of the historic environment includes the archaeological value of a site. Local Plan policy LP35 and chapter 16 of the NPPF are relevant in this regard.
- 10.90 Castle Hill is a Scheduled Ancient Monument and a Class 1 Archaeological Site. As set out on Historic England's website the site includes "*remains of a late Bronze Age or early Iron Age univallate hillfort, a later Iron Age multivallate hillfort, a twelfth century motte and bailey castle and the site of a deserted medieval village*". The site is of national archaeological importance and of particular iconic importance to Kirklees as its distinct profile with the listed Victoria Tower is visible for miles around, including from the centre of Huddersfield.
- 10.91 The earliest remains from the site suggest occupation in the late Neolithic period. The site was partially excavated by W.J. Varley in a series of excavations between 1939 and 1972. More recently the upstanding earthworks on the site were surveyed by the Royal Commission on Historic Monuments England and extensive geophysical survey work has been carried out by the West Yorkshire Archaeology Service in 1995 and subsequently.
- 10.92 The site of the proposed development lies within the ramparts of the hillfort and within the middle ward of the medieval castle. It is on the approximate site of the original Castle Hill Hotel, built in 1852 and which replaced an earlier tavern of about 1810-11.
- 10.93 On 24/04/2018 Historic England granted Scheduled Monument Consent to allow an archaeological dig at Castle Hill. This was carried out later in 2018. An Archaeological Trial Trenching Report (WYAS Archaeological Services, December 2018, ref: 3211) was produced. This stated that the immediate objective of the trenching programme was to establish and record definitively the extent of 19th-, 20th- and 21st-century intrusion into the earlier site

deposits, as a necessary first step in facilitating an informed judgement on the impact of the proposed development. The trenching also aimed, within the constraints of the programme, to identify existing trenched service pipes and conduits which formerly served the Castle Hill Hotel, so that these could be taken into account during the further development of the design proposals. Three trenches were dug to depths of 2m or less, across the footprint of the former Castle Hill Hotel and outbuildings that once stood to its north (these areas are currently used as an informal car park or are grassed). Little of archaeological interest was discovered.

- 10.94 The Archaeological Trial Trenching Report submitted under application 2018/93591 stated that the results of this evaluation would be used to assess the potential impact of any proposed development, however the report only included brief mention of the previous iteration of proposed development (including an appended plan that overlaid the footprint of that previous proposal with the footprints of the site's demolished buildings and the extents of the trial trenches). In the previous planning application submission, the applicant team did not illustrate how the then-proposed development (and its extent) related to the area(s) where archaeological investigation had been carried out. The extent of excavation and intrusion into the earth works around the northeast and northwest edges of the proposed development was clarified by the applicant. Therefore, as part of the previous application, officers queried 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 above commentary remains applicable to the current proposals.
- 10.95 Regarding services, although the location of these within the trial trenches was established during the 2018 dig, no further information regarding their routes beyond the trial trenches has been submitted (as part of the previous application, or this one), nor has the applicant assessed whether these services would be adequate for the proposed development (and can be used again without the need for further excavation into areas of potential archaeological interest). According to the submitted application form, the applicant's foul drainage solution is to be 'mains sewer', however specific details have not been provided how this would be achieved (although it should be noted that Yorkshire Water have not objected to this or raised concern). This is of concern to officers, 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. Representations in the previous application asserted that the site is only served by a single earthenware pipe (which, it has been reported, was blocked and overflowed frequently) to Ashes Lane, and possibly a lead water supply pipe, and that the site has no gas connection (the former pub used bottled gas).
- 10.96 No detailed information has been submitted regarding the archaeological impact of the proposed creation of passing places along the site's vehicular access.
- 10.97 Concerns regarding this lack of archaeological information were previously raised with the applicant. In response, the application previously said that, by careful siting of the new scheme on the site of the former hotel, supported by ground investigation, no archaeological harm will be caused by the development.

- 10.98 Regarding services, the applicant previously reiterated that the former Castle Hill Hotel's services and drainage connections remain in place, and can be reused without the need for excavation. Although the applicant has previously stated that it was not clear if the capacity of existing services was sufficient for the needs of the proposed development, the applicant stated that, even if higher capacity were required, new services could be fed through the existing ducting, thus avoiding the need for new trenching detrimental to the archaeology of the site.
- 10.99 Regarding the passing places proposed along the site's vehicular access, the applicant previously noted that these would be on the monument side of the lane (for engineering reasons), but that they would involve minimum work, thus minimising any risk to the archaeology. The applicant has previously stated that investigation has shown that the portions of hillside that would be affected in the creation of the passing places do not impinge on areas of archaeological interest. The applicant has also asserted that, at the time the access road was built, an area far in excess of that required to form the passing places would have been disturbed for the road construction, and that new work will therefore only be within previously disturbed ground.
- 10.100 The situation, as set out above, is the same as that assessed under application 2018/93591. The following is the assessment undertaken at that time:

The above responses provide some reassurance, however, they are not supported with evidence. What is needed is a detailed archaeological impact assessment, written with explicit reference to the current proposed development (including the proposed widening of the access road to provide passing points, the proposed car park works and any necessary services works), the findings of previous site investigations, and what is known about the extent of previous development at the site (including the locations, sizes, condition and adequacy of trenches previously dug for services). This report should include updated overlaid plans showing the proposed building footprint in relation to those of the demolished buildings. Similarly, sections showing the extent of the former pub cellar and the extent of the proposed basement, should be provided.

Rather than submit the above information and drawings, the applicant provided a letter (dated 04/08/2020) from WYAS Archaeological Services. This letter did not address the above concerns, and it is not disputed that WYAS Archaeological Services communicated previously with the West Yorkshire Archaeology Advisory Service (WYAAS) and Historic England regarding the trial trenching and the Scheduled Monument Consent application.

The letter from WYAS Archaeological Services states that the archaeological impact of the passing places proposed for the access road can be determined once planning permission has been granted, with the level of archaeological mitigation required determined by WYAAS (if the land is not scheduled) or by Historic England (if the land is scheduled).

Objections have been received from WYAAS, the Council for British Archaeology Yorkshire and the Huddersfield and District Archaeological Society. These were raised before and after the redesign of the proposed development, and the submission of the Archaeological Trial Trenching Report.

Most recently (14 and 16/10/2020), WYAAS has reiterated that information regarding services should be provided, and that the absence of this information could be used as a reason for refusal. Regarding the direct archaeological impact of the new building, however, WYAAS agree that a condition can secure outstanding information. Similarly, regarding the proposed passing places, having considered the applicant's drawings further, WYAAS have agreed that outstanding information regarding that particular aspect of the proposals can also be secured by condition.

Although it is regrettable that information regarding services has not been provided by the applicant, and notwithstanding the advice from WYAAS, it is recommended that a pre-commencement condition be applied, requiring the submission of an up-to-date and fully illustrated archaeological impact assessment (to be considered by the council in consultation with WYAAS) that would need to include a full description and assessment of the locations, sizes, condition and adequacy of trenches previously dug for services.

In addition, the archaeological impact of the proposed development would be further assessed by Historic England upon the applicant's submission of the necessary Schedule Monument Consent application.

- 10.101 It is noted that, despite their previous objection, the West Yorkshire Archaeology Advisory Service (WYAAS) has not objected to the current application, but have expressed concerns and offered feedback on the archaeological documentation provided. These issues may be addressed via the conditions previously imposed, which are again recommended in this case.
- 10.102 The Council for British Archaeology Yorkshire, who previously objected to the proposal, have not commented on this scheme. This is not inferred to suggest support or otherwise.
- 10.103 In light of the above, it remains the case that the issues raised may be addressed via suitably worded conditions, in line with those imposed on application 2018/93591. Accordingly, subject to the recommended condition for further archaeological investigation and remediation measures, officers consider the proposal to accord with policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Landscape impacts

- 10.104 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, Huddersfield town centre, Greenhead Park, and from locations further away such as Ainley Top. 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.

- 10.105 It is again noted that 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. Although many residents of Kirklees recall the demolished hotel, many are now familiar, more familiar or only familiar with the current profile and silhouette.
- 10.106 3D images of the proposed development and wider landscape views have been submitted. These confirm the concerns set out above regarding the proposal's adverse impact on Green Belt openness and heritage assets, however as noted earlier in this report, it is considered that the public benefits of the proposed development outweigh this harm.

