



Butt End Mills

Supporting Planning Statement

**Demolition of Existing Building and Erection of New
Commercial Units**

Introduction

This statement has been prepared by **AKPlanning** in support of an application for the demolition of an existing mill and factory and erection of 5 new commercial units by T V Co. Partnership. This statement will identify relevant planning policy, describe the proposal and conclude on the acceptability of the development.

A pre-application submission was made to the local Planning Authority (LPA) and a response was provided on the 20th September 2019. This response has guided the content of this supporting planning statement.

Site History

The site obtained outline planning permission in 2001 for residential and employment development with access. The application covered a larger area than this proposal, it was granted at appeal and remains relevant with conditions being discharged in 2009 and 2012 and commencement on adjacent land.

Application Documents

In support of the application the following are submitted: -

1. Full plans
2. Flood Risk Assessment (FRA)
3. Transport Statement/Travel Plan
4. Tree Survey and Ecology Report
5. Phase 1 Contamination Report
6. Sequential Test
7. Acoustic report
8. Air quality report

Site Location and Description

The site is shown on the aerial view below shaded red: -

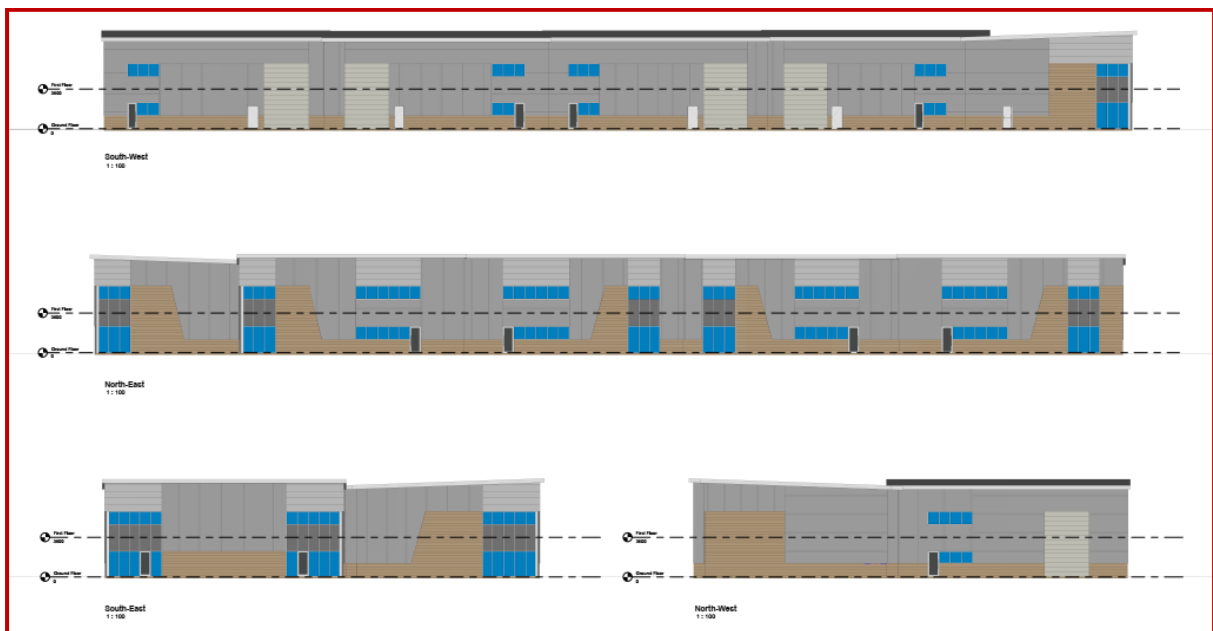
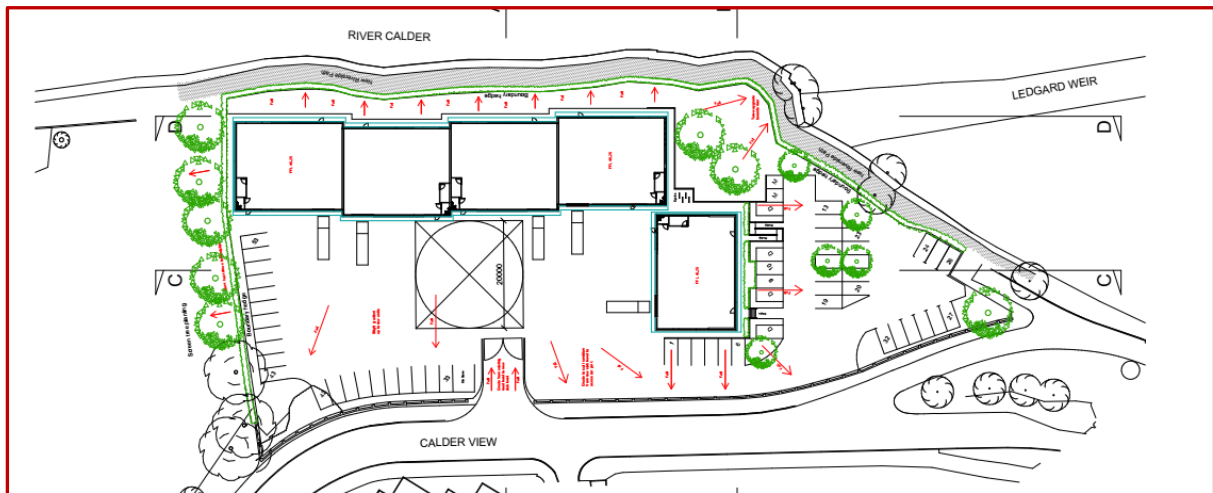


