
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 20-June-2024

Subject: Pre-application 2024/20252 for demolition and mixed use development at New Mills, Brougham Road, Marsden, HD7 6AZ

PRE-APPLICANT

Matthew Sheppard (Sheppard Planning)
on behalf of the Crowther family

DATE VALID

19-Feb-2024

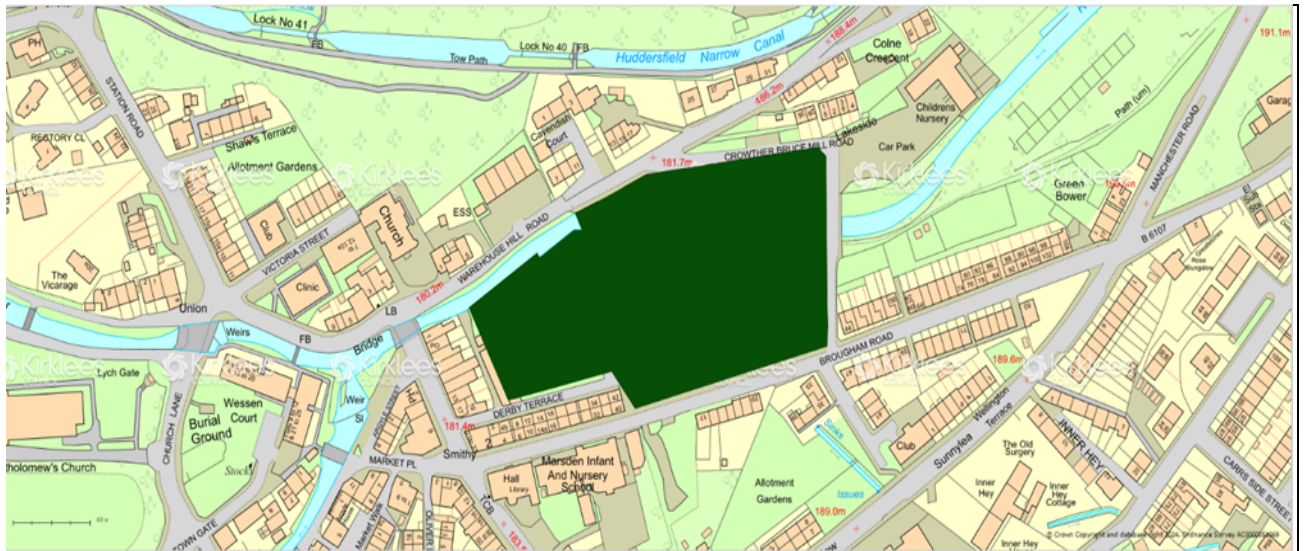
TARGET DATE

17-Mar-2024

EXTENSION EXPIRY DATE

n/a

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Colne Valley

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

Members to note the contents of this pre-application report for information.

1.0 INTRODUCTION

- 1.1 This pre-application enquiry is presented to the Strategic Planning Committee to inform Members of a potential large scale major application, for which an application for planning permission is likely to be submitted in the near future.
- 1.2 A pre-application enquiry (ref: 2024/20252) has been submitted in relation to the site and a mixed-use development proposal that was awarded £5.6m of funding by the Department for Levelling Up, Housing and Communities (DLUHC) in March 2023.
- 1.3 A related, forthcoming planning application may be brought to the Strategic Planning Committee for determination.
- 1.4 Details of the proposed development, and relevant planning considerations, are summarised in this report.
- 1.5 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the proposals, and discussions between officers and the applicant. This report does not include a full assessment of the proposals or formal recommendations for determination of the forthcoming application. Discussion relating to this report would not predetermine the forthcoming application and would not create concerns regarding a potential challenge to a subsequent decision on the forthcoming application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS

- 2.1 The pre-application site is approximately 1.5 hectares in size, and is located in the valley bottom, close to the centre of Marsden. The site is bounded by Brougham Road, Warehouse Hill Road, Crowther Bruce Mill Road and Derby Terrace.
- 2.2 Almost all of the pre-application site is occupied by buildings, the majority of which are unoccupied. These include two tall mill buildings, and lower-rise buildings of one and two storeys.