Residential Amenity

- 10.107 Local Plan policy LP24 states that development proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers. Policy LP52 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 to the pollution, so as to ensure it does not reduce the quality of life and wellbeing of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.108 The nearest residential properties to the application site are approximately 170m away, namely numbers 58 and 60 Castle Hill Side Road.
- 10.109 In this case, given the development proposed officers are satisfied that there would be no undue overbearing impacts, overshadowing or overlooking. Instead, this type of development could potentially impact on the amenities of neighbouring residents from noise in the form of the additional moving traffic along Ashes Lane, Castle Hill Side and Lumb Lane. However, the vehicle movements predicted by the applicant (and the resultant impact on amenity) are not considered to be so great as to warrant refusal of permission.
- 10.110 Noise from the proposed use would be subject to the environmental health controls normally applied to food and drink uses. The proposed uses are not considered inherently problematic in terms of noise and related amenity impacts. A condition controlling the opening hours of the restaurant/café/bar is recommended.
- 10.111 K.C. Environmental Health have recommended that conditions be imposed relating to lighting and odour management. While the site is well separated from the nearest dwellings, a lighting condition is recommended elsewhere within this report on the grounds of ecological management and crime mitigation. It is considered prudent to also include the consideration of amenity, to ensure those three factors are appropriately balanced. In terms of odour, given the site's remote location to neighbouring property, such a condition is not considered reasonable or necessary.
- 10.112 Beyond the consideration of the above matters, officers are satisfied that the proposed development would not cause material harm to the amenity of nearby residential properties, in accordance with policies LP24 and LP52 of the Kirklees Local Plan.

Highways and transportation issues

- 10.113 Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe.
- 10.114 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.115 The application 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.
- 10.116 First considering the access into the site, under the previous application, the applicant originally proposed the installation of traffic lights to the existing access lane on the southeast side of Castle Hill, however this is no longer proposed. Highways officers considered that proposal to be unworkable, ineffective and vulnerable to vandalism.
- 10.117 Per the previous approval, the applicant proposes a simpler solution involving the creation of two new passing places, and the widening of an existing passing place, on the access lane. These would be signed with blue "single track road with passing places" and "passing place" signs, and "slow" road markings. Existing foliage would be cut back and a geotextile strip is proposed along the hill (west) side of the carriageway.
- 10.118 These access proposals, which would be an enhancement to the existing route, represent a proportionate response to the concerns regarding introducing new uses and increasing activity and vehicle movements via a relatively steep single-width lane. Drivers would have sufficient visibility ahead to prepare to pull into a passing place, and the provision of three such places is considered adequate, given the likely vehicle movements. In terms of traffic calming, although there may not be a significant change in driver behaviour, there could be a propensity for drivers to "race" to the next passing place, and as was noted by officers in the previous application's assessment, some drivers already travel at inappropriate speed on this section of the lane. With the provision of the proposed traffic calming measures, which are recommended to be secured by condition, it is considered that the applicant's proposed access proposals are acceptable.
- 10.119 Regarding parking, under the previous application the applicant stated that 100 vehicles can currently park at Castle Hill, however the accuracy of this figure was doubted by officers. Under the previous application, the Castle Hill Ranger advised that the two existing parking areas could accommodate approximately 25-30 vehicles each.

- 10.120 The current proposals involve the creation of a 41-space car park (including five disabled parking spaces) in an area slightly larger than the existing southern parking area. Eight cycle hoops are also shown indicatively, suggesting 16 bike spaces. In addition, an area to the northeast of the proposed building is annotated "Deliveries and Service Yard" on the applicant's drawings, that is expected to accommodate a level of staff parking. For the car park, under the previous application the applicant's initial information suggested that the proposed parking provision would have failed to meet the demands of the proposed development for only an hour per day, however this did not consider existing visits to Castle Hill, which can reasonably be expected to continue, post-development. Castle Hill is well-used as a meeting place, and by dogwalkers, hikers, families, and those wishing to visit Victoria Tower. Officers expressed concern that adequate parking should be provided for all visitors, not just users of the proposed development, and that existing visitors should not be excluded.
- 10.121 In response to those concerns, under the previous application, the applicant carried out visitor surveys on a Saturday and a Sunday, 05 and 13/09/2020. These survey dates were agreed with officers, and the data collected on those days was considered likely to be sufficiently representative, although it is noted that no event or tower opening was held on those days. Due to the good weather conditions on 13/09/2020, higher than-typical figures were noted.
- 10.122 These surveys have not been updated / refreshed under the current application, which has attracted objections related to parking. Nevertheless, officers and K.C. Highways consider these surveys to be robust and still appropriate. Local circumstances and population have not materially changed to invalidate the findings. It is also noted that these surveys were undertaken during the COVID era, however, they were done outside of a lockdown period when the public were able to access outdoor sites, such as the application site.
- 10.123 The committee report for the previous application set out the following assessment of the survey and its relationship with the proposed maximum covers:

The applicant's visitor survey data, when added to the predicted parking demands of the proposed development (based on 100 covers in the proposed restaurant/café/bar, with a 15% allowance made for linked trips), indicated that the proposed 42-space car park would not be adequate when the development is at its busiest on Saturday evenings and Sunday afternoons and evenings. Indeed, at the very busiest times, the applicant's data indicated that the car park could not even accommodate all of the proposed development's demand, regardless of what other visitors to Castle Hill may require. This raises concerns regarding potential unauthorised parking on grassed areas, in nearby narrow lanes, and/or in the proposed passing places.

Officers therefore asked the applicant to test the total parking demand for existing visitors and a proposed development that included a restaurant/café/bar with fewer covers. The applicant duly provided results for 60, 70, 80 and 90 covers.

Bearing in mind the size of the proposed car park, and a 15% allowance made for linked trips, Highways Development Management officers have suggested that the predicted cumulative vehicle number should not exceed 49. Having regard to the applicant's most recent figures, it is noted that demand closer to that figure is likely when covers in the proposed restaurant/café/bar are limited to 70. A condition restricting covers to that number is therefore recommended, and it is noted that this would place responsibilities upon the applicant regarding management of the car park, and the operation of an effective booking system. A further condition regarding wedding receptions and other functions is also recommended.

Should the application be approved, this restriction to 70 covers could be revisited once the facilities were fully functional and real-time car park capacity figures could be surveyed.

10.124 Under the current application, the applicant has confirmed an intention to operate at 70 covers. As detailed above, and as approved and secured via condition as part of the previous application, it is again recommended to be secured that the maximum covers be 70 on Saturday and Sundays. Furthermore, officers recommend securing the following conditions:

- Condition preventing the site operating for wedding receptions or other functions.
- Condition for waste management strategy, to ensure appropriate details for waste storage and collection.
- Condition for a Construction Environmental Management Plan, to demonstrate how construction activities, including associated vehicle movements, will be managed.

10.125 Elsewhere in this report, recommendations have been made for a lighting strategy to be submitted and approved via condition, on the grounds of crime mitigation, ecological protection, and amenity. For the avoidance of doubt, this relates principally to around the new building. The provision of outdoor lighting to the proposed car park and the existing access lane is not considered appropriate at this site, due to its status as a Scheduled Ancient Monument and due to ecological sensitivities.

10.126 Regarding sustainable transport, as noted above cycle storage facilities are proposed and recommend to be secured via condition. Dedicated facilities for staff should also be sought via the condition. Measures to encourage the use of sustainable modes of transport would also be necessary, given the site's relatively isolated location where public transport provision is limited. It is therefore recommended that measures be secured via a Section 106 agreement, including the submission and implementation of a Travel Plan (which would need to relate to visitors to the proposed development, its staff, and other visitors to Castle Hill), as well as the payment of a Travel Plan monitoring fee.

10.127 In summary, officers are satisfied that, subject to the referenced conditions and Section 106 provisions relating to sustainable travel, the development would not cause harm to the safe and efficient operation of the highway, in accordance with the aims and objectives of policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Public Rights of Way

- 10.128 The proposed development, specifically the new building, would obstruct the routes of PROWs HUD/171/70 and HUD/169/60. Under the previous application, this led to an initial objection from K.C. PROW. Following this objection, as reported in the previous application's committee update, the following details were provided:

...the applicant has engaged with the council's Public Rights of Way (PROW) team, to address concerns that the proposed development would obstruct footpath 169 and byway 171. A site plan ref: 3287 (SK) 48 was submitted, showing parts of footpath 169 and byway 171 (along their recorded alignments) annotated to be stopped up, and proposed new public footpath alignments, one shown following an existing non-definitive path (i.e., routes that are not recorded in the definitive map and statement) and running along the edge of the proposed car park, and one running to the east and north of the proposed building via non-definitive paths. In response to this plan, on 26/10/2020 the council's PROW team advised:

If an appropriate plan [3287 (SK) 48] is submitted to the LPA in this application, and the formally submitted main site block layout is also amended and submitted to reflect the changes therein, at the western and eastern corners of the car park (i.e. respectively the wall/banking changed near PROW drawing point D, and identifying that access to path entrance to remain unobstructed i.e. it is not a car parking space) then PROW would likely withdraw its objection if there are appropriate conditions and footnotes proposed to be included, relating to the PROWs, PROW processes, and mitigation.