Butt End Mills is an irregular shaped old stone mill building of various heights. The building (former factory) to the north of the site has recently been demolished.

There is an area of trees, a small area of grass and several hardstandings.

The Application

It is proposed to demolish Butt End Mills and erect 5 new units as shown on the plans below: -

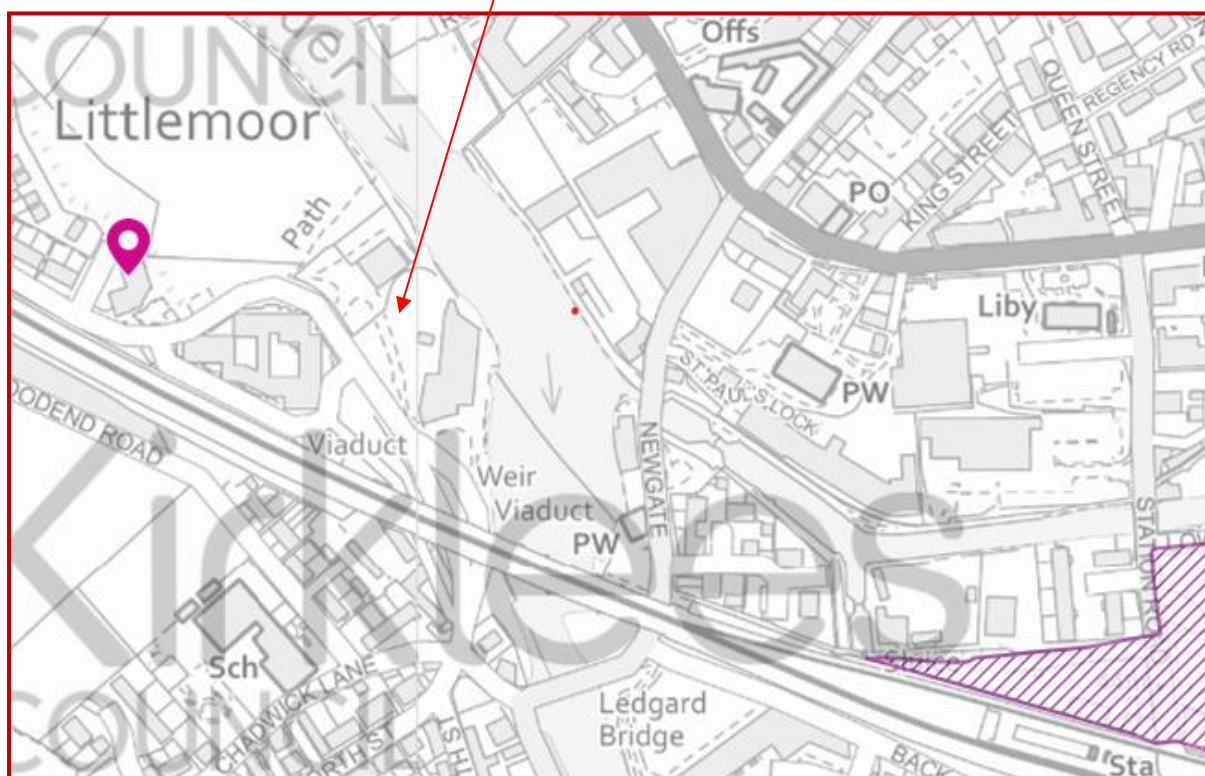


Relevant Planning Policy

The pre-application advice identified 9 chapters of the National Planning Policy Framework (NPPF) and 17 Local Plan Policies of relevance. Whilst we agree that these are all relevant many cover similar issues, and some are only peripheral. So that this report is concise we intend to concentrate on the most relevant policies.

Principle of Development

The site is unallocated on the Local Plan as shown on the extract from the proposals map below: -



The site does however have an established industrial/commercial use being occupied by Butt End Mills and the former factory. In principle therefore the continued commercial use and development of the site is acceptable.

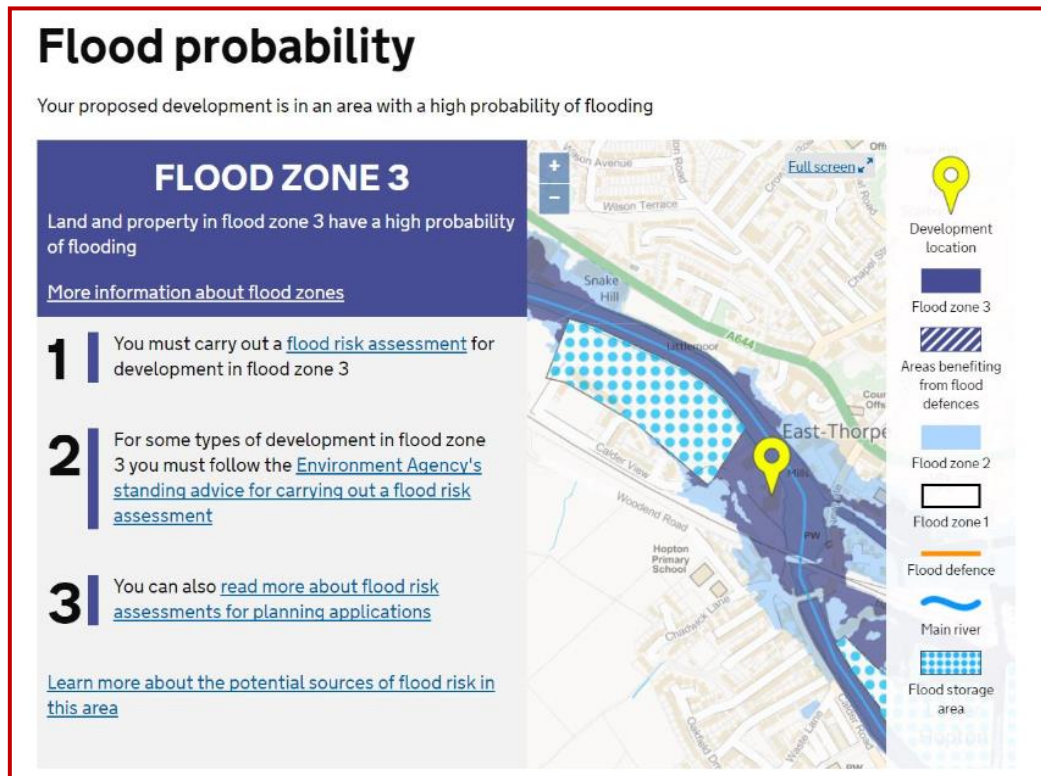
Paragraph 80 of the NPPF supports this: -

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...