- 2.3 The River Colne runs along part of the pre-application site's northern edge, and runs beneath buildings within the northeastern part of the site. A further, culverted watercourse runs beneath the site, close to its eastern edge. Much of the site is within Flood Zone 2, and parts are within Flood Zone 3.
- 2.4 There are significant differences in levels across the site.
- 2.5 There is limited greenery with the pre-application site. No trees within the site are TPO-protected. Bats and twites are known to be present in the area. The pre-application site is within the Impact Risk Zones of the Dark Peak and South Pennine Moors Sites of Special Scientific Interest, and is within the "Flood Plains" and "Built-up Areas" Biodiversity Opportunity Zones.
- 2.6 No buildings within the site are listed. The nearest listed buildings are the Grade II listed tenter posts to the north of the site (on the opposite side of Crowther Bruce Mill Road). The site is entirely within the Marsden Conservation Area.
- 2.7 Marsden District Centre (as designated in the Local Plan) includes buildings adjacent to the pre-application site to the west.
- 2.8 Existing highways conditions surrounding the pre-application site are described at paragraph 11.25 of this committee report.
- 2.9 Page 28 of the initially-submitted Heritage Statement numbers the site's various buildings (with reference to their age), and this numbering is considered suitable for identifying them in this committee report:



- 1 – The eastern mill (aka the “3-bay” mill, or “building A”)
- 2 – Low-rise building, no street frontage
- 3 – 2-storey building fronting Brougham Road
- 4 – 2-/3-storey building at site’s southeast corner, fronting Brougham Road
- 5 and 6 – Low-rise weaving shed at west end of site, aka “building C”
- 7 – Southern part of the western mill (aka the “2-bay” mill, or “building B”), including the 4-storey wages office fronting Brougham Road
- 8 – Low-rise building behind building 3
- 9 – 2-storey building fronting eastern section of Crowther Bruce Mill Road
- 10 – Low-rise building
- 11 – Single-storey former engine house of building 20
- 12 – Low-rise building, no street frontage
- 13 – Low-rise building over river and fronting Warehouse Hill Road
- 14 – Building over river and fronting northern Warehouse Hill Road
- 15 – Low-rise building fronting northern section of Crowther Bruce Mill Road
- 16 – 2-storey building at site’s northeast corner
- 17 – Single-storey former engine house of building 1
- 18 – Low-rise building, no street frontage
- 19 – Low-rise building, no street frontage
- 20 – Northern part of the western mill (aka the “2-bay” mill, or “building B”)
- 21 – Low-rise infill, no street frontage
- 22 – Low-rise infill, no street frontage
- 23 – Low-rise infill, no street frontage
- 24 – Low-rise infill, no street frontage
- A – Tower to building 1
- B – Tower to building 20
- C – Bridges between buildings 1 and 20
- D – Bridges between buildings 1 and 20

2.10 The pre-application site is currently under-used, and potentially offers great opportunities to deliver much-needed housing and employment floorspace at a large, accessible, brownfield site. The future of retained heritage assets could be secured as part of a development here. Development at the site may also play a role in addressing Marsden’s existing problems, and the vitality and viability of the adjacent district centre could be enhanced.

3.0 PROPOSALS

3.1 Of the various options considered for the site (see the Options Appraisal heading below), option 5 was put to DLUHC, and DLUHC’s decision to award £5.6m of “levelling up” funding was based on that option.

3.2 However, the pre-applicant team prefer option 6 (which is similar to option 5), and intend to progress that option to application stage and in further discussions with DLUHC.

3.3 Option 6 involves the demolition of building 7 (the southern part of the western mill) and its replacement with a new building, the demolition of building 1 (the eastern mill), the retention of buildings 3 and 4 (fronting Brougham Road), the demolition of other buildings, and the erection of lower-rise buildings, all to accommodate the following uses and floorspace quanta:

- Light industrial – 3,077sqm
- Retail – 1,730sqm
- Office – 1,900sqm
- Residential – 21 flats

3.4 Vehicular access into the site would be from Brougham Road. A secondary vehicular access is shown from Crowther Bruce Mill Road.

