

Planning Applications – Sandholme Mill Site off Commercial St

1. 12/00118/FUL – Granted on 8 June 2012

The first planning application was from Mardan Products Ltd. Which produced acrylic display products.

The proposed redevelopment was to be in 2 phases with an:

- In-part refurbishment and renovation of existing walls to Rochdale Canal frontage and Key Sike Lane.
- Demolition of the chimney and the erection of new buildings.
- Renovation of an existing 2 storey stable block.
- Demolition of remaining existing mill buildings including the chimney.
- Development of a new factory unit to be first floor offices.
- Development of new factory units for B1, B2 and B8 use.
- A new service yard and parking area.

Plans included a reduction in existing internal floor space from 3290msq to 2100msq. The plans included parking for 12 cars and 3 cycles (block paving). The materials to be used were to be stone walls with grey painted metal cladding and roof.

The site was assessed as being in a flood risk area. It was proposed that surface water should planned to go into main drain.

Calderdale approved the application include the following conditions:

- Works must start within a period of 3 years starting on the date permission was given
- Details of the demolition, excavation, foundations should be submitted before demolition begins.
- Archaeological recording takes place.
- Works not to start until details of drainage (surface water and foul) have been approved and, in particular, the plans for restraining the drainage of surface water.
- Development must take place in accordance with the provisions of the FRA.
- Floor levels must be no lower than 122.97-123.47 above Ordinance Datum.
- The materials/finishes to be agreed.
- Noise control at each phase of development.
- Permeable surfaces.

Flood Risk Assessment

- Site has been assessed as 100% impermeable – 2883sqm.
- The existing run-off rate is 34.1% l/s's.
- The site is in flood risk zone 3 (1 in 100 years) and classed as low vulnerability and therefore development can be considered as appropriate.
- The main risk of flooding is overland flow and because of intensity of buildings on the site and surrounding areas there is a possibility of between 1.5 - 2 metres flood on neighbouring roads during a major flooding event.
- There is a man-made flood defence wall nearby.
- It is proposed to raise the unit by 400mm to 122.975 AOD. As the footprint of the site will be smaller.
- The units are proposed to be at the current level and so less water displaced.

- Each unit will have a first floor which could be used as a refuge in the case of flooding.
- Calderdale requested 30% reduction in discharge rate (in line with Pitt Report recommendations) to 22 l/u's
- 22 l/u's and storage requirement of 54sqm – 112sqm. This could be achieved by oversized pipes or attenuation tanks and flow restricted by a Hydrobrake and could be located under the hardstanding of the development.
- As the development would not increase the amount of surface water, this could be mitigated against (including a refuge area and flood risk announcements).
- There is a possibility of 0.995m of flooding in the yard from the Calder if it floods and this could enter the site buildings. The site was flooded in the flood event of 2000.
- It is estimated that rain intensity and river levels could rise by up to 20% by 2085.
- It is suggested that the site can be developed.

Heritage Assessment

Mardan Products occupied the mill from 1989. The original mill dated back to 1830. The site is in the Conservation area but the buildings are not listed but provide the setting for the listed Key Sike Bridge.

It is proposed to retain the archway of the original loading entrance on Commercial St to retain reference to its industrial heritage.

2. 15/00443/VAR/FUL – Granted

Variation sought to conditions in 12/00118/FUL, around hours of work on the site and sound levels, received 1 April 2015 from builder Mr R Schofield.

Objections received included:

- A bat check has not been done
- Loss of light and views
- Noise and light pollution
- Subsidence issues
- Parking and access issues
- Impact on property values (this is not a material planning consideration)
- Todmorden Town Council have been consulted and have not commented on the application.

The principle of the proposed development was established in the approval of application 12/00118/FUL, which has been implemented and is now extant. The principle of development is therefore considered to be acceptable.

Procedural Note - It was noted that application 12/00118/FUL was approved on 08 June 2012, with a time limit for commencement of 3 years. A site visit was undertaken in June 2015, at which it was evident that works had begun and it was considered that the scope of these works constitutes a meaningful start. The planning permission was therefore considered to have been implemented. It is acknowledged that in June 2015 not all pre-commencement conditions had been discharged prior to works commencing. However, the pre-commencement conditions have since been discharged and, applying the 'Whitley Principle' it was considered that the development that had taken place constituted a lawful implementation of permission 12/00118/FUL and that permission was extant.

3. 18/00115/FUL – Decision Pending

Design and Heritage Statement

The current owner of the site (and applicant) has been unsuccessful in securing a future occupier of the site, which is solely attributed to a lack of demand for the layout and size of units that were originally intended to suit the specific end user requirements of the former site owners.

To the east of the site Commercial Street ends in a dead end at the gate to Weir Minerals Europe Ltd. Their buildings are high, two storey pitched roof structures clad in brick to first floor level with grey colour coated metal cladding above. The northern side of Commercial Street is occupied by Victorian terraces of 2 storey housing built in coursed stone. A spillway from the canal in to the River Calder which runs immediately to the north of the terrace runs below Commercial Street and through a break in the adjoining terraced houses. The former Kilnhurst Mill site to the west of the canal has been demolished to make way for residential development.

Description of Development: The new light industrial units will be constructed with a mono pitch roof which falls towards Commercial Street, thereby minimising visual impact on the residential terraced houses opposite. The siting of proposed Unit no's 1-6 also helps to provides both a visual and acoustic barrier to the external yard/circulation area of the proposed development. The use of steel portal framed structures will provide an internal floor space free of columns and externally, artificial stone walling will be selected at low level to match existing adjacent buildings whilst also providing a good degree of security and resistance to vandalism. At higher level, external walls and the roof will be finished with an insulated profiled metal cladding. The wall and roof cladding colour will be chosen to be sympathetic rather than visually contrasting to the surrounding material palette.