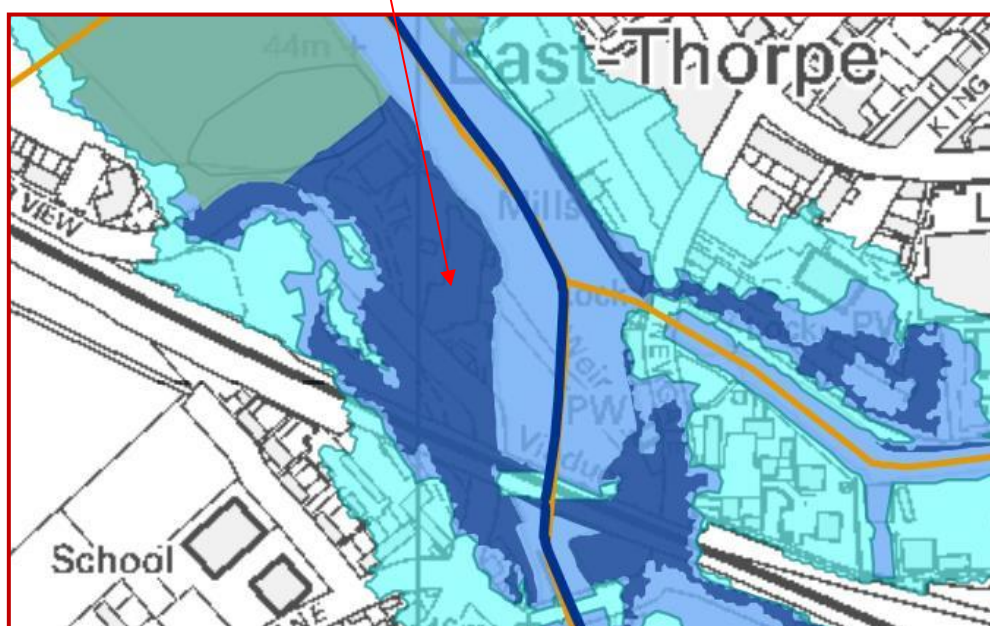
The Local Plan does seek to retain existing business premises within employment priority areas and as a principle this transfers to the site if other material factors do not prevent development.

Flood Risk

The site lies within Flood Zone 3 of the Environment Agency (EA) maps. The Strategic Flood Risk Assessment (SFRA) identifies the site as functional floodplain (Zone 3b). Furthermore, it makes the distinction that the site is previously developed land and classifies it as Flood Zone 3ai (as does the Local Plan). The EA map is shown below:



The SFRA map showing Flood Zone 3ai is shown below: -



Policy LP27 of the Local Plan is relevant and provides the following advice: -

Policy LP27 Flood risk

Proposals for development which require a Sequential Test in accordance with national planning guidance will need to demonstrate that development has been directed to areas at the lowest probability of flooding, following a sequential risk based approach. The whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed. If following application of the sequential test, there are no reasonably available sites which could accommodate the development in zones with a lower probability of flooding, it should also be demonstrated that a sequential approach has been applied within sites. This is to ensure that highly vulnerable and more vulnerable uses are directed towards the areas of lowest flood risk within the site. Proposals will also need to demonstrate that the exception test is passed, where applicable, as set out in national planning policy.

Proposals within flood zone 3ai will be assessed in accordance with national policies relating to floodzone 3a but with all of the following additional restrictions:

- a. no new highly vulnerable or more vulnerable uses will be permitted;*
- b. less vulnerable uses may only be permitted provided that the sequential test has been passed and;*
 - i. where extensions are linked operationally to an existing business or,*
 - ii. where redevelopment of a site provides buildings with the same or a smaller footprint;*
- c. all proposals will be expected to include flood mitigation measures such as compensatory storage which should be identified and considered through a site specific Flood Risk Assessment;*
- d. development will not be permitted on any part of the site identified through a site specific Flood Risk Assessment as performing a functional floodplain role. Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed. Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts,*

modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state. Proposals for natural management such as targeted vegetation planting in upper catchments and along river banks will be supported in appropriate locations where consistent with national and local plan policies and relevant water catchment management plans to reduce flood risk and improve water quality.

Standing advice is that a sequential test is required for development in flood zone 3. If the sequential is passed an exceptions test can then be applied, this has to be accompanied by a flood risk assessment (FRA).

We have carried out a sequential test in accordance with the pre-application advice. The sequential was passed. We therefore provide an exception test below.

Exception Test

A flood risk assessment (FRA) has been undertaken by Haigh Huddleston. The conclusions to that report are that the development can be completed without risk to people on site and without creating flood risk elsewhere. We have demonstrated, through the FRA, that the development will be safe for its lifetime.