PROW notes and would wish to bring to committee's attention that the development is likely to bring negative effects on the use of the byway HUD/171 by walkers, cyclists and equestrians, due to the intensification of use by motor vehicles of this substandard access. This is only partly reduced by the proposal for two passing places. Further mitigation could be in the form of requiring appropriate guidance, signing and marking, and should be considered in detailed schemes. It is for determining authority to consider this likely negative effect on PROW users and the public against any expected benefits of the proposed development.

The council's PROW team also recommended that a condition be applied, requiring the submission of a scheme for the treatment of PROWs.

On 27/10/2020 the applicant provided further drawings which address the main concerns relating to PROWs. It is recommended that these drawings be approved, and that a condition be applied requiring full details of a scheme for the treatment of PROWs. This condition would also secure measures to ensure the space in the east corner of the proposed car park (annotated "access path entrance to carpark to remain unobstructed" on drawing 3287 (SK) 48) is not used for parking. It is further recommended that the previously recommended condition regarding the passing places and traffic calming (condition 8 in the committee report) be expanded to require measures to address the PROW team's concerns regarding byway HUD/171.

The council's PROW team have confirmed that they are content with the above approach.

- 10.129 Under the current application, K.C. PROW have confirmed that, based on the submitted plans that show an appropriate new footpath route, subject to the imposition of the same condition and footnotes, they do not object to the proposed development. However, for the avoidance of doubt, the stopping up of the existing PROWs and formal dedication of the new route would need to be secured via a separate diversion process.
- 10.130 Considering this, officers are satisfied that the proposed development would comply with the objectives of policy LP24 of the Kirklees Local Plan.

Flood risk and drainage issues

- 10.131 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.132 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.
- 10.133 Regarding the disposal of surface water from the proposed development's hard surfaces (including the car park), the applicant made reference to the use of infiltration (or sustainable drainage system) for surface water, but provided 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).
- 10.134 The proposed development (and the previous application) has attracted an objection from the Lead Local Flood Authority, due to the lack of information submitted in relation to drainage. However, given the possibility of infiltration being acceptable at this site, the space available for the provision of an adequate drainage solution, and the potential for the remaining services of the Castle Hill Hotel to be reused (although their adequacy has not been confirmed), it is recommended that outstanding drainage matters can be secured by condition.
- 10.135 Depending on what is ultimately approved in relation to drainage, the maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) may need to be secured via a Section 106 agreement. A provision for this is included in the recommended Section 106 heads of terms.

- 10.136 Details of temporary surface water drainage arrangements are recommended to be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.137 The submitted application form states that the proposed foul sewage disposal method is via mains sewer. This has not received an objection from Yorkshire Water. Nevertheless, a condition for further details is recommended, to ensure appropriate arrangements at the sensitive heritage site. It is therefore recommended that further details of the applicant's proposals for foul sewage disposal be secured by condition.
- 10.138 Subject to the above-mentioned conditions being imposed, officers are satisfied that the proposed development complies with the aims and objectives of LP27 and LP28 of the Kirklees Local Plan.

Ecological and geological considerations

- 10.139 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.
- 10.140 Furthermore, policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.141 The application site is subject to a number of nature conservation designations, including a Local Nature Reserve, Local Wildlife Site, the Kirklees Wildlife Habitat Network, an SSSI Impact Risk Zone and a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands). The site is also within a Local Geological Site.
- 10.142 The following was stated in the previous committee report for application ref. 2018/93591:

An Updated Ecological Impact Assessment was submitted on 18/07/2019. This included a desk top study that indicated the site was most likely to be of interest in relation to birds, however a field study found a limited range of birds present at the site, and the author concluded that, given the site's habitats and human disturbance levels, it is not likely to support notable assemblages of protected species during the breeding, wintering or passage periods. The report nevertheless noted the potential for the proposed development to cause impacts in relation to the site's Local Nature Reserve, Local Wildlife Site and Kirklees Wildlife Habitat Network designations, but concluded that – with the implementation of measures such as bat box provision, reseedling of disturbed ground, and provision of wildlife information boards and dog waste bins – no significant residual effects would be caused.

10.143 The same Ecological Impact Assessment and supporting documents were submitted to support this application. Because of the timelapse and considering relevant ecological guidance, the base reports were considered out of date. In response, the applicant provided an addendum report which states:

The addendum is provided by Adam West BSc (Hons), ACIEEM, based upon a study of the EclA provided by Quants Environmental and a site survey which took place on 12/12/25. The survey took place outside the optimum period of April to September. The site is predominantly occupied by the artificial surface of the car park with small areas of heavily managed grassland also present. Owing to the low ecological value of the habitats present, the survey taking place outside of the optimum period does not, in the professional opinion of the ecologist, pose a constraint to the validity of the conclusions drawn in this addendum.

Following the review of the EclA report provided by Quants Environmental in July 2019 and a walkover survey of the site in December 2025, it has been concluded that conditions on site have not materially changed since the EclA was written in 2019 and, therefore, the conclusions reached by Quants Environmental, and the recommendations made based upon those conclusions, remain valid.

10.144 K.C. Ecology have considered the above approach and consider it reasonable and sound. Considering the findings of the recent on-site survey and the professional judgement of the ecologists, the submitted information is considered acceptable. The following ecological based conditions are therefore recommended:

- Submission of a Landscape and Ecological Management Plan
- Submission of Biodiversity Enhancement Plan
- Submission of a Construction Ecological Management Plan. It should be noted that this was not previously imposed as part of 2018/93591. However, in accordance with current best practice, this is recommended to ensure potential ecological impacts via construction are appropriately managed.

10.145 Subject to the above conditions, the proposal is deemed to comply with the requirements of policy LP30 of the Kirklees Local Plan.

Biodiversity net gain

10.146 The provision of a Biodiversity Net Gain (BNG) of 10% is a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (hereafter referred to as The Act). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

- 10.147 The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application. This shows that the site has a low habitat value of 0.17 habitat units, given it predominantly comprises modified grassland and sealed surface.
- 10.148 Specific details of how the 10% net gain will be delivered are to be secured via the national standard Biodiversity Gain Plan condition, which is automatically applied to all (non-exempt) development.
- 10.149 In accordance with The Act, due regard must be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years.
- 10.150 In this case, the habitat to be created would not be significant because of the limited quality and quantity of habitats both pre- and post-development. Accordingly, provisions for long term management and maintenance are not required.
- 10.151 It should be noted that this is a material change in circumstance from the previous application (2018/93591), which predated The Act. Nevertheless, that application was assessed under the similar provisions of policy LP30 of the Kirklees Local Plan, and the Section 106 agreement secured provisions for a Biodiversity Contribution. Given the national standard Biodiversity Gain Plan condition would be imposed upon this development, such a Section 106 clause is no longer required.

Geological impacts

- 10.152 The following was stated in the previous committee report for application 2018/93591:

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.

- 10.153 West Yorkshire Geology Trust have not been consulted as part of this application; however, the site's geology has not changed in recent years, and there are considered to be no reason why the above comments would not remain applicable.

Planning obligations

- 10.154 Paragraph 58 of the NPPF confirms that planning obligations must only be sought where they meet all of the following:

- necessary to make the development acceptable in planning terms,
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

10.155 For the reasons set out within this report, should planning permission be granted, to mitigate the impacts of the proposed development, and to secure the public benefits that justify many aspects of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

1) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including the submission, approval, and implementation of a Travel Plan, and monitoring fees of £10,000.

2) Public benefits: Package of obligations to provide certainty that the identified public benefits are delivered, including confirmation of the arrangement and agreement of funding for the development to take place and reassessment clauses, after a given time, of the business case.