The former Sandholme Mill occupied an area of circa 2,600m²/28,000 ft² at ground floor level with a further 669m²/7,200 ft² at first floor level, with a resultant total floor area of circa 3,269m² /35,200ft².

This new application is seeking approval for seven light industrial units of varying size between circa 96m² to 199 m² with a combined total floor area of 880m² / 9,471ft². This represents a significantly reduction of 20,670ft² of new and refurbished floor area currently approved under the extant planning application. Externally, architectural amenity/security lighting will be integrated to illuminate the buildings and walkways in a sensitive way.

Parking: The scheme provides 20 parking spaces of which 3 are disabled parking's spaces. Six bicycle parking spaces will be accommodated in a covered cycle stand. Disabled parking bays are sited in close proximity to the pedestrian unit entrances. Dropped kerbs will be provided to facilitate the transition from the car parking area to the pedestrian footpath which subsequently offers a level approach to the building.

Drainage: The site is located in Flood Zone 3. All matters relating to flooding are addressed in the Flood Risk Assessment & Drainage Assessment, prepared by Sanderson Associates (Consulting Engineers) Ltd., which accompanies this planning application. This was superseded by a further FRA by EWE Associates Ltd.

Approach: Access within the site has been designed to take into account the needs of the Approved Document Part M of the building regulations. The design will eliminate raised kerbs around the building and parking immediately outside the premises provides a level approach to the principle entrances. All fire exits from the building will be fitted with D.D.A. compliant door thresholds and lead to a level external footpath.

Existing Buildings: To the eastern boundary, a two storey former stable block approximately 6m wide x 20m long has been retained and, whilst not the subject of this planning application, it is in the ownership of the applicant and therefore outlined in blue on the accompanying application drawings. The building is presently in a dilapidated condition and has been subjected to ongoing vandalism. It is the owner's intention to fully refurbish this building and reinstate to its former use as offices and workshop/storage.

The site is within the extreme eastern part of the Todmorden Conservation Area and is adjacent to the grade II listed Kilnhurst Canal bridge. Sandholme Mill, which used to occupy the site, was not a listed building and was demolished under extant planning approval 12/0018/FUL.

The "Todmorden Conservation Area Character Appraisal" refers to Halifax Road and adjacent areas but does not make specific reference to the Sandholme Mill site. It highlights specific characteristics of the area as:

- Commercial uses along Halifax Road with residential behind
- Natural stone with stone or stone slate roofs
- Linear development in regular terraces generally built to back of footpath
- 2-3 Storeys

Separate reference is made to the importance of the Rochdale Canal corridor. The first section from Sowerby Bridge was opened on 24th April 1978. A key characteristic of the canal is identified as the adjoining stone walls. It is proposed to retain and repair the existing walls to Key Sike Lane, the canal tow path and Commercial Street. A stone arch over a former loading door on to Commercial Street has been retained and will be reused within the new development in a prominent position to reference the sites industrial heritage.

Flood Risk Assessment by EWE Associates Ltd

The proposal is to provide a commercial development. There are 7 units proposed in total and an access road and parking area. The total impermeable area will be increased to 2415m² following the development.

The River Calder is located to the north of the site and during the recent historical flood events the site was flooded. However, since the floods a new higher flood wall has been constructed in line with the site. The 1 in 100 year plus climate change 30% flood level in line with the site has been estimated at 124.25mOD which remains in channel and doesn't flood the site. The final site levels will be 123.7mOD with all of the proposed commercial units at a similar level. In conclusion there is a risk of fluvial flooding from the adjacent River Calder during extreme flood events, however, the proposed use is low vulnerability. The use of flood resilient materials will reduce the impact of a flood on the proposed buildings. The development of a robust flood warning and evacuation procedure for the occupants will allow the occupants to evacuate the area before the flood arrives. It is therefore considered that the proposed mitigation measures will ensure that the development does not increase flood risk to others.

In terms of planning history the site currently has an extant planning consent for B1, B2 & B8 Use - Application Ref. 12/00118/FUL. Conditions 3 & 4 of the above planning approval relating to surface water and foul water drainage have been discharged. A peak flow rate into the Yorkshire Water sewer of 22 l/s was agreed.

The proposed development will increase the paved and roofed area within the site.

The site is currently undeveloped land with no formalised drainage. The existing method of draining the site will be appraised. EWE Associates Ltd have undertaken a drainage feasibility study for the proposed development.

The storage volumes needed to attenuate surface water flow from the development to accommodate the required 1 in 100 year plus 30% climate change event, have therefore, been calculated, using the proposed drainage strategy. However, the volume balance requirements should be recalculated during the detailed design stage to reflect the actual development proposal, the extent of impermeable areas and runoff to be generated.

There is no higher ground adjacent to the site which could promote overland flow of water across the site from the residential area. Consequently, no further consideration will be given to this mechanism. There are no depressed areas within the site which could encourage ponding, therefore, this flood mechanism has not been considered further.

The River Calder is to the north of the site. The river is open channel with flood defences adjacent and therefore overtopping and breach will need to be considered. The Rochdale Canal is directly to the south of the site. The canal is open channel with no flood defences adjacent and therefore overtopping will need to be considered.

The proposed development will increase the impermeable area within the site; therefore, consideration will need to be given to the existing drainage route and the drainage characteristics in order to evaluate the impact that surface water runoff from the site will have on the site and elsewhere. Information on groundwater flooding is limited within the Calderdale Council. The SFRA provided no further information. In addition, reference to the Groundwater Vulnerability Map and Source Protection Zones produced by the Environment Agency indicate that district is not underlain by an aquifer and are therefore unlikely to be source of significant flood risk.