There are also significant sustainability benefits to the proposals. The NPPF states that there are three objectives to achieve sustainable development, it states: -

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

With regard to economic and environmental objectives the proposal has the following benefits: -

Economic Objectives

It is proposed to create 5 new commercial units to replace an existing old mill building. At the moment the space within the mill building is hard to let as the internal spaces are oddly shaped with various ceiling heights. Access into the building for goods is also difficult, most doors are not level. The mill was designed for a single specific use in a different era. It does not meet the needs of new businesses.

The new units will provide accommodation to modern standards for those businesses currently operating from the mill building, and to attract new businesses. This supports the economic objectives of the LPA and the NPPF which does state that significant weight should be given to supporting economic development.

There are three businesses in the current mill that would be relocated. They are Navigation garage, SK panel and paint, and Mirfield Tyres and batteries. The new units will secure the long-term future of these businesses and allow possible expansion.

Environmental Objectives

At the moment the existing building is at risk of flooding and there is no on-site mitigation against flood risk elsewhere. As outlined in the FRA the proposal will provide mitigation against flood risk elsewhere and will be protected from future flooding.

This represents a significant benefit to the environmental objectives of the Local Plan and NPPF.

Given the conclusions of the FRA and the significant sustainability benefits it is concluded that the exception test is passed.

Local Plan Policy LP27

LP27 imposes further policy tests on new developments within flood zone 3ai. These additional tests are considered below: -

Proposals within flood zone 3ai will be assessed in accordance with national policies relating to floodzone 3a but with all of the following additional restrictions:

- a. *no new highly vulnerable or more vulnerable uses will be permitted;*

The proposed use is classified as less vulnerable

- b. *less vulnerable uses may only be permitted provided that the sequential test has been passed and;*

The sequential test has been passed

i. where extensions are linked operationally to an existing business or,

ii. where redevelopment of a site provides buildings with the same or a smaller footprint;

The existing buildings have a footprint of 1689 sqm, the proposal has a footprint of 1662 sqm which accords with policy

- c. all proposals will be expected to include flood mitigation measures such as compensatory storage which should be identified and considered through a site specific Flood Risk Assessment;*

Flood mitigation is provided

- d. development will not be permitted on any part of the site identified through a site specific Flood Risk Assessment as performing a functional floodplain role. Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed. Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state. Proposals for natural management such as targeted vegetation planting in upper catchments and along river banks will be supported in appropriate locations where consistent with national and local plan policies and relevant water catchment management plans to reduce flood risk and improve water quality.*

The proposal is not to be built on functional flood plain and it reduces flood risk elsewhere

It is our conclusion that Policy LP27 is complied with.

All the National and Local Plan Policy tests have been complied with. It is therefore our conclusion that the proposed development is acceptable with regard to flood risk.

