



Warwick Mill – Flood Risk Sequential and Exceptions Test (Application Ref: 23/00795/FUL)

DATE:

01 May 2024

CONFIDENTIALITY: Public

INTRODUCTION

This Sequential and Exceptions Test Report has been prepared by WSP on behalf of Kam Lei Fong UK Ltd in support of the residential-led Warwick Mill, Middleton development (application ref: 23/00795/FUL).

In accordance with the Environment Agency's Flood Risk Maps sections of the site falls within Flood Zone 2 (medium probability) and Flood Zone 3 (high probability), thereby triggering the need for the Sequential and Exceptions Test to be applied to the development proposals.

It can be demonstrated that both the Sequential and Exceptions Test (as required by the National Planning Policy Framework (NPPF) 2023) have been passed. On this basis, planning permission should be granted as there are no sequentially preferable sites, the proposal will be safe from flood risk for its lifetime and there are a range of benefits the scheme will deliver to the Borough and the local area that outweigh the level of flood risk associated with the site.

THE SITE AND PROPOSED DEVELOPMENT

The site is currently a vacant listed mill and a vacant/derelict office building which perform very poorly in terms of impact on the local townscape and environment. As such, the site is in significant need of redevelopment to fully contribute to the on-going regeneration of Middleton.

Warwick Mill is a former cotton mill, which is currently vacant, located approximately 200m south of Middleton Town Centre. It is a Grade II Listed Building design by George Stott of Joseph Stott and Son, completed in 1909. London House is a now derelict six storey modern office building located adjacent to Warwick Mill, with a car park to the rear.

The iconic mill will be refurbished and repurposed, with neighbouring land where London House is located redeveloped, to provide new homes, commercial and retail spaces and open space. The proposal will play a vital role in establishing a distinct new development as a flagship project of Rochdale's Spatial Strategy for Middleton. A key part of the scheme is the demolition of the existing building (London House) and the erection of a new 10-storey building, known as "the Loom".

The application (application ref: 23/00795/FUL) was submitted to Rochdale Borough Council (RBC) in August 2023 and seeks full planning and listed building consent for the following:

"Redevelopment of Warwick Mill comprising repurposing of the existing Warwick Mill and erection of a new building for a mix of uses comprising residential apartments (Use Class C3) and flexible commercial space (Use Class E); ancillary hard and soft landscaping; improvements to vehicular accesses onto Oldham Road (A669) and Ashton Lane; vehicular and cycle parking; and associated works and infrastructure."

The proposal has assimilated the objectives of enhancing the setting of the Warwick Mill heritage asset, achieving commercial viability and securing a sustainable residential density, whilst arriving at a solution which achieves a positive addition to Middleton's townscape. It delivers a high-quality scheme that creates a meaningful contribution to meeting housing needs, and carefully delivers the objectives of Middleton Town Centre, Historic England and local stakeholder groups.

Overall, the proposal will deliver a range of benefits for the local and wider community, including:

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- Refurbishment and repurposing of an iconic Victorian mill;
- Regeneration of an unsightly site in a key location in Middleton;
- Creation of 273 high-quality homes;
- Inclusion of ground floor commercial, leisure and retail use under Use Class E;
- Provision of open space and improvement to street scene on Oldham Road;
- New tree planting and landscaping;
- Creation of jobs throughout the construction phase and during occupation; and
- Generation of increased local spend and council tax revenue.