3.5 The River Colne would not be de-culverted as part of the proposed development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 2005/93716 – Planning permission granted 24/08/2006 for demolition of 3-bay mill, spinning shed and garage, erection of health care unit and conversion of 2-bay mill to lettable ground floor units for associated health care / office units / gym / restaurant and wine bar and 32 apartments on third and fourth floors with associated car parking. Not implemented. This application site included land to the south of Brougham Road to accommodate additional development parking. A related application for conservation area consent (2005/93717) was also approved on 24/08/2006.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 A pre-application meeting was held on 12/03/2024. This was attended by the pre-applicant team, officers representing the council in its two relevant roles (as Local Planning Authority, and as scheme promoter), and representatives of Historic England and DLUHC.

5.2 Further information was submitted during pre-application discussions. This included a summary document that set out an expanded options appraisal, and provided information regarding financial viability, job creation and the economic impacts of the various options. An updated Heritage Statement (rev P3) was also submitted, as were revised floorspace figures.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The Local Plan allocates the site for mixed use development (site allocation MXS11). It states the gross and net site area is 1.71 hectares, and sets out indicative capacities of 29 dwellings and 2,976sqm of employment floorspace.

6.3 Site allocation MXS11 identifies the following constraints relevant to the site:

- Part of the site is within flood zone 3
- Surface water issues
- Proximity to Special Protection Area / Special Area of Conservation
- Site is within/close to a Conservation Area
- Site is close to archaeological site
- Assessment required for presence of habitats that are important for off-site foraging by South Pennine Moors SPA qualifying bird species (i.e. functionally connected land)

6.4 Site allocation MXS11 also sets out the following site-specific considerations:

- The flood risk vulnerability of proposed uses will be considered and an exception test may still be required as part of a planning application as set out in national planning policy.
- Deculverting should be considered through this re-development but environmental benefits may be limited.
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas.
- The original buildings of New Mills shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24.

6.5 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP13 – Town centre uses
LP16 – Food and drink uses and the evening economy
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP29 – Management of water bodies
LP30 – Biodiversity and geodiversity
LP31 – Green infrastructure network
LP32 – Landscape

LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
LP43 – Waste management hierarchy
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP67 – Mixed use allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

Supplementary Planning Documents

- Highway Design Guide SPD (2019)
- Open Space SPD (2021)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Climate Change Action Plan (2022)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Viability Guidance Note (2020)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Public Rights of Way Improvement Plan (2010)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Streets Principles (2017)

Marsden Masterplan

- 6.7 The council has approved the development of a masterplan for Marsden. The intention of the masterplan is to help make Marsden an even more inviting place to live, work and visit.
- 6.8 The development of the Marsden Masterplan will involve technical work and community engagement to identify a series of potential interventions and improvements that could be made across Marsden to support its future success.
- 6.9 The Marsden Masterplan will be developed in parallel to the proposals for the New Mills site to ensure appropriate integration and alignment occurs.
- 6.10 Although not yet a material planning consideration, upon completion of the masterplan (anticipated in early 2025), the document will become an adopted “blueprint”, setting out a long-term aspirational vision for the growth of the village. The masterplan will ultimately help to shape and influence future investment, economic growth and housing in the local area.

Climate change

- 6.11 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.12 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Policies and Guidance

- 6.13 National planning policy and guidance is set out primarily the National Planning Policy Framework (NPPF), published 19/12/2023, and in online Planning Practice Guidance, first launched 06/03/2014, as well as in Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. NPPF chapters relevant to the proposals include:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

6.14 Other relevant national guidance and documents include:

- National Design Guide (2019, updated 2021)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Securing developer contributions for education (2019)

6.15 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL CONSULTATION

7.1 The pre-applicant team have engaged with the Marsden Community Trust over the last six months, and are currently organising a public drop-in session, to be held prior to the Strategic Planning Committee meeting of 20/06/2024.

7.2 Officers briefed ward Members on the emerging proposals on 02/04/2024.

8.0 CONSULTATION RESPONSES

8.1 KC Conservation and Design – Loss of heritage assets not justified, and would result in harm. Requested fully worked up options for further consideration, including retention and inclusion of buildings 1, 7, 11 and 20 and their associated features (buildings A, B, C and D), along with buildings 3 and 4 to Brougham Road, as a starting point.

8.2 KC Ecology – Preliminary Ecological Appraisal and Ecological Impact Assessment required. Mandatory Biodiversity Net Gain applies.

