Canal & River Trust

Friday 22 December 2017

Farzana Tabasum
Kirklees Metropolitan Council
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Our Ref CRTR-PLAN-2016-20703
Your Ref 2016/91573

Dear Ms Tabasum,

Proposal: Demolition of existing redundant mill buildings and erection of 55 dwellings with associated parking and access from Manchester Road.
Location: Cellars Clough Mill, Manchester Road, Huddersfield
Waterway: Huddersfield Narrow Canal

Thank you for your consultation on the amended plans for the above application.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the information. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

a) Impact on the heritage value of the waterway due to the proposed removal of the Mill buildings.
b) Flood risk due to the location of the site relative to Sparth Reservoir.
c) Impact on the structural integrity of the canal and culverted watercourse due to the proximity of the building works.
d) Impact on the character and appearance of the waterway corridor.
e) Impact on water quality.
f) Impact on the biodiversity of the waterway corridor.
g) Impact on the condition of the canal towpath.

On the basis of on the information available our advice is that suitably worded **conditions are necessary** to address these matters. Our advice and comments are detailed below:

Proposed demolition of Cellars Clough Mill
Cellars Clough Mill is a significant structure, which provides a distinctive backdrop to the character of the historic canal corridor. Paragraph 135 of the National Planning Policy Framework requires consideration to be given to the effect of development on non-designated

heritage assets, with a balanced judgement required with regards to the scale of any harm or loss and the significance of the asset.

The applicant has submitted a structural appraisal (by Spire Associates), which concludes that strengthening works and repairs to the building are needed. However, there is limited information provided as to the cost of any necessary works, and the viability of retaining the building. We therefore request that the Local Planning Authority considers whether sufficient information has been provided to enable it to conclude that retention of Cellars Clough Mill is not possible, and that the benefits of redevelopment outweigh its loss.

Sparth Reservoir

Sparth Reservoir is a large raised reservoir, the safety aspects of which are overseen by the Environment Agency under the Reservoirs Act 1975. Reservoirs are classified on a consequence of failure basis, where A has the highest consequence and D has negligible risk to life and little risk to property. Sparth Reservoir is a category A reservoir – where the potential effect of a dam breach could endanger lives in a community.

There is a requirement for the Local Planning Authority to evaluate the potential damage to buildings and loss of life in the event of dam failure when considering development downstream of a reservoir. Residual risk (including from dam breaches) needs to be assessed in site-specific flood risk assessments. This requirement is covered in National Planning Practice Guidance Paragraphs 014 (Reference ID: 7-014-2014-0306) and 042 (Reference ID: 7-042-20140306).

The Trust notes that an additional assessment of the flood risk from Sparth Reservoir has been included within the revised Flood Risk Assessment by Haigh Huddleston & Associates (paragraph 5.8.4). The Trust is satisfied with the revised assessment, which models the effect of a dam breach on the valley. This identifies that the site would be at a relatively low risk subject to reliance on the existing boundary wall.

The retention and ongoing maintenance of the existing boundary wall will therefore be critical.

The submitted structural survey by Spire Associates highlights that the boundary wall is out of plumb in most areas and shows signs of bowing and bulging (page 19). The poor condition of the wall may necessitate additional works to repair, strengthen or replace the existing structure to ensure that it will form an effective barrier to flooding and it is therefore essential that a detailed assessment of the condition of the wall is undertaken and that any necessary works identified are completed prior to occupation of the development. An ongoing management and maintenance regime will also be required to ensure that the wall can be relied upon to form an effective long term flood barrier.

We therefore request that the following conditions are included in any planning consent:

> **Prior to occupation of the development, a structural survey of the stone boundary wall between the site and the canal shall be submitted to and approved by the Local Planning Authority. The contents of the survey shall include an**

assessment of the present structural condition of the wall and include a detailed methodology for works to repair and replace the wall as necessary to provide an effective flood barrier in the event of a dam breach at Sparth Reservoir. The works shall thereafter be carried out in accordance with the approved details, and completed prior to the occupation of the development.

Reason: The boundary wall will act as a barrier to prevent flood water from entering the site in the event of a dam breach at the adjacent Sparth Reservoir. It is therefore essential to ensure that the wall is, and will remain, structurally sound and capable of acting as an effective barrier, in order to adequately mitigate residual risks of flooding from the reservoir.

Prior to the occupation of development, a report shall be submitted to and approved by the Local Planning Authority detailing measures to ensure the retention and ongoing management and maintenance of the stone boundary wall between the site and the canal. This shall include regular inspections and arrangements for undertaking necessary repairs to ensure its effectiveness for the lifetime of the development. Thereafter, the approved maintenance regime shall be carried out in accordance with the approved details.

