



Statement on Sequential and Exceptions Tests for
the proposed demolition of existing redundant mill
premises and the erection of 55 dwellings with
associated parking and open space at Cellars
Clough Mills, Manchester Road, Marsden, HD7
6NB

Job Ref; SHF. 1330.PL002

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For;

Cellars Clough Properties Ltd



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Statement on Sequential and Exceptions Tests for the proposed demolition of existing redundant mill premises and the erection of 55 dwellings with associated parking and open space at Cellars Clough Mills, Manchester Road, Marsden, HD7 6NB

Project:	Statement
For:	Cellars Clough Properties Ltd
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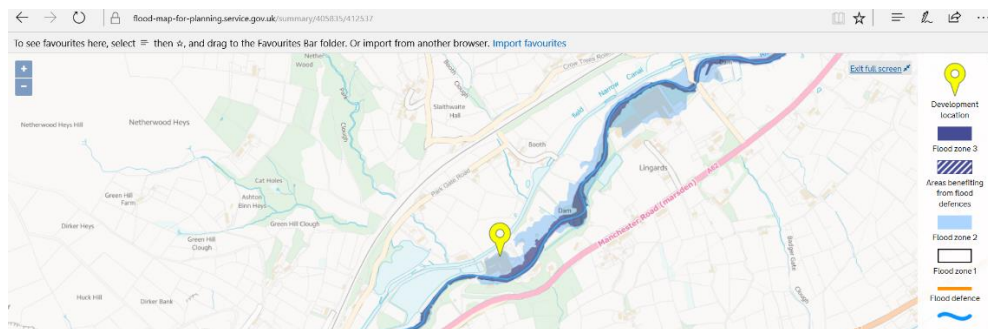
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1 Introduction

1.1.1 This Statement has been prepared by **Enzygo Environmental Planning Consultants** on the instructions of Cellars Clough Properties Ltd to support a planning application for residential development at the former Cellars Clough Mill site, Marsden, Huddersfield.

1.1.2 The planning application was submitted to the Council in May 2016 (Application Reference 2016/91573). The application followed a substantial period of pre-application discussions with the Council and was accompanied by a series of reports as listed in the Supporting Planning Statement.

1.1.3 The site falls within Flood Risk Zone's 1, 2 and 3 as identified by the Environment Agency Flood Risk Map below with the majority of the site falling within Flood Zone 2.



1.1.4 Throughout the extensive pre-application phase, Planning Officers indicated that they would not be looking for a Sequential Test report given the clear regeneration benefits that would flow from the proposed redevelopment of the site. However, post submission of the application, the Officer who had been involved extensively at pre-application stage left the Council and a new Case Officer took over.

1.1.5 Following consultation on the application several issues were identified and amendments to the scheme requested. Notwithstanding previous advice on the

matter, the Case Officer asked that a report on the Sequential and Exceptions Tests be submitted for transparency, hence this report.

2 Sequential Test

- 2.1.1 Advice on the purpose of a Sequential Test is set out in paragraphs 100, 101 and 102 of the National Planning Policy Framework (NPPF) (2012). The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (para 101).
- 2.1.2 If, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding then the Exceptions Test can be applied. To pass the Exceptions Test it is necessary to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk and that a site-specific flood risk assessment has been undertaken to demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reducing flood risk overall (para 102).
- 2.1.3 The Council are currently preparing a new Local Plan to replace the Kirklees Unitary Development Plan (UDP) (1999). As part of the process, the Council have produced a Flood Risk Technical Paper (November 2016) showing how housing and mixed-use allocations have been identified taking into account flood risk. This identifies sites where part of the proposed allocation falls within Flood Zone 2.
- 2.1.4 Given the nature of the Cellars Clough site it is appropriate to only sequentially review comparable mill sites in the Colne and Holme Valley, adjacent to rivers where they are proposed housing allocations and where part of the site falls within Flood Zone 2. It should be noted that those sites proposed to be allocated for housing, where part of the site is in Flood Zone 2, identify that the Exceptions Test is not required because the 'More Vulnerable Use' is in Flood Zone 2.

2.1.5 In terms of a review of the Published Draft Local Plan Allocations document in looking for any comparable sites within the search area there are none comparable. The following two sites are however worth mentioning and rejecting.

Site Reference: H213 – Black Rock Mills Site, Linthwaite – This site is only comparable in terms of it being a former mill site. It is not in designated Green Belt and only a small part of the site falls within Flood Zone 2. It is much larger than the application site and identifies some 213 dwellings capacity. For these reasons, we reject this site as not being comparable nor available.

Site Reference: H816 – Perseverance Place, Holmfirth – This site includes land that is within Flood Zone 2 and 3. The site is larger than Cellars Clough at 2.43ha and predicts a capacity of 39 units on top of already completed development. It has been rejected as a potential housing allocation because development on the site is almost complete. It is arguably comparable to the application site (it is not in the Green Belt) but is clearly not available and therefore rejected.

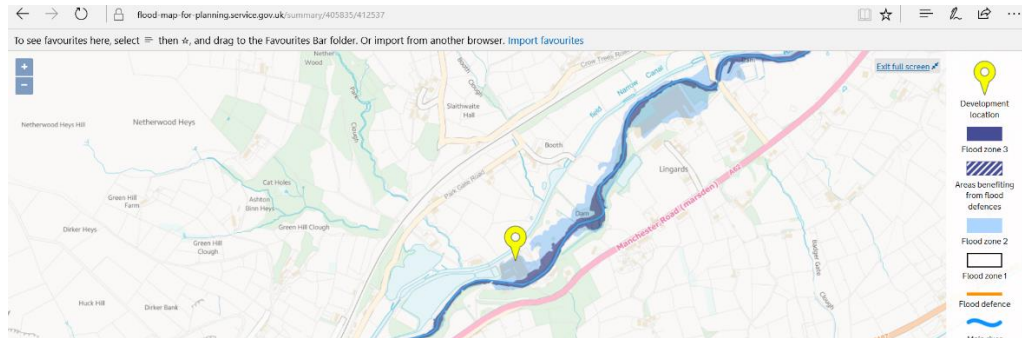
2.1.6 For reasons given above, there are no other comparable sites sequentially available in the search area.

3 Exceptions Test

- 3.1.1 Given that the built form of the development is now contained within an area falling within Flood Zone 1 and 2 and is classified as *More Vulnerable* development, an Exception Test is not required. That said, the development will see the regeneration of this former mill site with a sympathetic residential development that provides much needed housing on a brownfield site at a time when the Council are unable to demonstrate a 5-year housing land supply. The application has also been supported by a Flood Risk Assessment to demonstrate that the risk of flooding can be mitigated and improvements can be made. The development plan for the area includes the East Lindsey Local Plan (1995) (Amended 1999). The Council are in the process of preparing a new Local Plan to replace the ELLP. Planning applications should be considered in accordance with the development plan and any other material planning considerations. Advice in the National Planning Policy Framework (NPPF) published in 2012 is material to the consideration of this planning application. The golden thread running through the NPPF is a presumption in favour of *sustainable development*. We comment further on the NPPF later in this report.
- 3.1.2 For the above reasons, an Exceptions Test report is not required for the proposed development.

4 Conclusions

- 4.1.1 The majority of the built form of the proposed lies within Flood Zone 2 (see below). Only the gardens of dwellings facing the river fall within Flood Zone 3 and part of the car parking will be in Flood Zone 1.



- 4.1.2 There are no identified comparable sites sequentially available as detailed above. Redevelopment of this brownfield site in the Green Belt will assist in regenerating the area and providing much needed housing in the area.



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