3) Management – Implementation of a management plan for the exhibition/interpretation room and WCs (including the securing of public access without charge), and management of any new infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.156 It is noted that the previous application's committee report recommended that the following be included within the S106 agreement:

Highway works – Creation of passing places and erection of signage to the lane from Castle Hill Side to the car park.

At that time, it was, however, concluded that the provision of these works would be best secured via a condition, as opposed to the S106. Such a condition was therefore imposed on 2018/93691, which is again recommended for this application.

10.157 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet either of the relevant thresholds, any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other Matters

Ground conditions

10.158 The Mining Remediation Authority's mapping system confirms that the site does not fall within the Development High Risk Area in relation to coal mining legacy. It falls within the Development Low Risk Area, and in these locations the MRA recommend an informative note be included in the decision notice.

10.159 For all major developments, general ground contamination needs to be considered. The applicant has not provided 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, however the proposed development has not attracted an objection from K.C. Environmental Health on site contamination grounds. K.C. Environmental Health have recommended a condition relating to procedures to be followed should unanticipated site contamination be found. It is recommended this be included, to ensure compliance with Local Plan policy LP53.

10.160 In the previous application's assessment, the following comments were provided by officers:

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, however there is no evidence currently before the council confirming that the lane could not be used during the development's construction or operational phases. The required Construction Management Plan will need to provide information regarding the lane's ability to cope with the construction and operational traffic that the proposed development would entail.

Officers consider the above to remain the case.

Crime and anti-social behaviour

10.161 The West Yorkshire Police's Designing Out Crime Officer (DOCO) has been formally consulted as part of this application. The officer has confirmed that they have no objections to the proposed development but have recommendations to further enhance and manage site security. As such, the DOCO provided recommendations related to this application, to help mitigate crime risk. These include additional CCTV cameras park, additional lighting within the site, signage, and increased security measures, including in relation to the building's security. A condition for a detailed Crime Mitigation Strategy is therefore recommended, to ensure the proposal accords with policy LP24 (e) of the Kirklees Local Plan.

Tourism and economic impacts

10.162 The following assessment was provided in the committee report for the previous application:

The proposed development would have economic benefits during the construction phase. In addition, in relation to the earlier iteration of the proposed development, the applicant stated that, in its operational phase, the development would provide 30 full-time equivalent jobs (12 full-time, 36 part-time).

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 was requested (so it could inform a further assessment of the proposed development's economic impacts), however only generic information regarding the potential benefits of cultural and heritage tourism was submitted.

Significant public benefit can be demonstrated by the applicant, with adequate public access to the proposed WCs and interpretation room secured. Under the recommended Section 106 agreement, the applicant would be required to prepare details of how these facilities would be managed. As noted above, the applicant has additionally discussed the proposals with the KC Museums and Galleries (who have provided some advice, but would not be able to equip, or take on management or staffing of the interpretation room). 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 room

10.163 There are considered to be no grounds to conclude that the above comments regarding economic benefits would not be applicable today.

10.164 K.C. Museums and Galleries they expressed concern and provided advice under the previous planning application, and this remains their stance, as per their consultation response which can be read in full within section 8 of this report. Of note however, since their latest comments, the application has been supported by a Business Case that has been independently assessed, to demonstrate the soundness of the business, as set out in paragraph 10.36 to 10.41 of this report.

Representations

10.165 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

Supportive comments

- The proposal will create jobs and bring income into the area, and may stimulate wider investment.
- The proposal will be an education opportunity and includes free educational aspects.
- The current access road is degraded and in a poor state. Road improvements are proposed that will make accessing the site easier.
- The is currently “depressing with vandalism everywhere”, with that proposing being an attractive alternative that promotes investment and jobs, with good facilities for people going to the site.
- Access to free toilets will make the site more enjoyable.
- The project brings benefits for better facilities, free access, education, free toilets and improved works.
- The proposed use would promote socialisation in the area.
- The loss of the former public house was “a tragedy”. The proposal will welcome more people to a “historical site with a breathtaking view of the area” and may result in the tower being open more.

- “The proposed design is excellent, blends well with the tower and is not too obtrusive. It provides a sleek, modern facility that genuinely enhances the attractiveness of tower to locals and tourists, by providing shelter in this exposed area and refreshments. This will encourage visitors around the year instead of mostly when weather is good. The space is imaginative to include areas where lectures and events can happen for example a "Poetry Open Mic" and educational events for children such as school trips. To refuse this opportunity to develop the tower in this way would be a backward step with all the modernisation and facilities improvement of Huddersfield in progress.”

Response: Comments in support are noted.

General comments

- The tower and hill are iconic, and often the first thing that comes to mind when thinking of Huddersfield. After the former Inn was illegally destroyed, the solitary Jubilee Tower has become even more iconic a symbol of Huddersfield.
- Request that the site include a fireplace and sauna.

Response: These comments are noted. Officers are unable to require a fireplace or sauna be included.

Objections

Principle of development

- Concerns over the planning statement making claims that the site is grey belt due to the previous building. Nationally designated sites such as Castle Hill scheduled ancient monument and the free-standing Jubilee Tower listed at grade I are excluded from the definition of grey belt.
- Proposals constitute inappropriate development in the Green Belt. There are no exemptions for the proposed development within the Green Belt, within in the NPPF. The absence of the former Castle Hill Hotel has enhanced the setting of the Tower and enabled better appreciation of the hillfort and its later embodiment of the C12th fortification.
- There are no very special circumstances which should permit building in the Green Belt.
- This is a commercial development, with a minimal public benefit offering.

Response: Paragraphs 10.12 – 10.35 Of this report outline officers' assessment of the Green Belt, public benefits, and Very Special Circumstances.

- The site is in an environmentally sensitive location where the effects of development would be more significant, and the lack of an Environmental Impact Assessment suggests our inheritance has been woefully undervalued.

- The EIA should consider light, noise and other impacts on nature, such as disruption to birds, bats and other mammals (see 9), and people's health and wellbeing.

Response: Giving regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 officers consider that the proposal is neither Schedule 1 or Schedule 2 development and therefore EIA Screening is not required.

- The new plans appear to show the building extending further into the embankment adjacent to the bedrooms and full details of the service area impact was not included in the previous conditionally approved plans. As such, the impact on the scheduled embankments was never factored into the Green Belt and/or SAM assessments.
- The changes to this application include an increased footprint, 50% increased car parking, security fencing and lighting, excavation of historic embankments.

Response: The proposed application is substantially the same as that approved via 2018/93591 and such differences are not proposed. A new gate was proposed across the service area but has been omitted from the proposal following officer concerns.

- This is a large urban development proposed for an inappropriate remote rural location. The scale of this development goes far, far beyond the limited facilities required for the heritage site. It is also many times greater than the previous hotel removed many years ago.
- 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.

Response: The level of the proposal's commercial aspect is, on balance, considered reasonable and appropriate to facilitate the public benefits that would be delivered by the proposal. It is acknowledged that a sequential test has not been submitted, and is considered in paragraphs 10.42 – 10.51

Visual and heritage concerns

- 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.
- The application should be refused as it fails to protect the longstanding heritage assets. The National government's advisors on heritage, Historic England (HE), have advised the Authority to refuse the application on heritage grounds. The Victorian Society maintain their objection.
- Any development in the area must be carefully considered in order to minimise impact on the surrounding area and view of the hill and monument. The representative is not convinced the proposal comes anywhere close to meeting this threshold - nor convinced it would provide any public benefit.

- After 20 years of this fiasco residents remain determined that further building on this site is wholly inappropriate and would be the ruination of this treasured, historically significant and iconic site. The developers had their chance years ago but demolished the 'old' public house, failed to adhere to planning procedures and attempted to 'fudge' the rebuild. Given the hugely worrying history that follows these developers, it is clear they cannot be trusted, grossly lack integrity and do not have the best interests of the site at heart.
- Castle Hill is a peaceful place to be enjoyed. The amount of visitors that this development would create would destroy the character of Castle Hill. Over time the number of attendees will cause harm to the area.
- The jubilee tower is enough and enhances the hill from afar.
- Castle Hill is a Scheduled Monument and should be protected as such. This proposal would have a serious impact, not for the better, on this important site. The proposed building would seriously affect the setting of Victoria Tower, which is Grade II listed. The 'public benefits' do not outweigh the harm that would be done to the site.
- Fundamentally this proposed building is still in the wrong place – it should not be sited in the middle of a sensitive and nationally significant scheduled monument.
- Apart from the interpretation room, the proposal offers little public benefit. The proposed modern hotel design is completely out of sympathy with the Victoria Tower, which was itself designed to augment the original Castle Hill Hotel which did capture the spirit of the hill.
- The appearance of the new, fashionable, glass venue will, in no way, make reference to the history of the area, the Victoria Tower, or the historical background to the Hill. It will also be a huge edifice, requiring massive earth moving – entirely inappropriate on a Hill described as 'a scheduled ancient monument of national importance'.
- With the building being partly sunken into the ground it is virtually impossible to understand how far the new structure will stand out if built. Based on the drawings it appears to stand out substantially – which is entirely inappropriate as it removes the open views over the hill top. Surely, it is inappropriate to start excavating into the primary features of an iron age fort, its flat top with embankments marking its historic defences.