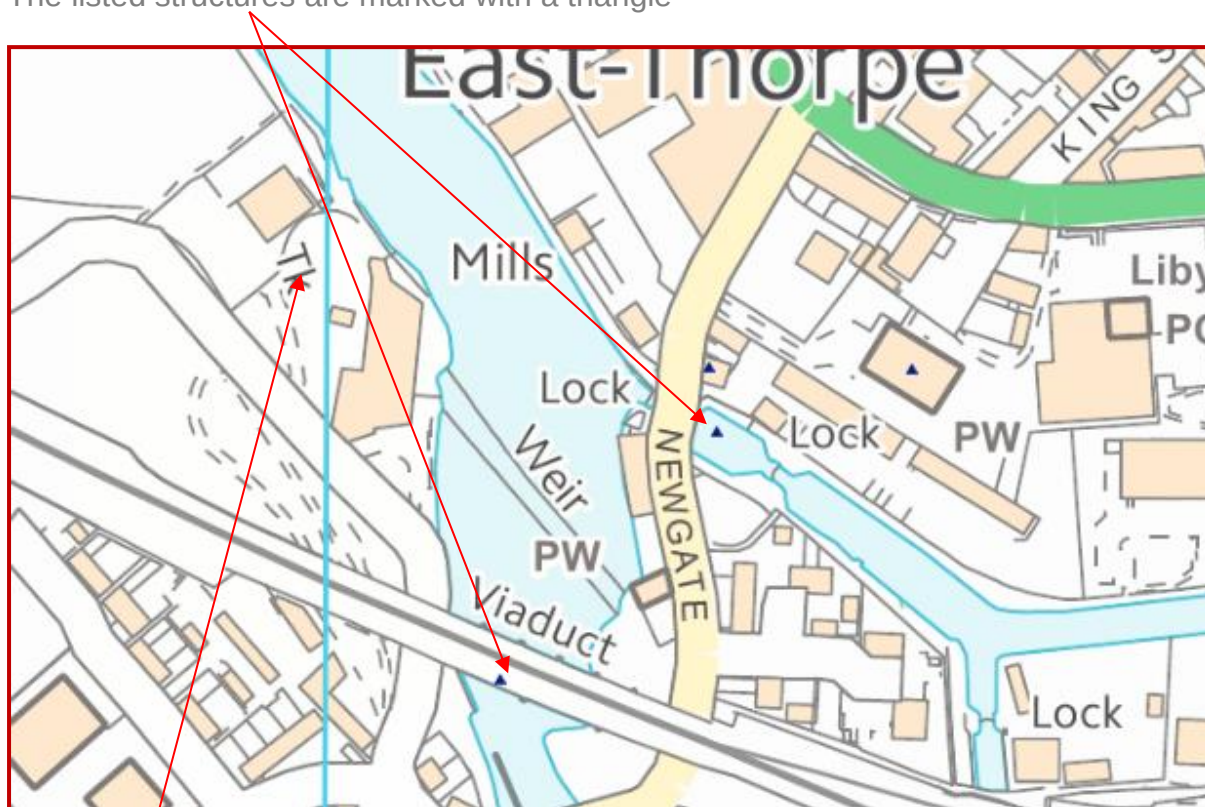
Highways

As requested in the pre-application enquiry reports have been prepared and are submitted with regards to highway safety. As this is a specialist area covered by third party reports it is not intended, within this statement, to cover this issue in detail. It is sufficient to state that the conclusions of the highway reports are that the proposals are not detrimental to highway safety.

Heritage

There are two heritage assets near to the site. The railway bridge to the south and the lock to the north east are Grade II Listed. Neither of these structures are physically affected.

The listed structures are marked with a triangle