The existing flood wall varies between 124.10mOD (downstream) and 125.26mOD (upstream), therefore during a 1 in 100 year flood event the flood water will be retained within the main channel of the River Calder. As the proposed development is for a commercial land use, consideration has therefore been given to take into account the potential effects of climate change over the next 75 years in accordance with NPPF. The Environment Agency provided an estimated 1 in 100 year plus climate change 20% flood level in line with the site. The existing flood wall varies between 124.10mOD (downstream) and 125.26mOD (upstream), therefore during a 1 in 100 year plus climate change (20%) flood event the flood water will be retained within the main channel of the River Calder. The latest climate change guidance provides climate change increases on a catchment basis and, also considers flood zones, vulnerability and life span of the project. The site is located within the Humber catchment and as the vulnerability is low the central and higher central bandings should be considered. The life span of the project is 75 years therefore climate change increases of 20% and 30% should be considered. Therefore, an estimate of the 1 in 100 year plus climate change 30% flood level is required for this assessment.

The existing flood wall varies between 124.10mOD (downstream) and 125.26mOD (upstream), therefore during a 1 in 100 year plus climate change (30%) flood event the flood water will be retained within the main channel of the River Calder.

Consideration has been given to the extreme 1 in 1,000-year flood event within the site. The existing flood wall varies between 124.10mOD (downstream) and 125.26mOD (upstream), therefore during a 1 in 1,000-year flood event the existing flood wall could be overtopped by approximately 0.31m at the downstream end of the site.

The Environment Agency has provided modelled flood levels for the Rochdale Canal

directly in line with the site. The existing tow path varies between 124.80mOD (downstream) and 124.88mOD (upstream), therefore during a 1 in 100 year flood event the flood water will be retained within the main channel of the canal.

Increase in Surface Water Runoff due to proposed Development:

Existing Drainage: The existing development site is currently unused; however, the site was previously occupied by a mill building and yard area. Therefore, the site is considered to be 100% permeable. The total site area has been estimated at 0.274 hectares and slopes towards Commercial Road to the north of the site where there is a Yorkshire Water surface water sewer. The sewer is 1200mm diameter and approximately 3m deep in line with the site.

Based on the SPR value of 45% for the area local to the site it is assumed that infiltration is not practically possible within the site. The current planning approval for the site has two discharged conditions relating to surface water drainage. The conditions stipulated discharge rate is 22 l/s into the 1200mm diameter Yorkshire Water surface water sewer. Therefore, for the purpose of this assessment the peak discharge rate from the site has been restricted to 22 l/s.

Proposed Drainage Strategy: For the purpose of this assessment the peak discharge rate from the site of 22 l/s has been conservatively adopted. An assessment of the required balance volume has been made using the estimated post development impermeable area of 0.242 hectares. The required attenuation has been calculated for the 1 in 100 year plus climate change (30%) event. It is estimated that during the 1 in 100 year plus climate change (30%) event that 89.2m³ of storage will be required. This will be provided within a single crate tank within the site.

It is normal practice to ensure that the 1 in 30 year event is maintained below the ground in the form of storage and the difference between the 1 in 100 year and the 1 in 30 year is permitted to flood the surface as long as there is no flooding to buildings and the flood volume is contained within the site boundary. Alternatively, if the development is sensitive, the client can choose to store the full 1 in 100 year plus climate change balance volume below ground. The volume balance requirements should be recalculated during the detailed design stage to reflect the actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated.

To reduce the impact of surface water runoff from the development in accordance with the requirements of the Environment Agency and Local Authority, the employment of SUDS techniques to limit runoff volumes and rates from the site are recommended. SUDS techniques can also be used to provide an appropriate level of treatment to the runoff. It is normal practice to ensure that the 1 in 30 year event is maintained within the drainage system and the 1 in 100 year is permitted to flood the surface as long as there is no flooding to buildings and the flood volume is contained within the site boundary in specific areas proposed for this purpose.

Following guidance from CIRIA Report C522 the following levels of treatment will be provided:

- Roofs – 1 level
- Driveways – 1 level
- Roads and communal parking areas – 2 levels.

Initial data suggests that the site is underlain by an impermeable layer which is unlikely to allow infiltration at a reasonable rate therefore making infiltration drainage impractical. The impermeable area within the site has been estimated at 0.242 hectares following development. It is considered that the site currently drains to the Yorkshire Water surface water sewer within Commercial Street to the north. The development site is considered to be small with limited space set aside, in which to incorporate appropriate SUDs techniques. Of the possible techniques (Retention, Wetland, Infiltration, Filtration, Detention, Open Channel and Source Control) only source control with an underground tank is feasible.

Land Raising: The River Calder is located to the north of the site and during the recent historical flood events the site was flooded. However, since the floods a new higher flood wall has been constructed in line with the site. The 1 in 100 year plus climate change 30% flood level in line with the site has been estimated at 124.25mOD which remains in channel and doesn't flood the site. The Rochdale Canal is directly to the south and acts as a conduit for flood water from the River Calder upstream of the site. The 1 in 100 year plus climate change 30% flood level in line with the site has been estimated at 124.62mOD which remains within the canal and doesn't flood the site. The final site levels will be 123.7mOD with all of the proposed commercial units at a similar level. Therefore, if either the River Calder or the Rochdale Canal breaches then there is the potential for the site to be flooded to a maximum depth of 0.8m. Therefore, a mezzanine level at least 2m above the ground floor level will be provided within each unit as a safe area from the flood water.

Flood Resilience Measures: Consideration should be given to flood proofing the building to a level equivalent to the proposed ground floor level plus 0.8m to reduce the residual damages if an extreme flood was to occur. Flood proofing is a technique by which buildings are designed to withstand the effects of flooding. There are two main categories of flood proofing, which are dry proofing and wet proofing.

Conclusion: In conclusion there is a risk of fluvial flooding from the adjacent River Calder during extreme flood events, however, the proposed use is low vulnerability. The use of flood resilient materials will reduce the impact of a flood on the proposed buildings. The development of a robust flood warning and evacuation procedure for the occupants will allow the occupants to evacuate the area before the flood arrives. It is therefore considered that the proposed mitigation measures will ensure that the development does not increase flood risk to others.