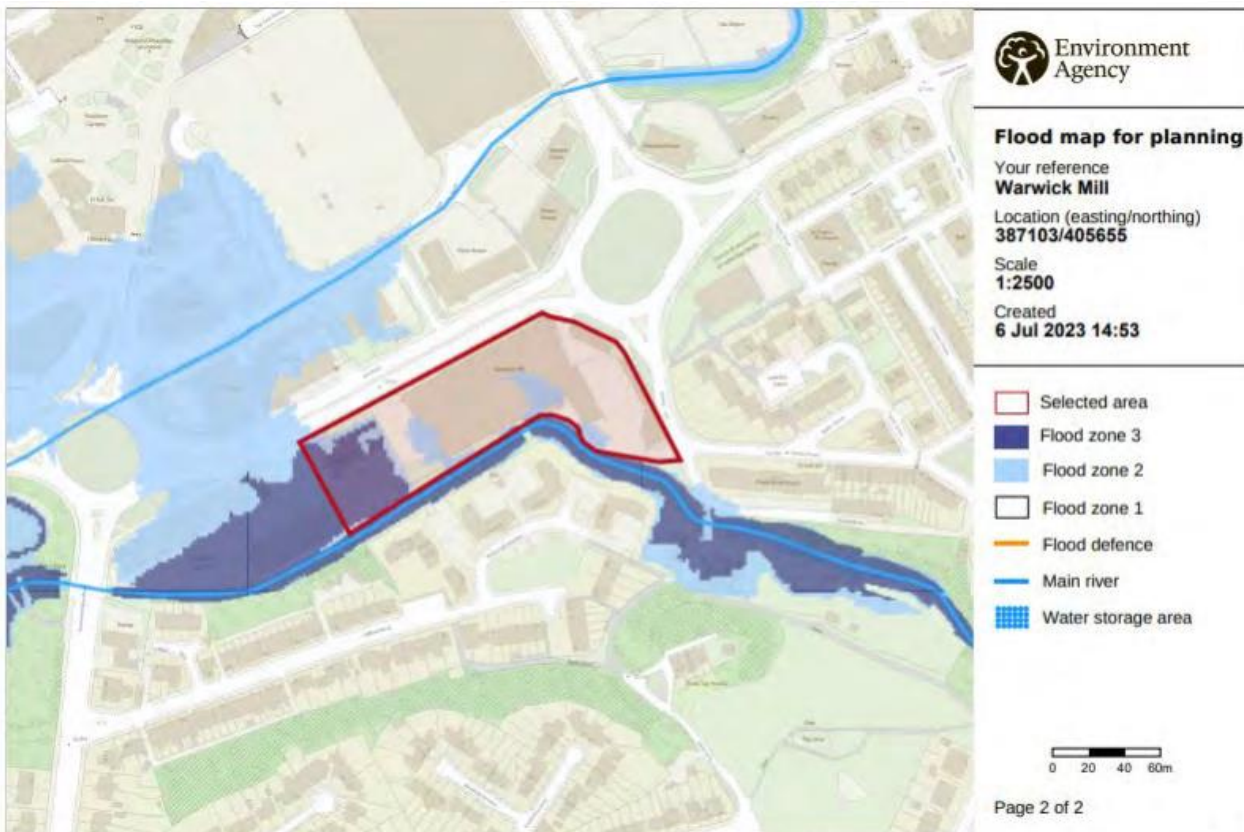
REQUIREMENT FOR SEQUENTIAL ASSESSMENT

As set out at paragraph 168 of the NPPF (2023) the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It goes on to state that development should not be permitted if:

“there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”.

The Warwick Mill application site is shown on the Environment Agency Flood Risk Map to lie primarily within of Flood Zone 1, albeit some smaller areas of the site are located within Flood Zone 2 and large areas of The Loom section of the site is located within Flood Zone 3 and 2. The EA Flood Map for Planning is provided in Figure 1.

Figure 1: EA Flood Map



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Given this, as part of promoting the site for residential development the sequential assessment has to be carried out to demonstrate that the proposed development cannot be located elsewhere in an area at a lower risk of flooding.

The NPPF and NPPG explain that where there are no reasonably available sites in Flood Zone 1, LPAs in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2; apply the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered; taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

If the Sequential Test concludes it is not possible or consistent with wider sustainability objectives, for development to be located in zones with a lower probability of flood risk, the Exceptions Test can be applied if appropriate.

For the Exceptions Test to be passed, as per paragraph 170 of the NPPF, it should be demonstrated that:

- The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the Exceptions Test should be satisfied for development to be permitted.

Local Planning Policy and Guidance

ROCHDALE CORE STRATEGY (OCTOBER 2016)

Core Strategy Policy G8 'managing water resources and flood risk' seeks to reduce flood risk and requires all development to follow the sequential approach to determining the suitability of land for development, directing new development to areas at the lowest risk of flooding and where necessary apply the Exceptions Test, in accordance with the NPPF.

New development will be required to include or contribute to flood mitigation, compensation and / or protection measures, where necessary, to manage flood risk associated with or caused by the development.

DEFINING THE EVIDENCE BASE

The aim of the Sequential Test is to compare the proposed development site with other reasonably available sites to find out which has the lowest flood risk.

In order to determine the extent of reasonably available sites to be assessed, the methodology for defining the evidence base and selecting the sites for the assessment is set out below.

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Catchment Area

Guidance in the NPPG notes that the area to apply the sequential assessment will be defined by local circumstances relating to the catchment area for the type of development proposed and uses the example of the need for affordable housing within a specific area.

It has been agreed with the Council that the catchment area and the focus of the assessment will be on the entire Borough of Rochdale Council given that housing targets are set at a borough wide level.

Site Selection

There are two tests to be overcome when considering sites in a sequential assessment (as per NPPF paragraph 168), with any alternative sites having to be:

- Reasonably available; and
- Appropriate for the proposed development.

REASONABLY AVAILABLE

Referring to the definition of a deliverable site in the NPPF (Annex 2), sites for housing should be:

“available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”.

Whereas a developable site should be in a suitable location for housing with a reasonable prospect that they will be available and could be viably developed at the point envisaged (emphasis added). There is no requirement that the site is available now.

Therefore, if a site is to be considered as being “reasonably available”, it must be deliverable as oppose to developable. Therefore, only sites which are deliverable, i.e. those sites considered to come forward in the next five years, should form part of the sequential assessment.

APPROPRIATE FOR THE PROPOSED DEVELOPMENT

The criteria for the proposed development is for:

- A scheme of 281 residential apartments across both the Grade II Listed Warwick Mill (135 apartments) and a new residential building known as ‘The Loom’ (146 apartments).
- The regeneration of a vacant, deteriorating Grade II listed mill and a vacant/derelict office building.