Response: The above matters relate to the site's value as a heritage asset and, broadly, consider the harm the proposal would cause to the historic environment would not be outweighed by the public benefits. Officers consider that the public benefits would outweigh the harm and assessment of these matters may be found in 10.52 – 10.106.

- There is no reference to Kirklees's Heritage Strategy and the applicant/agent does not appear to have drawn the consultant's attention to the consultation response from Kirklees' Museums and Galleries (M&G).
- The planning support, design and access statement fails to fully assess the visual and heritage impact the application would have.
- 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.

Response: The submitted information has been considered by planning officer and K.C. Conservation and Design and concluded to be acceptable to support the application.

- Grave concerns exist regarding the applicant's respect for the site and its unique heritage, given their previous disregard of planning law. The applicant also has the audacity to suggest that there is growing support from the general public for this development.
- The site should be left as it is, the Thandi brothers demolished the public house without permission and sold all the mullions, stone flags, oak beams and so on and attempted to build an entirely new property at 90° to the original building without planning permission.
- The original building was demolished illegally and is now not there for all to enjoy. Planning permission should only be granted to re-erect what they illegally demolished without planning permission.
- The applicant has no interest in the history or environment of Castle Hill and the plans are not in keeping with the importance of the site.
- Legal concerns regarding the damage to the site by the applicant.

Response: The identity of the applicant is not a material planning consideration nor can weight be attributed to past action, inaction, or otherwise. Legal claims regarding damages or past actions such as this fall outside the remit of the planning application.

- The applicant has had years to respond to Historic England yet there appears to be no resolution.

Response: In their latest and final comment, Historic England have confirmed no objection to the proposal, subject to the council accepting the applicant's business case. This follows a prolonged period of negotiation between the applicant and Historic England.

- The proposed hotel has little architectural merit and sits low on the ground as if ashamed to be seen. This is the antithesis to the grandeur of the Hill itself and seems to offer little public benefit to counter the damage done to the site and to the environs of the Victoria Tower.
- There are better locations for this development.
- The shape of the proposed development is too modern for this site.
- The proposed development would be a harmful and uncharacteristic urban intrusion into the heart of the site. It is too large. The existing topography is intrinsic to the history of the site, and the proposed changes would inhibit understanding.

Response: The design of the proposed building is, in isolation, considered high quality and attractive. Considered in the context, it is considered an appropriate response to the constraints of the site and is considered a more appropriate response to the site, as opposed to a pastiche of the former pub or tower.

- Extensions to the car park will inflict further damage (visually and to the sites heritage).
- The plans proposed would further destroy the remaining archaeology under the scheduled monument and detract from its nature.

- Once the oval appearance of the historic ramparts have been partially removed it will totally ruin the basic shape of the precious hill fort site
- The scheme would include the destruction of an iron age fort just for someone's personal financial gain.
- Question why could the development not match the exact footprint and style of the pub (and was of similar historical value as the folly).

Response: The archaeological implications and impacts of the proposal are considered within paragraphs 10.89 – 10.103 and are found, subject to condition, to be acceptable.

- Anyone wanting to gain in-depth knowledge of the history of Castle Hill can visit the comprehensive exhibition at Tolson Museum, soon to be housed in a new state of the art setting as part of Huddersfield's Cultural Heart.
- The hillside, and especially the summit is of great historical value, anyone who visits the Tolson Museum can find out about it. It is a Scheduled Ancient Monument and therefore should be protected. Centuries of history is too important to be turned into an unnecessary eyesore visible to all of Huddersfield. There are so many other places where a restaurant/hotel/bar could be sited within Huddersfield.

Response: Other facilities are noted. Nevertheless, the facilities proposed are considered to offer a high quality and attractive addition, on site, to complement the existing educational offer.

- The proposed security measures seem excessive and risk turning the flat top of the hill into some form of modern prison, with high gates, overnight lighting and video monitoring.

Response: The gate originally proposed across the service yard has been removed. Conditions for further details of lighting and security measures are recommended, to ensure suitable and sensitive details are proposed and delivered.

- Huddersfield Civic Society have objected as have The Huddersfield and District Archaeology Society and Castle Hill Civic Associates.
- Huddersfield Civic Society concerns stem from nature and scale of commercial development (beyond simple visitor welcome/shelter facilities), archaeology disturbance, inadequate location access/egress, issues around commercial viability and role of proposed community interest company. The business case does not add clarity or reassurance that this outweighs the harm to the Green Belt or heritage.

Response: This is noted, however for the reasons set out within this report, the submitted details are considered acceptable.

Highway concerns

- Inconsistencies within the traffic assessments associated with both the current and prior application, specifically relating to traffic flows and parked vehicles. For example: The 2024 transport assessment provides road trips instead of parking volumes. The estimated traffic

volumes appear inexplicably low (with no evidential support) and appear to be irreconcilable with the 2018 data. The figures put forward again exclude visitors looking to make use of what is a public carpark. Fortunately, the access road acted as a break and fire officers were successful in extinguishing the fire, though it had to be watched for many hours due to the drought. More intensive use of the site could pose an additional hazard as would an increase in possible conflicts between emergency vehicles and vehicles escaping down Castle Hill Side.

- The approach road (byway HUD/171/20) is classified as a byway open to all traffic. Proposals are substandard for the projected use and an independent and comprehensive Transport Safety Assessment should have been required.
- Each year there are a number of events where vehicles have become stranded off the track or where they have 'gone off the edge'. One such event occurred in the last few weeks with the vehicle dropping off the track onto the road below.
- Concerns with the findings of the Transport Statement, as it fails to assess safety of other road uses. The statement is based on 100 covers for the restaurant yet there are only 37 spaces. 37 spaces are grossly inadequate.
- The application refers to "100 covers," but this is not supported by the floor plans. It is also unclear whether the "café" and restaurant are the same facility.
- Transport statement out of date.
- The figures in the transport statement are simply not credible particularly the statement the development does not cause any negative impacts in terms of road safety or congestion
- There is no evidence from the highways report that there has been any measurement of existing traffic usage to the hill by general visitors (seasonally, weekly, hourly) which is a simple enough task using a basic traffic counter.

Response: The submitted information has been reviewed by K.C. Highways and found to be both appropriate and acceptable. While parts of the data are older, the methodology remains acceptable and no material change of circumstances would invalidate the findings.

While historically 100 covers were proposed, as set out within the report, a condition is recommended to limit it to 70. In terms of parking spaces, 41 are proposed and considered appropriate for the proposed and existing use of the site.

- The Stage One Road safety audit is limited to the proposed "passing places scheme". It is not a comprehensive assessment of site safety

Response: Stage One Road safety audits typically only considered proposed highway alterations, not issues of traffic generation. The traffic generation in general has been considered within the Transport Assessment and by K.C. Highways, and been concluded to be acceptable.

- The proposal is to widen the track (at certain points) to accommodate large vehicles passing, the widths seem reasonable for two cars. However, the concept of two commercial vehicles meeting (one might even be the articulated one illustrated on the plans) clearly introduces the risk of one driving off the track (and potentially dropping onto the road below).