Desk Study Report: This is a speculative development of 7 units plus stable block – use not known at present. There will be 880sqm internal floor space. The proposed materials are:

- Hardstanding – tarmac
- Walls – Artificial stone
- Roof – Profile metal cladding
- Walls – To match existing in area
- 20 parking spaces (including disabled)

Yorkshire Water Comments: The site should be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage)

- There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works that have been submitted to and approved by the local Planning Authority.

- The proposed means of disposal of surface water drainage; if discharge to public sewer is proposed, the information shall include:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
 - ii) the means by which the discharge rate shall be restricted to a maximum rate of 5 litres per second unless existing positive connectivity to public sewer can be proven. (To ensure that no surface water discharges take place until proper provision has been made for its disposal)

The FRA by Sandersons and the drainage proposals need to be clarified but can be dealt with under permission conditions. In summary, the report/drawing states that sub-soil conditions do not support the use of soakaways. Proof of the on-site testing referenced in the report is required. In addition, reasons why the River Calder cannot be used for surface water disposal should be provided. The report goes on to say that surface water will discharge to public sewer at 23 litres per second.

Proof that all existing impermeable areas within the existing site currently drains to the public sewer network is required in order to prove the rate of discharge. If proof of existing connectivity cannot be proven, a maximum of 5 (five) litres per second will be permitted to the public surface water sewer network. Additionally, evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted.

Environment Agency Comments: About the proposed new build light industrial development for B1/B2, and automotive sales use class. Having reviewed the submitted Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons: The Flood Risk Assessment (FRA) by EWE Associates dated 4 October 2019 does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. We have assessed the FRA, however it fails to:

- Provide appropriate site-specific flood risk mitigation, given the risks identified.
- Demonstrate no transfer of flood risk to others
- Indicate how occupants will be kept safe in the building given the flood depths and hazard

Overcoming our objection Flood zone 3ai: The site is largely within flood zone 3ai. However, since the mill buildings were demolished some time ago the site could be classed as flood zone 3b functional floodplain. The applicant needs to confirm with the Flood Risk Team at the Council whether they consider the site as 3b functional flood floodplain or 3ai and which policy within their SFRA they would wish to see followed

If the site is 3b there should be 'Development "should not be permitted for anything other than water compatible developments or essential infrastructure in flood zone 3b functional floodplain and which has passed the Exception Test.

If the site is 3ai the FRA needs to clarify whether the footprint of the new industrial units are larger than the mill building that was demolished? We would not expect to see creation of a

larger footprint in 3ai. The FRA needs to indicate whether the site can continue to function as 3ai without further flood risk mitigation.

If the site is flood zone, 3ai the applicant needs to confirm with the Flood Risk Team at the Council whether the development is acceptable under the Calderdale 3ai 2016 SFRA policy:-

Flood zone 3ai allows the council to assess risk within 3a in more detail showing areas where existing development is likely to be restricting flood flows and water storage that would otherwise be within the functional floodplain. Should sites in Flood Zone 3ai become available for new or further development (e.g. as brownfield sites) then both the risk at the sites and their role in managing flood risk in the surrounding area should be carefully considered in line with Local Plan policies. Flood Zone 3ai includes the areas of land that would be in Flood Zone 3b if not already developed and should therefore be used as an indicator of flood risk, from a modelled 1 in 20 – 25-year event, to existing developed sites. Where possible, such sites should look to reduce risk when designing for new development.

The western side of the site is within flood zone 2. We suggest overlaying the site layout plan onto the flood zone outlines to confirm but it appears that units 1 and 7 are largely within flood zone 2. Can other units be located sequentially from within 3ai to the lower risk flood zone 2 areas of the site?

Flood Walls - The FRA refers on page 15 indicates a new flood wall was built after the 2015 floods. We are not aware of these works? We are aware of an existing wall along the Main River Calder in this area and a wall along the Rochdale Canal at the site boundary but not aware of any new walls built after 2015. Please indicate where the new flood wall referred to in the FRA is located and when the works took place? If a new wall has been constructed the FRA needs to indicate that this will not transfer flood risk to other properties and you will be required to complete detailed modelling work to demonstrate this.

Please see further information in the modelling and transfer of flood risk to others section below.

The structural integrity of the wall alongside the canal should be assessed in consultation with the Canals and Rivers Trust and the Flood Risk Team at Calderdale Council if this is intended to be used as a flood defence for the site. Structural Stability is not our area of expertise so we suggest this is approved by CRT and the Council.

We note the CRT consultation dated April 2018 indicates concern regarding the close proximity of the development to the canal and issues regarding the structural integrity of the canal. We advise that this is discussed further with CRT and the Council and that any consents for works are sought from CRT. Modelling We indicated in our previous response to this application under reference 18/00115/FUL dated April 2018 that modelling work was required to demonstrate the effects of the development and that there would be no transfer of flood risk to others. This has not been completed in the revised FRA levels are between 122.22 – 123.54 mAOD and proposed levels will be 122.35 – 123.51 mAOD to demonstrate through detailed modelling that raising the site and any new flood wall does not increase the flood risk for the site, alter flow routes or transfer flood risk to others, including overtopping watercourses. If the site is confirmed as 3ai the FRA needs to indicate whether the site can continue as per the 3ai Calderdale SFRA policy, you need to complete modelling work to demonstrate this. If the FRA shows increased flood risk as a result of the development or it may impede flood flow routes and/or reduce storage capacity this needs to be mitigated.

Our modelling request as per the 18/00115 remains:

“Site specific hydraulic modelling is required for a range of return periods including current climate change allowances. Pre and post-development scenarios need to be undertaken to see what impact the development has on flood risk on, and more importantly, off site. The existing information the Environment Agency hold, which is not appropriate for the development being proposed, but can be used as a starting point for further investigation. The modelling needs to look at both the River Calder and the Rochdale Canal.