The site is some distance from the listed structures.

The listing for the railway bridge states: -

Railway bridge. Circa 1840. Engineer George Stephenson, supervisor T. L. Gooch, for the Manchester and Leeds Railway. Rock-faced stone with rusticated dressings. Four segmental arches over river and a further five arches to west and two to east, all on bull-nosed abutments. String course at base of stone parapet. Later steel bridge on south side, not included in the item.

The listing for the Lock states: -

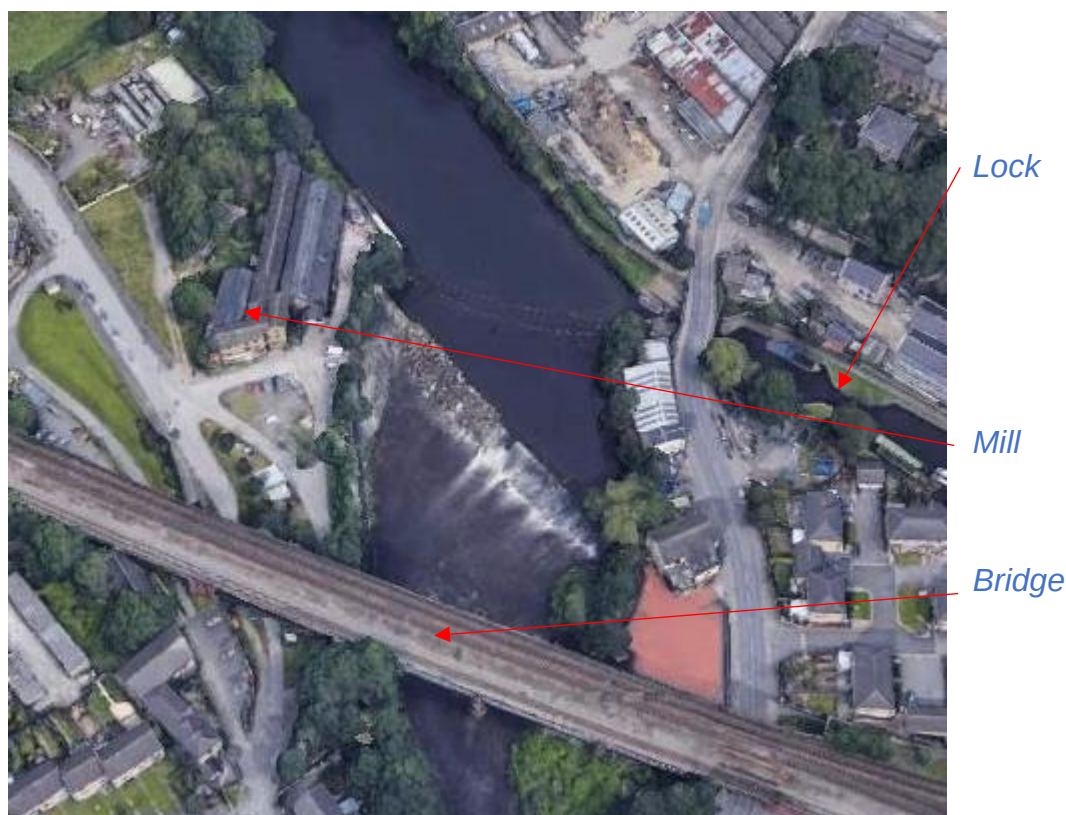
MIRFIELD UD CALDER & HEBBLE SE 21 NW NAVIGATION - MIRFIELD CUT 5/109 (Mirfield) Flood lock at Newgate Bridge G.V. II