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Therefore, for any alternative site to be appropriate for the proposed development it would need to comprise a vacant and derelict Grade II Listed Mill, in need of regeneration, with adjacent brownfield land to accommodate a new residential apartment building.

APPLYING THE SEQUENTIAL TEST

In applying the Sequential Test, it is necessary to compare any potential identified sites with the application site. In order to compare the reasonably available sites with the application site, consideration should be given to the following criteria:

- Capacity;
- Availability;
- Flood risk status; and
- Suitability / site constraints.

Based on the proposed development criteria outlined above, there are no identified sites suitable for the development proposals within the Borough wide catchment area. No sites can achieve the development requirements of regenerating a Grade II Listed vacant mill and vacant/derelict office building in addition to delivering the scale of development (i.e. 281 residential apartments).

Given this, the Warwick Mill development site (the application site) is the most suitable and reasonably available site to accommodate the proposed development.

The planning application submission demonstrates that the site is suitable, available now and achievable and that a number of new homes can be delivered in the short and contribute towards the Borough's housing land supply.

Given the site's prominent location in Middleton Town Centre and the site's centrality to the wider regeneration aspirations of Middleton, it would be detrimental to the wider plan strategy if this site was unable to be brought forward.

For these reasons we consider the site is the most sequentially preferable and suitable site available for the quantum of development proposed and passes the Sequential Test as required by the NPPF (2023).

EXCEPTIONS TEST

The NPPF sets out that where it is not possible to locate development in zones with a lower probability of flooding; the Exceptions Test can be applied (paragraph 169). For this to be passed it should be demonstrated that:

- "the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- *The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the exception test should be satisfied for development to be allocated or permitted" (paragraph 170 and 171)."

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An Exceptions Test has been undertaken because the site is shown on the Environment Agency Flood Map as being located within Flood Zones 2 and 3 and the Sequential Assessment has been passed (see previous section).

PART 1 – WIDER SUSTAINABILITY BENEFITS

The proposal offers a range of wider sustainability benefits to the local community, these are discussed in greater detail in the Planning Statement submitted with the application, albeit a summary of the key benefits are outlined below.

The sustainability benefits of the scheme are considered against the three dimensions of sustainable development as defined in the NPPF. These dimensions are economic, social and environmental.

Economic

Economic benefits include:

- Construction of the new development alongside regeneration of the mill will create both direct and indirect construction jobs over the construction period;
- Generation of gross value added to the local economy by the temporary construction employment;
- Generation of Council Tax receipts and New Homes Bonus payments to RBC from the apartments proposed;
- Creation of employment opportunities (direct and indirect) from the commercial units; and
- Increased footfall to a currently under-used site benefiting commercial and leisure uses nearby in Middleton town centre.

Social

Social benefits include:

- Support for local skills through job creation;
- Generation of positive social outcomes in relation to reduced carbon footprints of residents, enhanced carbon literacy, reduced fuel poverty, crime prevention, community cohesion and inclusiveness;
- Provision of recreational space thus improving health and well-being;
- Providing a mix of new homes for the local community in Middleton contributing towards the housing need; and
- Helping to create a vibrant town centre that is well used by residents.

Environmental

Environmental benefits include:

- Reuse of previously development land. This directly assist meeting sustainable development as outlined in national and local policy by delivering housing on previously developed land;
- Significant improvements to a listed building, which is currently dilapidated;
- Re-use of an existing building and refurbishing the mill to a high standard. This includes taking advantage of improving the quality of the building fabric which has been maximised. The accompany Energy Statement and Structural Report demonstrate that the proposed works to Warwick Mill have been designed to a high standard; and
- High quality design, both of the refurbished existing building and new building, which will improve the appearance of the built environment in Middleton town centre, better revealing the significance and appreciation of Warwick Mill and enhance the relationship to the brook.

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PART 2 – SAFE FOR LIFETIME FROM FLOOD RISK

RPS has undertaken a Flood Risk Assessment (FRA) which accompanies the planning application. Since submission of the application (August 2023), discussions have been had with the EA and the Council's Flood/Drainage engineer regarding the proposals.

RPS FRA (dated November 2023) and their additional response which accompanies this Assessment (March 2024) concludes the risk of flooding from Tidal, Sewers, Surface Water, Groundwater and other sources (e.g. reservoirs) is low.

In terms of Fluvial flooding, this is considered high, albeit a package of mitigation measures can be incorporated into the final scheme to manage this risk. Further information on this is set out in the FRA (November 2023) and RPS's response (March 2024) which accompanies this assessment.

Hydraulic modelling has been carried and demonstrates that the proposed mitigation measures will not increase flood risk elsewhere for the lifetime of the development. The Modelling has indicated that the north entrances to the building along Oldham Road will remain flood free, in addition to the western and eastern carpark access ramp.

Giving consideration to the above, access and egress should be available during flood events, therefore it is not necessary to recommend the production of any evacuation plans.

SUMMARY

It has been demonstrated above that there are a range of wider sustainability benefits to the community that outweigh the flood risk associated with this site and also that the proposals will be safe from flood risk for its lifetime.

On this basis, both parts of the Exceptions Test have been passed.