In addition, work needs to be done to understand the structural integrity of the boundary wall along the southern edge of the site as it appears to be in poor condition. Todmorden is a highly sensitive area in terms of flood risk as the area has suffered devastating flooding on more than one occasion in the recent past.

If you wish to submit a modelling scope, we can review this and provide comments to ensure the work you propose will be satisfactory”.

We have more up to date modelling information than the draft 2004 results shown in the FRA and we ask that you request this data from us. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please be aware of other developments in this area who have undertaken modelling work to demonstrate the effects of the development on flood risk in the area. As these are privately owned models, they do not form part of our own modelling data so you would need to request these from the appropriate private organisations to take into account the cumulative effects of other developments within your own model. You may wish to discuss this further with the Flood Risk Team at Calderdale Council.

Transfer of Risk to Others, Modelling Work – the FRA includes a topographic survey showing existing site levels, but also needs to indicate the change in levels post construction. You need to assess the need for compensatory storage for the site. As part of the site is within flood zone 2 this may be possible and needs to be assessed. The detailed surface water design needs to be agreed between the applicant and Flood Risk Team at Calderdale Council as LLFA. As indicated above we have more up to date modelled data for this area and recommend you request this. For the areas of flood zone 3 we expect finished floor levels to be raised above the higher of the 1 in 100 or (1% probability flood level) taking into account the most recent climate change allowances at the link climate change allowances or the highest historic flood level we hold for this area, then add to this 300mm.

The detailed surface water design needs to be agreed between the applicant and the Flood Risk Team at CMBC. For the areas in flood zone 3 we expect finished floor levels to be raised the higher of the 1 in 100 taking into account the most recent climate change allowances at the link climate change allowances or the highest historic flood level we hold for this area, then add to this 300mm.

The FRA needs to determine if the finished floor level is required to be above the flood risk to the site. If finished floor levels cannot be raised we would expect to provide alternative flood risk mitigation. If water is allowed to enter the buildings you need to consider the Hazard rating within the buildings see details below. Make sure your flood resistance and resilience plans follow the guidance on improving the flood performance of new buildings Hazard rating and safe access/egress. The FRA needs to demonstrate that the occupants can remain safe for the development lifetime incorporating allowances for climate change for all sources of flood risk with sufficient flood risk mitigation up to the design flood level and specified arrangements for safe access and egress.

The FRA needs to consider if flood water enters the building what hazard they will be at and whether people can reach a place of safety in time. The FRA needs to indicate the level of this first floor in mAOD.

The FRA needs to consider the likely duration, depths, and velocities. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

We note the consultation from the Canals and Rivers Trust will require consent from them for the works which are in close proximity of the Rochdale Canal and you need a flood hazard rating against the design flood for the proposal and indicates whether there will be:

- No danger to people
- A danger to some people (e.g. the elderly and infirm)
- A danger to most people (e.g. there will be danger of loss of life for the general public)
- A danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

The FRA needs to include access/egress proposals and demonstrate 'dry' or 'wet' safe access/egress. The LPA should consult the emergency planners/emergency services about whether 'safe' access/ egress can be achieved through the FWEP. Compensatory storage is required for any development within flood zone 3. The FRA will need to assess this requirement. Where development is within flood zone 3 on previously undeveloped land Compensatory Flood Storage should be made to demonstrate that there is no increase in flood risk to others. Any Compensatory Flood Storage should be carried out on a 'level for level' / 'like for like' basis and detailed within the FRA. Where a development is likely to increase flood risk by taking up flood plain storage, it may be necessary to provide compensatory storage to mitigate this risk. Compensation works are divided into direct and indirect. These terms come from CIRIA report C624 "Development and flood risk – guidance for the construction industry (2004)". Direct or 'level for level' methods as they are also known re-grade the land at the same level as that taken up by the development. Direct schemes therefore provide a direct replacement for the lost storage volume Environmental Permit The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert to discuss this with them.

Advice to the Local Planning Authority - If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. We should be re-consulted to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend the imposition of conditions to be included on any subsequent approval.

Canal and Rivers Trust Comments: The C&RT are interested in:

- Impact on the structural integrity of the canal due to the proximity of the building to the canal.
- Impact on the character and appearance of the waterway corridor.

Conditions will be required to satisfy the following:

The proposed development is in proximity to the canal, which is at a higher elevation to the site, as shown in the cross-sectional drawing provided. There is a risk that the construction of foundations for unit 7 could undermine the adjacent wall next to the canal; whilst there is also a risk that vibrations from construction equipment close to the canal wall could result in damage to this structure, which may result in risks for towpath users next to the canal. To avoid these risks, we request that a Construction Management Plan (CMP) is provided, which should provide cross sections and a methodology for the construction of foundations of unit 7, the location of construction equipment on site in relation to the southern boundary wall, and a methodology for protecting the boundary wall next to the canal during construction works. We request that a CMP as advised above is provided during the course of the application, or reserved via the use of a suitably worded pre-commencement condition. Such details are necessary to ensure that the proposed excavation, earth removal and construction of foundations will not adversely impact the structural integrity of the adjacent waterway resulting in land instability.

The application site is located within the Todmorden Conservation Area. The proposal has the potential to detract from the character and appearance of the area, as viewed from the canal, unless the existing wall between the canal and the site is retained at a height to prevent direct views from the towpath to the site. This is because the proposed development would result in the formation of large parking areas, and the use of profiled metal wall cladding, that would not be in character with the materiality and form of the conservation area, nor the character of the canal side environment.