Canal flood lock at junction with R. Calder. Circa 1776. Engineer John Smeaton. Stone sides and copings with some recent alterations. Setted towpath on north side. 2 pairs of wooden gates. The lock is large and forms a small basin. The south side of the basin has no wall. The bridge which springs from over the 1st lock has recent span and is not included in the item.

Both the lock and the bridge are connected to transport links that run east/west across the country. They are part of the services that allowed for the development of the woollen mills of Yorkshire and the cotton mills of Lancashire.

Butt End Mills was developed in the mid 19th Century, around the time that the railway was developed.

There is no physical interaction between the mill and the two identified assets. The impact relates to their setting. That impact is in two parts; the loss of the mill and the erection of new buildings. The aerial view below shows the physical relationship between the mills and the two assets.



Given the spacing the interaction between the site and listed structures is limited. The bridge is a very substantial structure and dominates its surroundings. The lock is more restricted in its influence being much smaller.

It should be noted that there has been recent development adjacent the lock and residential development near the bridge.

Whilst there is a visual relationship between the application site and the listed assets, it is limited. There is also a historical connection, especially with the railway. This historical connection is seen with a lot of mill developments and is not uncommon.

It is our conclusion that the relationship is limited and not so important so as to have a detrimental impact on the assets.

This opinion was backed up at pre-application stage when advice was received that the demolition of the mill would be acceptable if appropriate information regarding flood risk, structural integrity and economic viability were submitted. This has been done.

The new buildings are to be sited as shown below: -



The views from the south are affected as the site will be seen behind the railway bridge. However views of the bridge itself will largely be unaffected. It is therefore our opinion that the new development will have limited impact and be no worse than nearby new residential development.

The overall effect on the heritage assets is limited to minor impact on their setting and is not a reason to refuse this application.

Design

A separate Design and Access statement is submitted. The design is modern and has taken into account the views from the walkway by the river. It is our opinion that it is acceptable as new development within the context of this site and its surroundings.

Ecology

A tree survey is submitted with the application and conclusions are reached with regards to ecological value. The proposals take into account these conclusions.

Contamination

This is assessed in a separate report, the findings are that development can be carried out satisfactorily.

Drainage

A satisfactory drainage strategy is provided in a third-party report.

Conclusions

The basis of this application is the demolition and replacement of an old out of date and unsuitable building with 5 new commercial buildings. This investment will support existing and new businesses and it will alleviate existing flood risk. Submitted with the application are detailed reports on flood risk, highway impact and all other technical matters. The supporting information concludes that the development complies with all technical requirements.

Ultimately the proposal removes the risk of flooding to businesses on site, reduces flood risk elsewhere and supports economic objectives within policy. It also provides a betterment to the appearance of the area. The proposals have many positive benefits.

All policies are complied with and it is our conclusion that planning permission should be granted.

*AKPlanning
147 Lane Top
Linthwaite
Huddersfield HD7 5SG*

*Contact: Andrew Keeling
E-mail: andrew@akplanning.co.uk
Mobile: 07500965645*



RTPI

Chartered Town Planner