8.3 KC Education – £31,914 education contribution required (assuming 28 two-bedroom or larger units).

- 8.4 KC Highways Development Management – Access proposals will need to be revised, in light of difficulties along Brougham Road, Crowther Bruce Mill Road and elsewhere. To achieve suitable access to the development for all transport modes, significant changes to the local highway network are likely to be required, as the current arrangements are unsuitable for a development of this scale and use types. Option 6 would require between 222 and 279 car parking spaces, which cannot be accommodated within the current proposals (unless multi-storey parking was proposed).
- 8.5 KC Highways Structures – Conditions would need to be applied regarding the demolition of existing building walls supporting the adjacent highways, and regarding new retaining walls/structures.
- 8.6 KC Lead Local Flood Authority – Site is within Flood Zones 1, 2 and 3. Both watercourses beneath the site are classed as main rivers. Culverted watercourses are expected to be opened up. Sequential test and exceptions test may be required. Soakaways should not be used. Brownfield sites are required to provide a betterment to the current discharge rate of 30%.
- 8.7 KC Waste Strategy – Adequate space for refuse collection vehicles required. Council's guidance document should be followed.
- 8.8 West Yorkshire Police Designing Out Crime Officer – Details of boundary treatments, lighting, security measures and garage/shed security required. Proposals should adhere to principles of CPTED – Crime Prevention Through Environmental Design.
- 8.9 Consultation carried out at pre-application stage does not normally involve external consultees (other than the WY Police DOCO). However, representatives of Historic England attended the pre-application meeting held on 12/03/2024 and offered comments verbally, advising that buildings 1, 7, 20, A, B, C and D should be retained.

9.0 **OPTIONS APPRAISAL**

- 9.1 The pre-applicant team have considered the following options for the site:
- Option 1 – Do nothing
 - Option 2 – Heritage-led retention (retention of buildings 1, 3, 4, 7, 11, 20 and A, demolition of other buildings, erection of new buildings, one-way vehicular access from Warehouse Mill Road, two-way vehicular access from east)
 - Option 3 – Minimal heritage loss (retention of buildings 1, 4, 7, 11, 20, A and most of 3, demolition of other buildings, erection of new buildings, pedestrian bridge over river, two-way vehicular access from Brougham Road)
 - Option 4 – Modest heritage loss (retention of buildings 4, 7, 11, 20 and most of 3, demolition of other buildings, erection of new buildings,

pedestrian bridge over river, two-way vehicular access from Brougham Road)

- Option 4a – Retain and mothball eastern mill (as per option 4, but retain and mothball building 1)
- Option 5 – DLUHC-funded option (retention of buildings 3, 4, 11 and 20, demolition of other buildings, erection of new buildings, pedestrian bridge over river, two-way vehicular access from Brougham Road)
- Option 6 – Pre-application option (retention of buildings 3, 4, 11, 12 and 20, demolition of other buildings, erection of new buildings, pedestrian access across river, two-way vehicular access from Brougham Road)
- Option 6a – Partial site delivery (as per option 6, but mothball buildings 11 and 20, and postpone newbuild at west end of site)
- Option 7 – Alternative option (retention of buildings 1, 3, 4, 11 and part of 20, demolition of other buildings, erection of new buildings, pedestrian bridge across river, two-way vehicular access from Brougham Road).

9.2 The pre-applicant team's submission explains why option 6 is their preference. As regards why options 1, 2, 3, 4, 4a, 5, 6a and 7 are not being pursued, the pre-applicant team's reasons include viability concerns, harm in relation to heritage assets, lack of space for parking, lack of a complete redevelopment solution, unproven demand for flats and unproven demand for office space.

10.0 MAIN ISSUES INFLUENCING PROPOSALS

10.1 To date, discussions with the pre-applicant team have focussed on some of the key issues that will inform what can/can't be done at the site, which are considered to be:

- Land use, quanta and site allocation
- Economic impact
- Housing delivery
- Heritage
- Highways
- Drainage and flood risk
- Sustainability and climate change
- Building condition / structural considerations
- Biodiversity and trees
- Site stability and contamination
- Public consultation
- Demand
- Financial viability
- Other considerations

11.0 APPRAISAL

Land use, quanta and site allocation

11.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 11.2 Full weight can be given to site allocation MXS11, which allocates the site for mixed use development. Local Plan Policy LP67 states that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.
- 11.3 The table below compares the proposed development quanta (of option 6) with the indicative expectations of site allocation MXS11.