We note that the previous 2012 permission for this site (your ref: 12/00118/FUL) proposed the retention of the wall between the canal and the development site to a height that would prevent direct views into the site (as shown on drawing number 140 05001 Rev.10)

We note that this proposal seeks to retain a wall in this position, but there is no indication as to what height the wall is to be retained, or if any remedial repairs are to be undertaken to the wall, which may be required to ensure its long-term survival as a free-standing structure.

We therefore request that information is provided showing the elevations of the retained wall relative to the towpath, and a report undertaken to detail any remedial repairs that may be required to be made to the wall to ensure its long-term survival. We request that any such report is informed via an inspection of the wall by a suitably qualified person to assess the existing structural integrity of the structure. In addition to the above, the existing boundary wall would require new cappings in order to maintain its long-term survival. The quality of material for these cappings would have an impact upon the visual appearance of the wall from the canal, and we request that details of any new capping should be provided.

The boundary wall features several openings that face the canal, which are made up of a former door and windows. The existing treatment comprises of a rendered infilled component, which is vulnerable to graffiti. We request that the applicant should consider whether an alternative treatment for these openings could be incorporated on site. There is the potential to open these up with appropriate grille work to enhance their appearance, and remove the existing potential for graffiti alongside the towpath.

We advise that above detail could be provided as additional information during the consideration of the application. However, we believe it could also be reserved using an appropriately worded condition. Suggested wording is provided below:

Prior to the occupation of development, details of the proposed boundary treatment to the Rochdale Canal, including details of the extent of the existing wall to be retained, shall be provided to and approved by the Local Planning Authority. Details shall include:

- Elevations of the proposed boundary treatment relative to the canal.
- Details of the proposed capping to the retained wall.
- The proposed treatment of former window and door openings onto the canal towpath.
- A visual survey of the existing wall by a suitably qualified person, with recommendations of any repair works necessary to limit the risk of future collapse

Thereafter, development shall be carried out in accordance with the approved details.
Reason: In the interests of preserving the character and appearance of the local area, in accordance with the aims of policies BE1 and BE18 from the saved Calderdale Unitary Development Plan.

The proximity of the works to the canal will require the applicant to abide by the Trust's "Code of Practice for Works affecting the Canal & River Trust". Should planning permission be granted we request that the following informative is appended to the decision notice:

"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 01827 252073 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 the 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.

Todmorden Town Council Comments: The Committee agreed to oppose the application due to the following material considerations:

- That a proper flood analysis be carried out and available to the public.
- The approval of Highways is sought regarding access and egress.
- Consultation be undertaken with residents regarding the traffic.
- That permeable ground level surfaces are used.

If these issues are resolved the Committee would support the application.

Highways Comments_- There are no highway objections in principle to this application as submitted. The access is suitable to accommodate the site but there remains concern that the layout would not provide adequate space for vehicles, especially those larger vehicles as indicated on the site plan, to safely manoeuvre. This remark refers to units 1 and 6 especially. There is also concern at the lack of consideration given to pedestrian use of the site. Secure walkways would need to be provided to avoid pedestrians coming into contact with manoeuvring vehicles.

I am unable to support this application as submitted.

Flood Risk Manager Comments:

a. The Environment Agency's objection based on an unsatisfactory Flood Risk Assessment is noted and Flood Risk Management broadly agrees. The view could be taken that the demolished mill has opened up the area and provides flood relief but is it reasonable to rely on this as the Mill has only been demolished a relatively short length of time. Further debate regarding the analysis of run off characteristics of the site is envisaged thus the assumed

storage requirements are doubtful. Conditions will be suggested at a later date if the objection is overcome.

b. It would seem that disposal of surface water via soakaways is not practicable on this site. Disposing of run off to the Calder would be difficult but there seems to be little evidence to back this up.

c. Where the new surface water drainage system is located within fluvial flood zone 2/3 the applicant should provide hydraulic calculations together with drawings showing pipe numbers and contributing area to the Local Planning Authority for comment to demonstrate that the completed site surface water drainage system from all roof and paved areas will accommodate the following design parameters: -

- No system surcharge during a 1 in 2-year storm plus 30% for climate change.
- No surface flooding during a 1 in 100 year storm plus 30% for climate change unless otherwise addressed in the approved Flood Risk Assessment.
- On systems where there is a non-return valve installed at the outlet of the drainage system the system should be modelled to accommodate a surcharged outfall condition when the valve is closed.

d. The applicant should be aware that under the Private Sewer Transfer Regulations, June 2011, all private foul, combined and most surface water drains that serve two or more properties or pass from one curtilage into another, up to that date, became public sewers and to be maintainable by the relevant water company. It is highly likely that all drains and pumping stations constructed after that date, and that comply with the regulations, will also be adopted at some point in the future. Yorkshire Water Services currently specify Sewers for Adoption 6th Edition or 7th Edition as their design guide for drainage systems and the water company should be contacted for advice in relation to this application.

e. Separate foul and surface water drainage systems should be provided on the site. In cases where both foul and surface water discharge to a public sewer they should remain separate and only join at a point that is as close as practicable to the public sewer. Shared foul and surface water drainage manholes will not be permitted.

f. The drainage drawings submitted with this application are not acceptable and should not form part of any planning decision.

g. The applicant should provide the Local Planning Authority with a plan layout drainage drawing for comment giving existing and proposed levels and showing pipe diameters and gradients, manhole locations and diameters, gully locations, SuDS systems, roof drainage, paved areas and soil pipe connection points, and where access points are to be provided for maintenance. Where new pipes are to be laid under highways, pipe trench and sewer connection details should also be included on the drawing.

h. The applicant should provide the Local Planning Authority with a drawing showing ownership and maintenance liability of all drainage systems associated with this development. A management and maintenance plan for the lifetime of the development shall also be provided which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the system throughout its lifetime.

i. Under Section 23 of the Land Drainage Act any works to an ordinary watercourse [every river, stream, ditch, drain, cut, dike/dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river] will require

consent from the Lead Local Flood Authority, Calderdale MBC, prior to works on the watercourse commencing. This is required for both temporary and permanent works and is separate to any planning permission granted or other consents issued.