- Traffic management plans cannot be left until the 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.
- The other major risk of course is that the competing pressures of general and specific restaurant visitors results in vehicles parking off the surfaced car parks and on the sensitive archaeological earthworks -something which commonly occurred on busy weekends before the original Castle hill pub was demolished.
- The access by car can be challenging at the best of times if you meet an oncoming car I can only envisage the road rage and accidents that will occur with an increase of traffic. The Road is not practical or safe for lorries, coaches and excessive traffic.
- Other concerns are the already busy country roads that are very narrow in places surrounding castle hill and further build-up of traffic would be damaging to these roads as well as dangerous.
- Having a large restaurant / rooms will require frequent freight vehicles to access the top of the hill including refuse / food / waste removal and other large vehicles adding to pressure on the access road, even if the hours for deliveries are controlled.
- To begin with the access to the site, it must be accepted that the 'road' up to the top of Castle Hill is very narrow (partly one way only), has some bends which are challenging to negotiate in even a small car, frequently evidences difficulties with vehicles trying to pass one another, has no footpath (and is therefore dangerous for pedestrians), and is in a poor state of repair. In February 2022, Kirklees Council imposed 30 conditions on the strongly contested planning approval, one of which was: 'coaches are banned from Castle Hill on Saturdays and Sundays'. How any coach is supposed to get up the road to the top is unimaginable!
- Especially on bank holidays, in the summer when the weather is nice. The access and surrounding small country lanes are totally unsuitable for the traffic levels this hotel would create. The roads would be gridlocked.
- Serious alterations and repairs would be needed to underpin the road for future safe access. I have seen more than three cars almost slide off the road in the past few years due to ice. The road is not suitable to consider adding more traffic.

Response: The current state of the road is acknowledged by officers and is accepted to fall below modern standards. Nevertheless, the starting point is the existing situation and consideration of the impacts of the proposed development. The road is in use at the moment and the proposed development is not expected to result in a substantial intensification of use compared to the existing demand. However, to mitigate what intensification may be caused, the applicant is proposing to deliver three passing places along the access road so that. These are the same as approved in the previous application. While the road would remain predominantly single width, the passing places are located at suitable frequency and at logical places to minimise the need for reversing or vehicle conflict.

In terms of service vehicles, small / medium delivery vehicles do not raise a concern, with tracking provided for an 8.6m vehicle. For waste collection, it is not envisioned that full sizes refuse vehicle would be utilised: as a commercial

premises, the applicant would be required to arrange for private collections, which can include a range of vehicles. A condition for waste collection arrangements, included intended vehicles, has been recommended.

- The parking is reported as reducing from 66 down to 37. This level of parking is unlikely to service the demand of the proposed development leaving no parking for those who want to visit, take a picnic and enjoy the natural setting of the listed tower and Scheduled Ancient Castle Hill.
- No commercial enterprise should be allowed to count a carpark intended for the convenience of the public visiting the Hill as belonging to an hotel.
- The parking spaces will be taken primarily by the uses of the restaurant/bar, therefore where will other visitors park?
- I note the car park management plan is to increase substantially. Again, all this brings is more traffic onto a narrow access that doubles as a pedestrian walkway.

Response: The proposal is for 41 parking spaces. The level of parking proposed has been considered and found to be acceptable, to serve the expected demand of both the proposed development and general users of the site, as set out in paragraphs 10.119 – 10.124 of this report.

- Significant concerns around the changes proposed to the PROW 171/20 as it would be re-routed onto the underpass.

Response: Suitable alternatives / diversions are proposed as part of this application, with further details sought to be secured via condition. This is sufficient for planning purposes, although a separate formal stopping up and/or division order would be required.

Ecological and landscape concerns:

- Photographic drawings produced by JCA Ltd (ref Biodiversity & Ecological Management map & Biodiversity Metric 4.0) show comparisons of the site as existing (baseline) and after intervention. They show the sealed surface area (service yard and car parking area) doubled in area, even without the café terrace and viewing terrace (also sealed). The scope for improving biodiversity would be much reduced by the development due to the extent of hard surfacing, and the presence of humans, traffic, and lighting at night will make the proposed faunal boxes less attractive.

Response: As set out in paragraphs 10.146 – 10.151, in accordance with the Environment Act 2021, if minded to approve the development would be subject to the standard Biodiversity Net Gain condition. The applicant would be required to deliver 10% net gain, either on site, off-site, or via a habitat bank.

- Would there be a wider site management for the green space?

Response: A condition for a Landscape and Ecological Management Plan (LEMP) is recommended however, this would be limited to the application site only. It is beyond the remit of this application to seek management of a wider area.

- The application gives no indication if outdoor seating etc would extend beyond the footprint of the building onto land not leased from the Council and so images give a false impression of the building being self-contained and without impact on the immediate environs of the wider hill. The 3D artist images of the site show a single car in the car park, no service vehicles, no outdoor tables or parasols etc so it is not a realistic representation of how the site will look in operation with the resulting clutter and visual impact on this significant site.

Response: This application relates to development contained within the red-line only and would not permit works outside of the red-line. Submitted 3D artist images are indicative and intended to provide contextual understanding.

- The proposal does not consider biodiversity or the loss of habitat for local wildlife. This contradicts current efforts to create wildlife corridors around Castle Hill.
- BNG proposal does not take into full consideration the full context of the natural surroundings and the inevitable impact on wildlife without adequate protection.
- 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.
- It is a nature reserve and the proposed development would contribute to destroying this unique environment.
- It would also create an unsustainable environment for rare species of butterfly, moth and other insects as well as rare birds such as short-eared owls, linnets and yellow hammers, whose habitats could be irreversibly disturbed, leading to long-term ecological damage.
- A huge, noisy, brightly-lit venue on the hill would end all hope of wildlife returning, and this would naturally have a negative effect on the trees and landscape.

Response: The ecological impacts of the proposal have been considered in paragraphs 10.139 – 10.151. Officers and K.C. Ecology are satisfied that the submitted documents provide sufficient information to understand the ecological value of the site and material harm would not be caused, subject to the conditions recommended in the aforementioned paragraphs.

- Given that Kirklees Council are investing considerable public funds to partnership with the White Rose Forest tree planting initiative to develop extensive woodland in the area immediately surrounding Castle Hill - how does the proposed planning application for the area at the top of Castle Hill fit in with the woodland planting initiative?

Response: Officers do not consider that the proposal would undermine or conflict with the White Rose Forest initiative.

- Environmental damage will be caused during construction.

Response: A condition for a Construction (Ecological) Management Plan is recommended, to ensure suitable arrangements during construction are considered and implemented.

General objections

- Nowhere do drawings show the size and location of the attenuation tank required by the Local Flood Authority. The infiltration method proposed by applicants would unacceptably exacerbate existing run-off.

Response: This concern is noted and is considered within paragraphs 10.131 – 10.138 Of this report. In summary, conditions are recommended to address these matters.

- Planning have gone on record, that the current application 2024/93494 is sufficiently similar (to the prior 2018/93591) to allow documentation associated with the 2018 application to 'back fill' (my term) any shortfall in supporting documents for the 2024/93494 application.

Response: Officers have confirmed that, notwithstanding the age of certain reports submitted as part of this application, the methodologies utilised and findings remain valid and appropriate for the current submission.

- No fire safety assessment has been submitted with this application.
- Following the severe fire on Castle Hill of 3rd July this year proposals should be subject to a Fire Safety Assessment by the Fire Brigade.
- Concerns regarding fire safety. Customers of the development could walk off the hill in the opposite direction to the oncoming fire (assuming they are sure footed, so excluding elderly, infirm or disabled customers). However, there will be no-one at the proposed development with authority to prevent customers attempting to leave the hill in their vehicles. This could mean some trying even where it would involve heading towards the fire! This could also cause risks to people driving off the hill in a fire, due to poor visibility, blocking the road for emergency vehicles.

Response: While these concerns are noted, they fall outside the remit of the planning system. Per national guidance and requirements fire statements are only required on planning applications for educational or residential buildings that are 18m or 7 storeys in height.

- Why are KMC Planning continue to invest valuable resources by allowing the applicant to submit an incomplete application. The inadequacies of the application are clearly demonstrated by the following consultee responses, including the Victorian Society, Historic England, Biodiversity, Flood Authority, Museums and Galleries, Highways and the Police.

Response: It is the role of planning officers to assess applications and, as far as possible, work proactively with applicants to resolve issues raised by themselves, consultees, or representations.

- The current security gate has reduced antisocial behaviour. If the site is to operate 24/7, will this gate be removed? That would undermine public safety.

Response: The future of the current security gate, should the application be approved, is currently unknown. The applicant and council would be required to consider the matter. However, a condition is recommended for a Crime Mitigation strategy, which can consider the implications should the gate be removed and look to mitigate accordingly.

- Concerns over the information provide within the Revised Planning Statement, including the document claiming extensive community consultation, which wasn't consultation it was media drive publicity.
- Community consultation was carried out and a virtual tour showcasing this new interpretation floor layout was circulated in 2024 to all key audiences, including the public via the examiner, Huddersfield Hub, ward members, the Strategic Planning Committee, and other stakeholders, and was also made available on YouTube. This attracted positive feedback and comments. But as a local resident there was no community consultation.