Reason: The boundary wall will act as a barrier to prevent flood water from entering the site in the event of a dam breach at the adjacent Sparth Reservoir. It is therefore essential to ensure that the wall is, and will remain, structurally sound and capable of acting as an effective barrier, in order to adequately mitigate residual risks of flooding from the reservoir.

Impact on the Structural Stability of the Canal and Culvert from Sparth Reservoir
The canal is at a higher level to the application site and changes to ground levels and construction works (including vibrations and loading from machinery) in proximity to the canal have the potential to undermine the canal or damage canal retaining structures.

We therefore request that details of the extent of all excavation works (including foundation works) and a construction method statement should be provided prior to the commencement of development in order to ensure that there will be no adverse impact on canal infrastructure.

A culvert runs under the infilled mill pond within the application site. This is an essential run off from Sparth Reservoir to the river Colne and must be kept operational at all times. Whilst development is not currently proposed in the vicinity of the culvert it is important that it is protected during construction works.

These details could be reserved by condition. Proposed wording is provided below:

"Prior to the commencement of development, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the proposed foundations, any

excavation works and the siting of any construction equipment or stockpiling of materials on site and include measures to demonstrate how the structural integrity of the canal infrastructure shall be protected during the course of the construction works. Construction shall thereafter be in accordance with the approved details."

Reason: In the interests of protecting canal infrastructure and ensuring the stability of the adjacent canal embankment, in line with the requirements of paragraphs 109 and 121 of the National Planning Policy Framework.

Impact on the Character and Appearance of the Waterway Corridor
The colour and texture of any new material will have an impact upon the setting of the waterway. Efforts should be taken to ensure that materials are of a suitable quality and would tie in with the historic character of the local area. The provision of detailed information on the external materials should be reserved by condition.

The provision of quality materials would be in accordance with the aims of saved policies BE2 and R18 from the replacement Kirklees Unitary Development Plan, which respectively require proposals to be in keeping with surrounding development; and requires development adjacent to canals to take account of the character of the waterside environment and the heritage value of the site and its surroundings.

Impact on Water Quality
There are risks that contaminants on site could enter the canal if not adequately quantified and mitigated against. There is a need to ensure that pollution does not reach the wider environment in line with the aims of paragraph 109 of the National Planning Policy Framework. The submitted phase I desk study identifies that there is a low to moderate risk of ground contamination, and recommends that additional works are undertaken as part of a Phase II investigation. We therefore request that the recommended phase II and associated remediation strategy should be carried out prior to the commencement of development, and include an assessment of the potential pollutant pathways to the canal. The provision of these details could be reserved by condition.

Impact on Biodiversity
Details of any external lighting should be provided prior to the completion of the development to minimise impact on local bat populations. Details should include the siting, direction and luminance of any external lighting to be installed. These details could be reserved by condition.

Impact on the adjacent towpath
Planning permission was approved in 2008 (ref:2007/93456) for the conversion of the mills to form 101 dwelling units and 9 live/work units and renewed in 2011 (ref:2011/91795) including condition 18 (worded as a Grampian style condition) specifying:

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No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until the arrangements and a timescale for the provision of a scheme to reduce car dependence and encourage / improve the use of non-car modes of transport have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
(a) … improvements to the surfacing and drainage of the canal towpath in the vicinity of the site.'

Reason: In order to encourage reduced dependence on the car in the interests of sustainability, by ensuring the development is accessible by a range of non-car modes of transport; and to accord Unitary Development Plan Policies T16 and T17.

This condition is still relevant to the current scheme as the need to promote the use of towpath as a sustainable transport route would be consistent with saved policies T16 and T17. Fishers footbridge, adjacent to the site, offers a direct access to the canal towpath, which provides a traffic free route to Marsden, the closest town to the site. It also provides a recreational resource for walking and cycling in direct proximity to the site. The proposed development would introduce a significant population to the area, which could substantially increase the usage of the towpath and improvements to ensure that the towpath is capable of accommodating such use should therefore be considered in order to encourage its use and reduce car dependency.

We therefore request that a Grampian style condition with wording to the effect of previous permissions on site is utilised, or that a legal agreement is sought for a contribution towards improvements to the towpath. We believe that such a request would meet the statutory tests for planning obligations: being necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. We would welcome the opportunity to discuss this further.

The proposed scheme, in proximity to the canal, would need to accord with the Trust's Code of Practice for Third Party Works. We therefore request that, if planning permission is approved, the following informative is included with the decision notice I:

> "The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust"

For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

If you have any queries please contact me, my details are below.

Yours sincerely

Simon Tucker MSc MRTPI
Area Planner
Simon.Tucker@canalrivertrust.org.uk
07885 241223