Use	MXS11 indicative expectation	Option 6 proposal
Residential	29 units	21 units
Employment	2,976sqm	3,077sqm light industrial 1,730sqm retail 1,900sqm office 6,707sqm TOTAL

- 11.4 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs and economic development objectives, having regard to Local Plan delivery targets) for it. Other criteria of policy LP38 may also apply.

Economic impact

- 11.5 The job creation objective (to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs) of the Local Plan is noted, as is strategic objective 1 which confirms that the council will support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure. Objectives set out in the Leeds City Region Strategic Economic Plan and the Kirklees Economic Strategy are also noted.
- 11.6 Given the above objectives, a development at the pre-application site that included an employment element would be expected to facilitate the creation of a high number of quality, skilled jobs and apprentices. Opportunities for local employment should be maximised. Supply chain and other knock-on benefits of increased economic activity at the pre-application site (during both the construction and operational phases) could potentially be significant.
- 11.7 The pre-applicant team have provided headlines figures regarding the benefits the proposed development would bring to the local economy, using job creation figures and the Gross Value Added (GVA) measure, which the Government has defined as follows:

Gross Value Added (GVA) measures the contribution to the economy of each individual producer, industry or sector. Simplistically it is the value of the amount of goods and services that have been produced, less the cost of all inputs and raw materials that are directly attributable to that production.

- 11.8 For option 6, the pre-applicant team have stated that 339 jobs would be created, and £25.7m GVA per annum would be generated. This compares with the other options as follows:

Option	Direct jobs	GVA (£ per annum)
1 (Do nothing)	0	0
2 (Heritage-led retention)	428	£32.5m
3 (Minimal heritage loss)	427	£32.4m
4 (Modest heritage loss)	341	£25.8m
4a (Retain and mothball eastern mill)	No figures given	
5 (DLUHC-funded option)	329	£25m
6 (Pre-application option)	339	£25.7m
6a (Partial site delivery)	No figures given	
7 (Alternative option)	357	£27.1m

Housing delivery

- 11.9 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 11.10 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling three-year period (the “pass” threshold is 75%).
- 11.11 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. For decision making, this means:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 11.12 The council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development, however this has to be balanced against any adverse impacts of granting permission for a proposal.
- 11.13 In the absence of a five-year housing land supply, the most relevant policies are deemed out of date. In these circumstances, substantial weight should be given to the presumption in favour of sustainable development (applying the "tilted balance") unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.
- 11.14 A mixed use development that included 21 flats (as is proposed in option 6) would contribute towards meeting identified needs, and this delivery would attract some weight in the balance of material planning considerations that would be relevant to a future planning application. Alternative schemes that involved the provision of more housing would attract more positive weight in this respect, although such schemes are likely to include less employment floorspace (and would therefore achieve less in terms of job creation and GVA).
- 11.15 Affordable housing would normally be required as part of a mixed use development involving the provision of more than 10 dwellings, however at this site the pre-applicant team may be able to demonstrate that Vacant Building Credit applies, which would mean no affordable housing would need to be provided. Should this be the case, and should affordable housing still be proposed, this could be viewed as an additional benefit that would weigh positively in the balance of planning considerations.

Heritage

- 11.16 No buildings within the site are listed. The nearest listed buildings are the Grade II listed tenter posts to the north of the site (on the opposite side of Crowther Bruce Mill Road). The Marsden Mechanics Institute (at the corner of Peel Street and Brougham Road) is also Grade II listed.
- 11.17 The site is entirely within the Marsden Conservation Area. Many of the buildings within the site are important non-designated heritage assets, and make a significant positive contribution to the character and appearance of the conservation area (which is a designated heritage asset), particularly in the case of buildings 1, 7 and 20 which are visible in longer views and provide settings to many surrounding buildings and feature in several streetscapes. Buildings 3, 4, 11, A, B, C and D are less prominent in wider views, but are also important positive contributors to the character and appearance of the conservation area.