j. For brownfield sites, an existing drainage survey including connectivity is vital in demonstrating the nature of the site prior to development including existing flow rates from the site, the existing means of disposal and flow routes across the site. A vacant site where the integrity of any previous positively drained areas may have been compromised is not viewed as brownfield from a surface water strategy perspective by the drainage team.

k. The EA maps indicate that the whole area of the site has a medium risk of flooding from surface waters and there is a high risk flowing on Commercial Street north of the development. These flow routes are based on LiDAR survey data that does not take into account effects of surface obstruction along the flood route. The applicant should consider this potential source of flooding during the design.

l. If the applicant intends to utilise an existing drainage system then the existing system should be proven hydraulically and structurally adequate and provide the Local Planning Authority with details of his findings for comment.

m. The Calder is classified as Main River. Discharging to a Main River may require a Flood Risk Activity Environmental Permit (formerly known as a Flood Defence Consent) from the Environment Agency. The permit is separate from any planning permission granted or any other approval/consent obtained.

n. The applicant should demonstrate compliance with the hierarchy for foul water disposal. This comprises discharge to public sewer, to package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption), to septic tank, and finally to cesspool in that order of priority. Only if following the hierarchy proves impracticable, or other mitigating reasons, should the lesser disposal methods be considered. The applicant should carry out a hierarchy assessment and submit his findings to the Local Planning Authority for comment.

Calderdale Business and Economy Section Comments: This site is allocated as a Primary Employment Area and the plans to provide new industrial units is welcomed in an area where there is very little supply of new employment space, the application is fully supported.

4. 18/00682/FUL Planning Application – Granted on 1 February 2019

The single storey extension proposed for demolition is a more recent addition to the former "stable block" and is constructed using artificial stone with a felted flat roof extension over. It is a redundant store that no longer serves a purpose. The materials are to match those existing. There will be 7 parking spaces, an increase by 1. There will be 296sqm internal floor space. Surface water will be discharged to existing mains drain.

Flood Risk Assessment

This former two storey stable block previously provided ancillary workshop and office accommodation to Sandholme Mill, which was demolished circa 2015 under extant planning approval no 12/0018/FUL. The adjacent former Sandholme Mill site, which is also under the applicant's ownership is presently the subject of a live planning application for a new build light industrial unit scheme - Reference no. 18/00115/FUL. The site currently has an extant planning consent for B1, B2 & B8 Use under planning approval no. 12/00118/FUL.

The building consists of a two storey natural stone built property, approximately 20m long x 6m wide, with a slated pitched roof. This building was utilised by the previous owners of the mill site, Marden Plastics Ltd. as a ground floor workshop with first floor offices. The property is presently vacant and in a poor state of repair due to vandalism and neglect.

To the north elevation the internal level of the existing concrete slab ground floor is 122.79m AOD which sits flush with the external concrete yard ground level. On the south elevation the Rochdale canal towpath level is 124.78m AOD which is 1.99m higher than the internal ground floor level.

Demolition of a circa 10m² single storey former paint store. This extension to the original “stable block” building is constructed using artificial stone with a felted flat roof and it’s use is now redundant to future requirements. Replacement of all existing single glazed timber framed windows. The existing window frames are generally in poor condition with a significant number of glazed panes broken due to vandalism. The windows will be replaced with more thermally efficient double-glazed windows with timber frames to match the existing window frame style. Replacement of the existing vandalised roller shutter vehicle access door. The roller shutter door will be replaced with a new flood resilient roller shutter door. Replacement of the existing timber personnel door with a metal faced secure door. Replacement of an existing redundant timber goods door at first floor level on the north west elevation with a new feature double glazed and timber framed window. Infilling of two no. existing redundant openings in the external wall on the south western elevation. The outer stone leaf will be constructed using natural stone to match existing. Masonry cleaning and structural repairs to address existing cracking as appropriate to all existing external stone walling. Overhauling, making good and, where necessary, replacing with new to match existing, all rainwater guttering and downpipes. Overhauling, making good and, where necessary, replacing with new to match existing, all roof slates. Installation of 4 No. conservation style roof lights to the south eastern roof elevation.

The Environment Agency have confirmed that the site falls within Flood Zone 3 which means it is considered to have a greater than 1% annual probability of flooding. (1:100) chance of flooding in any one year. Whilst we acknowledge that the site is located in Flood Zone 3, this application is solely constrained within the footprint of an existing building (even less if the proposed 10m² demolition is also taken into consideration) and does not seek consent for any new building within the site. The site is previously developed and classed as Brownfield. The use of the site in terms of planning Practice Guidance is classed as “less vulnerable” regarding flood risk. The building currently drains by existing gullies into the public sewer network. The EA provide a flood warning system for Todmorden and the Calder Valley. When the rivers rise quickly there are warning sirens to give an audible alarm and a text/email messaging service. The proposal will not increase the flood risk elsewhere because the footprint of the building will not increase. The building will utilise the existing foul water system connected to the public sewer. Emergency planning will be put in place and linked to the flood warning system.

- The following flood resilient measures are proposed to be implemented to the ground floor of the building:
- Pedestrian entrance doors to be fitted with external demountable aluminium flood barrier by or similar approved.
- The proposed roller shutter door will be manufactured and supplied by Floodguard UK Ltd. or similar approved. These doors incorporate automatic flood protection and door sealing without the need to erect a manual flood barrier.
- Non return valves will be fitted to the existing foul drainage system.

- All pipe work penetrations through external walls will be sealed to prevent water ingress between the pipe work and masonry with silicone sealant, any defective pointing will be raked out and patch pointed where necessary.
- External masonry will be treated with a micro-porus water proof coating.
- All electrical outlets and consumer unit will be repositioned above the maximum flood depth where practicable.
- Main electric and gas supplies will be relocated 1m above ground floor level.