Response: These concerns over the type of public engagement are noted however, pre-application public engagement cannot be controlled or mandated by officers, nor would the perceived lack of such consultation warrant refusal of the proposal.

- Concern that the proposal will cause harmful noise pollution that harms the amenity of nearby residents.

Response: Giving due regard to the separation distance to neighbouring properties, officers and K.C. Environmental Health are satisfied that the proposal would not result in materially harmful noise pollution to nearby properties.

- Concerns raised regarding the first-rate exhibition; i.e. how often will new material be developed and current displays refreshed?
- How will the educational content be developed and delivered to visitors and for how many at a time?
- The application depends heavily on the Atkins Management Plan (2006) which suggested that visitors would welcome having facilities such as interpretation, refreshments and toilets on the hill. The Atkins report is now almost 20 years old and badly out of date. Most visitors wishing to know more about Castle Hill today will most naturally interrogate their mobile telephone rather than seek out a gallery containing information boards. Similarly, those visitors seeking refreshments have long since gone elsewhere for their outings.

Response: Exact details of the exhibition, or how frequently it'd be updated, is currently unknown. The Section 106 is recommended to include the provision of a management plan for the exhibition/interpretation room, that could include such details.

Officers are satisfied that, notwithstanding the social changes since 2006, demand remains for physical facilities such as that proposed.

- Another issue raised by Historic England is that on the basis of the information currently submitted they are not convinced that the applicant has fully understood the implications of forming and operating a CIC (Community Interest Company). Whilst this may be a good way forward, has this been set up?

Response: The applicant's intention to form a CIC (Community Interest Company) is noted, but does not carry weight in the determination of this application.

- Consumption of alcohol from the site would provide a strong likelihood that anti-social behaviour would actually increase.

Response: Officers do not consider this to be reasonably likely, nor has the Police Architectural Liaison Officer raised this concern.

- Claims to invoke guardian of the Monument, as per section 12 of the Archaeological Areas Act 1979 for this monument listed as 1005806.

Response: This is a legal matter outside the remit of the planning system.

- Concerns regarding conditions on the previous application and their enforceability.

Response: Officers do not consider that the conditions, as applied to the previous application, were unenforceable.

- Objections over the timeframe of the application, including how long it has been under consideration by the Local Planning Authority. Because of how long it has been under consideration, it should be refused.
- The scheme is out of time and the current package of information cannot be relied on. The application should be withdrawn is possible.
- Concerns regarding the longstanding nature of this proposal and the lack of public engagement. The 2018 application should never have been approved and the 300+ comments from the 2018 applications should be added to this application, as there are substantive matters that have not been addressed.

Response: Government policy states that no planning application should spend more than a year with decision-makers. As noted in representations, the current planning application has exceeded that timeframe, however the council is still able to lawfully determine it and an extension of time (to the life of the application) has been agreed with the applicant. In terms of the supporting information provided, while aspects of it are noted to be several years old, officers are satisfied the conclusions remain valid.

- The building layout internally with a single restaurant suggest that the likely business model will be for function or volume catering use, not just supporting casual / family visitors to the site. If this is the case, then the operators will be seeking to maximise high volume usage and occupancy for example at weekends or functions in the evenings which will create significant additional pressure points in terms of private clients to the detriment of others.
- The application just increases the levels of harm, due to increased parking, higher levels of footfall, increase in the size and location of the building, the construction of new infrastructure, high levels of lighting, additional drainage etc.

- 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?

Response: This is currently unknown and will be a matter for the council (as landowner) and applicant to consider, should the application be approved. A condition for a Construction Management Plan is recommended to ensure construction activities are planned and executed safely and with as low an impact as possible.

- What impact would the application have on climate change.
- Is this a carbon neutral build and are they using sustainable materials? Where is the original stone from the old building and is this to be incorporated into the build?

Response: The climate impacts of the proposal are considered within paragraph 10.48 – 10.51 of this report. The development has not been proposed as carbon neutral nor have any details of the original stone been provided.

- Concerns over the longevity and viability of the proposed commercial development, and question what would happen if economic issues force it to close. This would result in the loss of the public benefits and leave a vacant building.
- The Wheawill & Sudworth review identifies uncertainties with the applicant's submission, including;
 - the general viability of entities operating in the leisure and hospitality sectors and, for the specific development:
 - take up and sustainability of customer demand and spend relating to the CHVC facilities, plus
 - lack of clarity regarding current funding

Response: The viability of the business has been considered within paragraphs 10.36 – 10.41 of this report. The uncertainties details above were addressed following further details be provided by the applicant. In summary, there are concluded to be no fundamental concerns with the viability of the business, subject to the recommended obligations within the Section 106 agreement.

- 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).
- There is no indication on the plans as to where ventilation / extraction from kitchens etc will be facilitated and locating the cooking activity in a basement with no direct external access and fire escape seems very strange, would it be in compliance with building and fire egress regulations for catering establishments?

Response: The site formally hosted a building. There is therefore no fundamental concern that appropriate arrangements cannot be made to service the building. Regarding waste arrangements, a condition has been recommended for full details. Should additional plant be required, that is

materially different to the details proposed, either a variation or additional application would be required. In regards to compliance with building and fire egress regulations, this matter would be considered at Building Regulations stage or via other regulation.

- Historic England states that changes to the environment must be considered - noise, light pollution, urbanization, access etc, along with physical changes to the asset; many of these considerations have been ignored.
- Previously, when the pub was situated on the site, there was a significant problem with litter. It would seem highly likely that this will become a problem again.

Response: With appropriate site management by the applicant and/or council as land owner this is not considered a fundamental concern that would weigh against the proposal.

- Concerns over the amenity of the proposed accommodation which is considered poor. This will make it unattractive to use that will harm the site's viability.

Response: The amenities of the proposed guest rooms may be limited by their lack of a view over the existing earth mounds; however, the applicant has advised that these rooms would double as seminar and breakout meeting spaces, and – should they be used for overnight stays – guests are likely to primarily be customers of the restaurant/café/bar. The applicant's intention is not to create a destination hotel.

- The area has been without a building for so long it should now be left for nature that has already started to take over. The environment should be left natural for people to enjoy. If a small building was to be built containing toilets and a small cafe for visitors I would not object to but it is a historical area and a large modern building built only for profit is not essential and would be out of place.
- A far simpler solution is required, potentially involving licensing of 'pop-up' mobile venues (for busy times of the year) and installation of porta-loos secured at the time the security gate is locked and re-opened. These days, information on personal mobiles is what visitors expect - which could be produced using material held in Tolson Museum.
- 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).

Response: These comments are noted. Officers are assessing the proposal as submitted and cannot comment on potential alternative schemes. For the reasons set out within this assessment, the development as proposed is considered to be acceptable.

10.166 In regards to comments from members, as detailed in paragraphs 7.8 – 7.10, it is considered that the points and concerns raised have been addressed throughout this report and in response to the above representations.

11.0 CONCLUSION

- 11.1 The application site is the subject of several designations in the Local Plan which, together with the site's prominence (in terms of visibility, its local significance and status, and its role in the consciousness of local people), constitute significant constraints on development. Most importantly in terms of designations, the site is within the Green Belt, is part of a Scheduled Ancient Monument, and is within the setting of a listed building.
- 11.2 The proposed development is inappropriate in, and is by definition harmful to, the Green Belt. The proposed development would also harm the setting of heritage assets, and would introduce main town centre uses to a site outside a defined centre. However, the public benefits of the proposed development (including in relation to the provision of WCs and an interpretation room) detailed within paragraphs 10.25 to 10.35 carry sufficient positive weight in the planning balance to outweigh this harm and non-compliance with relevant planning policies. NPPF paragraph 153 has been adequately addressed, as all harm resulting from the proposal is clearly outweighed by other considerations.
- 11.3 The design of the proposed development is considered acceptable, as are the applicant's proposals in relation to access and parking, and other relevant matters have been sufficiently addressed or can be addressed at conditions stage.
- 11.4 The proposed development is largely the same as that approved under application 2018/93591. National government expects Local Authority decisions to be consistent in their assessment and decision. A Local Planning Authority should only depart from past decisions if cogent reasons exist.
- 11.5 The proposal's differences to 2018/93591, as detailed in paragraph 2.4 – 2.6, are minimal. Furthermore, there have been no recent changes in the local environment that would impact the assessment made. In terms of policy, the Local Plan 2019 remains the same Development Plan as when 2018/93591 was determined. While aspects of the Local Plan are now considered out of date, none of those are of principal relevance to the current application. The National Planning Policy Framework has gone through several revisions, however, none of the changes are considered to affect the assessment of the current proposal.
- 11.6 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.7 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS

- 12.1 With the exception of conditions 8 and 26, the following draft recommended conditions are a repeat of all but one of the conditions imposed on the previous permission referenced 2018/93591. They have, however, been re-ordered, to comply with current guidance on the order of conditions, and updated where necessary.
- 12.2 Condition 8 is a new condition, for the reasons set out in paragraph 10.444, and its inclusion reflects modern practice. Condition 26 requires the submission, approval, and implementation of a car parking management plan, in accordance with K.C. Highway's recommendations.
- 12.3 Previous condition 29 has not been repeated as originally imposed. This condition required that a strategy for 10% biodiversity net gain be submitted, approved, and implemented. Such a dedicated condition is no longer required because, as set out in paragraphs 10.146 – 10.151, its function has been replaced by the Biodiversity Gain Plan condition automatically imposed on all non-exempt development by the Environment Act 2021. A standard informative note relating to this is, however, recommended.