- 11.18 Regarding this site (and the Bank Bottom Mills site), in her report of 30/01/2019 the Local Plan Inspector stated:

The mill buildings on these sites are identified in the Marsden Conservation Area Appraisal as focal buildings, and contribute to the distinct identity of Marsden. New Mills is located within the Marsden Conservation Area and Bank Bottom Mills is close to it. Accordingly, in order to protect the historic environment and character of the town, and accord with Policy PLP 35 in the Plan, the policies should be modified to seek the retention of the mill buildings.

- 11.19 Site allocation MXS11 states:

The original buildings of New Mills shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24.

- 11.20 Permission was previously granted for the demolition of building 1 and other buildings in 2006 (refs: 2005/93716 and 2005/93717). That permission was not implemented.

- 11.21 Regarding the current proposals, the pre-applicant team have submitted information regarding the historic interest of buildings 1, 3, 4, 7, 11, 20, A, B, C and D, and justification for the demolition of some of these buildings. Officers' assessment of that information and justification is ongoing. At this stage it appears likely that the development proposal to be brought forward for this site will involve a degree of harm in relation to heritage assets. This harm would need to be outweighed by public benefits.

- 11.22 Regarding the site's other buildings (namely, those other than buildings 1, 3, 4, 7, 11, 20, A, B, C and D), officers are likely to recommend that their demolition can be accepted (subject to further assessment of their importance, and of the new buildings that would replace them), as these are considered to be of less historic interest and/or make less of a contribution towards the character and appearance of the conservation area.

- 11.23 The positive aspects (in relation to heritage assets) of development at this site must also be given weight in the balance of planning considerations. Retention and re-use of at least some of the site's existing buildings appears to be possible. Demolition of some of the site's less important buildings may open up and enable new appreciation of (and access to) those buildings that are to be retained, particularly if new pedestrian routes through the site are created, and if new retail uses are introduced to the retained buildings.

- 11.24 It must also be noted that no development proposals have been implemented at the site since woollen production ceased at the site over 20 years ago, despite a planning permission having been granted in 2006. During the years following the closure of the mills, the site's buildings have mostly been unused, and their condition has deteriorated.

Highways

11.25 The following existing highway conditions surrounding the site are noted:

- Peel Street / Brougham Road junction – Inadequate turning space for large vehicles, and very limited visibility, particularly for vehicles exiting Brougham Road and turning south onto Peel Street.
- Brougham Road – Heavily parked along the northern kerb along the pre-application site frontage and to the east of the site. Some parking also occurs to the east of the pre-application site along the southern edge of the carriageway, including parking in marked disabled/accessible bays. There is inadequate space for two vehicles to pass in a number of locations, and where double parking occurs the remaining single lane is narrow, which results in some drivers parking on footways. There are typical school drop off/pick-up parking issues associated with Marsden Infant and Nursery School.
- Existing site entrance (between buildings 3 and 7) – Gated, with a dropped kerb. Approximately 10m between buildings 3 and 7.
- Brougham Road / Crowther Bruce Mill Road junction – Approximately 10m between building 4 and curtilage of 44 Brougham Road. Limited visibility at the junction, which is restricted by parked cars/vans. There is a service area for the pre-application site adjacent to the junction (accessed from Crowther Bruce Mill Road), which may cause safety issues if used by larger vehicles (but currently appears to be used by vans only).
- Crowther Bruce Mill Road – Steep gradient in two sections, inadequate space for two vehicles to pass, limited visibility at northeast corner of pre-application site, and a lack of pedestrian (or cycle) facilities.
- Crowther Bruce Mill Road / Warehouse Hill Road junction – Limited visibility for vehicles exiting Crowther Bruce Mill Road. Shuttered entrance to building 15.
- Warehouse Hill Road – Limited width in places. No vehicular access into the pre-application site. Lack of continuous pedestrian (or cycle) facilities.
- Derby Terrace – Limited width, and no turning head.
- Footways of the above-listed streets vary in width and quality. Some sections have no footways.

11.26 Further away from the pre-application site boundaries, there are known to be problems regarding parking in the centre of Marsden, and regarding refuse collection from Derby Terrace (where refuse collection vehicles are unable to turn, and residents therefore have to drag their bins to Brougham Road for collection). Where possible, development at the pre-application site should help to address these problems.