The ground floor of the building is at a risk of flooding however this will be used as a workshop/storage space only and does not provide any habitable accommodation. The office accommodation on the first-floor level is not at risk of flooding. The following measures will be implemented by the building owner and any future occupants for the whole of the building:

- EA Flood warning scheme adopted.
- Emergency evacuation plan displayed on all floor levels of the building.
- Notices fixed in easily identifiable locations advising that when the siren is heard the building should be evacuated with advice on safe locations.

The proposed development reduces the overall building footprint and makes no changes to the existing levels of the external areas, therefore there will be no increase to the existing impact on climate change. There is no need for the proposals to accommodate increased rainfall from climate change.

The measures indicated within this report indicate that the proposals are considered to be appropriate and satisfy the requirements of the NPPF and PPG.

Highways Comment: No comment

Todmorden Town Council Comment: The Committee were supportive that the building was being brought back into use and the representation made by the Canal & River Trust plus the Environment Agency and agreed to support this application subject to the following material considerations: the design and materials used are sympathetic and the use of permeable hard surfaces plus subject to the satisfaction of the Canal & River Trust, the Conservation Officer and the Environment Agency.

Calderdale Flood Officer Comments: The applicant should provide the Local Planning Authority with a completed full Flood Risk Assessment which considers the flood risk to the development from all sources, and proposed mitigation measures. Consideration should be given to flood resistance and resilience measures such as flood gates, flood doors and raising of electrical circuits and equipment above the flood level. Safe evacuation of the site in the event of a flood should also be considered. For further information the applicant should refer to the Environment Agency's standing advice. The completed Flood Risk Assessment should be provided to the Local Planning Authority for comment.

Objections Received:

- If ground levels are raised it will increase flood risk to my property
- I have faced 3 floods on this street
- Next flood could cause damage to buildings and possibly life
- I would lose some of my garden
- Parking is difficult along Commercial Street

- Land opposite 57 and 59 Commercial Street belongs to those properties
- Concerned about large lorries accessing Commercial Street as there is not enough space to turnaround

Calderdale Official's Comments: The site lies within the Todmorden Conservation Area and therefore the presumption in favour of sustainable development does not apply. The principle of redevelopment on the site was established through the previous permission 12/00118/FUL, which included redeveloping the stable block in a similar fashion.

The site is allocated as being within a Primary Employment Area. Policy E1 seeks to ensure that proposals within Primary Employment Areas, development proposals within Use Classes B1, B2 and B8 will be permitted provided that the proposed development:-

- relates well in scale and character to the locality;
- does not create any unacceptable environmental, amenity, safety, highway or other problems;
- is accessible by good quality public transport as existing or with enhancement and offers pedestrian cycle access; and
- is consistent with other relevant UDP policies.

Any proposals for other employment uses, which can include retail or leisure uses, will be determined having regards to the criteria in this policy and other applicable UDP policies. The proposal seeks to repair an existing employment building and does not propose a change of use and instead intends to make it available for another commercial tenant.

In terms of heritage, the nature of the redevelopment of the stable block mirrors that permitted against 12/00118/FUL, the main differences being individual roof lights as opposed to photovoltaic panels to the roof, and retention of the goods in door to the first floor. The Council's Heritage Officer was verbally consulted on the proposal and they confirmed the proposals were acceptable, although they requested a condition with regards to the proposed colour of the roller shutter doors.

The nearest residential properties lie across Commercial Street, approximately 15m away from the stable block. The last use was as a workshop and office utilised by the previous site owners, Mardan Plastics Ltd. It is proposed to retain the existing layout, which is a workshop to the ground floor and offices to the first floor. The area hosts a mix of housing, industry and community properties, and it is not considered that the proposal would have such a significant impact so as to result in a substantial change in the character of the area. The site's use would not change and there is also an extant permission adjacent to the site for industrial units.

Flooding and drainage: Some objections referred to the flood risk posed by the proposal. The site lies within Flood Risk Zones 2 and 3. RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to surface water run-off or obstruction. Section 14 (Meeting the challenge of climate change, flooding and coastal change) paragraph 163 of the NPPF seeks to ensure flood risk is not increased elsewhere. RCUDP Policy EP22 also establishes that sustainable drainage systems should be incorporated where appropriate. Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

Permission has been granted for: external alterations to the existing workshop and office unit including demolition of the existing extension. This is subject to the following conditions:

- The development to which this permission relates must be begun not later than the expiration of THREE YEARS beginning with the date on which this permission is granted.
- The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
- Before any windows and doors are installed details of the materials, treatment, colour and finish of the windows and doors shall be submitted to the Local Planning Authority. The windows and doors shall then be installed in accordance with the approved details and so retained thereafter.
- No development shall take place until a bat emergence survey report has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works should be carried out in accordance with the recommendations within the approved report.
- Prior to the first occupation of the development a single long-lasting bat roosting feature shall be installed within the fabric of the building as close to the SW facing gable apex as possible, details of which shall be first submitted to and approved in writing by the Local Planning Authority. The bat roosting feature shall be installed in accordance with the details so approved and shall be so retained thereafter.
- The development hereby permitted shall only be carried out in accordance with the approved Flood risk Assessment (FRA) by TD Jagger dated December 2018 Ref 1889 and the following mitigation measures detailed within the FRA:
 - a. Adoption of EA Flood Warning Scheme.
 - b. Emergency evacuation plan displayed on all floor levels of the building.
 - c. Notices fixed in easily identifiable locations advising that when the siren is heard the building should be evacuated with advice on safe locations.
 - d. The owner of the building will register with the EA to receive early warning contact in the event of potential flood and ensure that this is sent to a designated point of contact to follow a set procedure for passing on the warning to all occupants of the building.