Draft conditions

1. The development hereby approved shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Any imported soil used in the construction or landscaping of the development hereby approved shall be archaeologically sterile.

Reason: To ensure the archaeological interest of the site is not diluted or contaminated and to accord with policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

4. In the event that contamination not previously identified prior to the approval of this planning permission is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

Prior to development commencing

5. Prior to the commencement of development (including ground works), details of the treatment of Public Rights of Way in and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include levels information, and details of construction, surface materials, and drainage. The development hereby approved shall be implemented in accordance with the approved details and the Public Rights of Way shall be maintained in that manner thereafter. Unless otherwise agreed in writing by the Local Planning Authority, until such time as the legal diversion of the Public Rights of Way have been formally confirmed and the approved diverted routes have been completed, the existing line of the Public Rights of Way shall remain available for use.

Reason: To ensure diverted and otherwise affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

6. Prior to the commencement of development hereby approved, a written scheme of archaeological investigation (WSI) shall be submitted to approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of (a) competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

The development shall be carried out in accordance with the WSI so approved.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework. This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

7. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include:

- pre-development road condition surveys (the extent of which shall be agreed in writing with officers prior to the surveys being carried out);
- condition surveys of the passing places referred to in condition 8 (once constructed);
- a timetable of all works;
- details of any phasing of development
- details of point(s) of access for construction traffic;
- details of construction vehicle sizes and routes;
- times of construction vehicle movements;
- details of parking for construction workers;
- details of construction-phase signage;
- details of wheel washing facilities within the site;
- details of dust suppression measures;
- hours of works;
- details of measures to control noise and vibration from construction-related activities;
- details of any artificial lighting to be used during construction; and
- details of any additional measures required in relation to cumulative impacts (should construction be carried out at other sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys (including surveys of the passing places referred to in condition 8) and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out no less than six weeks following the completion of all construction works related to the development.

Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

8. Development shall not commence until (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities, to be informed by an up-to-date ecological assessment;
- b. Identification of “biodiversity protection zones”;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

9. Prior to the commencement of development, a scheme detailing passing places (as shown indicatively on drawing 005 rev. A), traffic calming, and associated works to the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, details of surface finishes and any white lining and signing, an independent safety audit covering all aspects of this work, details of the delivery of the scheme under an appropriate Section 278 approval, and details of the adoption of the scheme under an appropriate Section 38 approval. The scheme shall include all aspects of temporary traffic management, a schedule of works, and safety arrangements for all users of the public highway. Unless otherwise agreed through a Discharge of Condition application all construction work shall be carried out in accordance with the approved scheme. Unless otherwise agreed through a Discharge of Condition application, no works shall commence on the development hereby approved prior to the completion of the passing places in accordance with the approved scheme and the restaurant/café/bar use hereby approved shall not be brought into use prior to the full implementation and adoption of the approved scheme (including the carrying out of any repair to the passing places caused by damage during construction and deemed necessary by the Local Planning Authority).

Reason: To ensure adequate access is provided to the development hereby approved, in the interests of highway safety and amenity, to encourage the use of sustainable forms of transport, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24, LP35 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

10. Development shall not commence until a scheme detailing foul water, surface water and land drainage (including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and details of any existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance and management plan for surface water infrastructure. The development hereby approved shall not be brought into use until such approved drainage scheme has been provided on the site to serve the development and the drainage scheme shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

11. Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development hereby approved and shall be retained throughout the lifetime of the development.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

Prior to the commencement of superstructure works

12. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the development hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of management measures and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, to assist in achieving sustainable development, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Prior to the commencement of superstructure works, details of secure, covered and conveniently-located cycle parking for use by staff of and visitors to the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of superstructure works, details of interpretation boards to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed interpretive text and images, details of materials, and details of maintenance and measures to deter vandalism. The interpretation boards shall be installed prior to the development hereby approved being brought into first use and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring the public benefits of the development are secured, in the interests of visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

15. Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use prior to the full implementation of the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer and more secure location, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples (including a stonework sample panel, demonstrating laying pattern and mortar depth) shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Prior to the commencement of superstructure works, details of the roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm sheet sizes and laying pattern, and shall include details of seams, fixings, eaves, flashing, rooflight detailing and chimney detailing. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of superstructure works, details of the windows and rooflights of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations drawn at 1:20, sections/plans drawn at 1:5, details of opening mechanisms and details of measures to reduce glare and light pollution. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Prior to the commencement of superstructure works, notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of any boundary treatments, and any retaining walls and structures, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Prior to the commencement of superstructure works, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of amenity, crime management, ecological protection, visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24, LP30, and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any planting that is removed, dies or becomes diseased or damaged within the first thirty years from completion (in which case, the planting shall be replaced in the first available planting season with (a) specimen(s) of the same species and size as the original planting);
- A Landscape and Ecological Management Plan (LEMP); and
- Details (including samples, if requested), of paving and other hard surface materials.

No part of the development hereby approved shall be brought into use until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24, LP30, LP32, LP33, LP35 and LP47 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

Prior to specific trigger

22. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include one Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated parking spaces. The development hereby approved shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure staff of and visitors to the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

Prior to use

23. In the event that condition 4 requires the submission of a Remediation Strategy, following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy and a Validation Report in respect of those remediation measures has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

24. The restaurant/café/bar use hereby approved shall not be brought into use until the WCs and interpretation room are fully operational and open to the public in accordance with a management plan to be submitted to and approved in writing by the Local Planning Authority. The WCs and interpretation room shall thereafter be open to the public and managed in accordance with the management plan so approved.

Reason: In the interests of ensuring the public benefits of the development are secured in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

25. Prior to the development hereby approved being brought into use, details (including construction details and specifications, and details of surfacing, edging and drainage) of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the details so approved prior to the development hereby approved being brought into use, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

26. Prior to the hereby approved development being brought into use, a car park management plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details of the supervision and marshalling of the car park at peak times on a weekend. The plan so approved shall be implemented before the development is brought into use and retained thereafter.

Reason: To ensure due regard is given to the planning and implementation of appropriate parking management, in the interests of highway safety, in accordance with LP21 and LP22 of the Kirklees Local Plan.

Ongoing requirements

27. The restaurant/café/bar use hereby approved shall not be open to customers outside the hours of 08:00 to 23:00 on any day of the week.

Reason: To ensure that the restaurant/café/bar use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

28. The development hereby approved shall not be used for wedding receptions or other functions without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

29. School classes and other groups travelling to the site by coach shall only visit the site on Mondays to Fridays, and shall not visit by coach on Saturdays or Sundays.

Reason: In the interests of highway safety and amenity in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

30. On Saturdays and Sundays the total number of restaurant/café/bar customers (including customers using the outdoor terrace) shall at no time exceed 70 without the prior written approval of the Local Planning Authority, and all customers shall pre-book online.

Reason: In the interests of highway safety and amenity, and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP20, LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Other than where indicated on the drawings hereby approved, no external plant, signage, cables, plumbing, foul pipes, vents, burglar alarm boxes, satellite dishes, CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to maintain the setting, appearance and significance of heritage assets in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

Background Papers

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/93494>

Certificate of Ownership

Notice served on:

- Kirklees Council
- Historic England