11.27 Given the existing highway conditions detailed above, the provision of access to a major development at the site would be challenging. Brougham Road and Crowther Bruce Mill Road cannot accommodate two-way traffic or HGVs. Of note, in connection with the proposals approved in 2006, Brougham Road was

to be made one-way along its western section up to the development site access. To facilitate the one-way section, land to the south of Brougham Road (which does not form part of the current pre-application proposal site) was utilised to provide a turning head, as well as space for parking.

- 11.28 Accessing the site from the north (via Town Gate, Church Lane, Station Road and Warehouse Hill Road) would be preferable in some respects, as it could provide a more suitable route for larger vehicles associated with the proposed development's light industrial element. However, this would necessitate the construction of a new road bridge over the River Colne (the cost of which the pre-applicant team have put at £1.75m, although this is not based on a fully costed and detailed engineering exercise) and may require the removal of some on-street parking spaces along the above route.
- 11.29 A revised access strategy, including significant improvements/alterations to the local highway network, would be required in connection with a major development at the site. This could include a combination of the following (which is by no means an exhaustive list and requires further investigation and analysis):
- A two-way vehicle bridge to Warehouse Hill Road.
 - Improvements to Brougham Road, to address the existing parking issues, narrow width, and the very constrained nature and visibility issues at the Peel Street junction.
 - Improvements to Crowther Bruce Mill Road. An option to make this one-way northbound may be possible, subject to improvements.
 - Wider traffic management measures and highway improvements to manage traffic within the centre of Marsden.
 - Other pedestrian/cycle accessibility improvements, including improvements to Warehouse Hill Road, even if only a pedestrian (and cycle) bridge connection is provided.
- 11.30 Options considered by the pre-applicant team include the provision of pedestrian access through site between Warehouse Mill Road and Brougham Road, and an east-west route to the site's eastern edge. Such improvements to pedestrian access through this large site (and through Marsden) would be welcomed.
- 11.31 The pre-applicant team have stated that option 6 would generate demand for 187 parking spaces. This number of spaces is not shown on the relevant drawing, and the pre-applicant's submission states that "Parking levels would be closer to those needed [when compared with other options]". KC Highways Development Management have calculated that option 6 is more likely to require between 222 and 279 car parking spaces (plus any replacement parking that is likely to be needed to mitigate the loss of existing on-street spaces). However, it is noted that the council does not have definitive parking standards, and other considerations (such as existing and future public transport facilities, and the walkability of Marsden) may justify lower parking provision in connection with major development at this site, as may the aesthetic impact of large areas of surface parking.

- 11.32 Ongoing work on the Marsden Masterplan is looking into local issues of traffic circulation and parking in the village.

Drainage and flood risk

- 11.33 The River Colne runs through and beneath the site. In accordance with site allocation MXS11 and Local Plan Policy LP27, de-culverting of this watercourse would normally be expected. However, the pre-applicant team have cited cost and practical reasons for not including de-culverting in the current proposals.
- 11.34 It is accepted that de-culverting of the site's other watercourse (which runs from south to north, close to the site's eastern edge) would not be possible, as buildings above it are to be retained.
- 11.35 Soakaways are not regarded as a suitable method of surface water disposal in this location. At this brownfield site, major development would be required to improve (i.e., reduce) discharge rates in comparison with the current situation.
- 11.36 Other matters relating to flood risk and drainage would need to be addressed in the forthcoming application.

Sustainability and climate change

- 11.37 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. At application stage, information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives would be expected. The forthcoming submission should also respond positively to the net zero carbon emission targets referred to earlier in this report.
- 11.38 Mixed use development at this site can be considered to be sustainable development, given the site's location within an already-developed area, its proximity to public transport and other facilities (within walking distance), and the opportunities for economic, social and environmental net gains (and for addressing climate change) that the site provides.
- 11.39 The proposed demolition of the site's existing buildings would involve a loss of embodied energy/carbon. Retained buildings (carefully converted) could be made more energy-efficient. However, even higher levels of energy efficiency could be achieved by the new accommodation that would replace the demolished buildings. The re-use of demolition material on site may also help to address embodied energy/carbon concerns.

- 11.40 Given the size of the site, the range of uses proposed, and the expectations of Local Plan Policy LP26, the feasibility of an on-site energy centre should be explored.
- 11.41 Measures would be necessary to encourage the use of sustainable modes of transport. A development at this site which was entirely reliant on residents, staff and visitors travelling by private car is unlikely to be considered sustainable. Adequate provision for pedestrians, cyclists (including cycle lanes, where appropriate) should be demonstrated, and cycle storage and space for cyclists, electric vehicle charging points, a Travel Plan and other measures would be required.
- 11.42 Drainage and flood risk minimisation measures would need to account for climate change.

Building condition / structural considerations

- 11.43 The pre-applicant team initially submitted a brief Structural Condition Technical Summary (which stated that surveys/investigations were yet to be carried out) and the matter of building condition was touched on in the covering letter of 16/02/2024.
- 11.44 More recently, the pre-applicant team have stated that full structural and engineering surveys of the site's buildings (and the ground on which they sit) have not been undertaken, and that this costly work is not needed to demonstrate the lack of viability of the considered options, nor is it needed to identify the need for funding to address that shortfall.
- 11.45 This is noted, however information will need to be submitted to enable the council to ascertain whether the site's existing buildings can indeed be retained (or are beyond repair), and what the cost of any such retention would be. This information would be particularly necessary should the council's review of the relevant financial viability information arrive at different conclusions to the pre-applicant team's, and/or should the council attach limited weight to viability information. Ground condition surveys would certainly be required to ascertain whether any mitigation is needed prior to the construction of the proposed new buildings.

Biodiversity and trees

- 11.46 A tree survey is yet to be submitted, however it is noted that there are no TPO-protected trees on the site.
- 11.47 The pre-applicant team's information regarding the site's existing biodiversity value is currently being reviewed, although it appears likely that the site's value is limited due to the extent of hard surfacing, and due to its watercourses being culverted. Major developments are normally required to deliver a biodiversity net gain of 10%, however further information may need to be submitted to confirm whether this site would be exempt from that requirement due to its limited existing value. Whether biodiversity net gain is required or not, faunal enhancements would need to be provided.

Site stability and contamination

- 11.48 Council-held records indicate that the site is potentially contaminated. Local Plan policy LP53 is relevant, and its requirements would need to be addressed in an application-stage Phase 1 contamination report.
- 11.49 The site is not within the Development (Low or High) Risk Areas defined by the Coal Authority.
- 11.50 Several millponds once existed within the site. The pre-applicant team will need to establish whether (and how) these were filled.

Public consultation

- 11.51 Proposals for the site should be informed by the views of local residents.
- 11.52 As noted above, the pre-applicant team are currently organising a public drop-in session, to be held prior to the Strategic Planning Committee meeting of 20/06/2024.
- 11.53 At application stage, the findings of the pre-applicant team's public consultation would need to be set out in a Statement of Community Involvement.

Demand

- 11.54 The pre-applicant team initially submitted a Demand Report, and further commentary was provided at the meeting held on 12/03/2024. The pre-applicant team have stated that demand for flats in Marsden is unproven and likely to be low, and that it therefore cannot be confirmed that the conversion of both the site's taller mill buildings (buildings 1, 7 and 20) would be viable.
- 11.55 This matter will require further consideration, including in light of the public transport service improvements expected as result of the Transpennine Route Upgrade, and evidence gathered from the relatively-recent Station House Court development in Marsden.
- 11.56 The council may appoint an external consultant to review the pre-applicant's demand evidence (at the pre-applicant's expense).

Financially viability

- 11.57 The pre-applicant team have submitted financial viability information, which is currently not in the public domain. However, to provide Members with an idea as to how viable or unviable the various development options are, the pre-applicant team have agreed that the following headline findings can be made public:

- Option 2 – shortfall of over £10m
- Option 3 – shortfall of over £10m
- Option 4 – shortfall of less than £10m
- Option 4a – viability not confirmed
- Option 5 – shortfall of less than £10m
- Option 6 – shortfall of less than £10m
- Option 6a – viable
- Option 7 – shortfall of less than £10m

- 11.58 The pre-applicant team have confirmed that all the above headline findings already take into account the £5.6m of DLUHC funding that has been secured.
- 11.59 The DLUHC's decision to award funding was based on option 5. The pre-applicant team have since recalculated that option's viability (in light of increased costs) and has found that, even with the DLUHC funding, it is now unviable, and would require additional funding to bridge the gap.
- 11.60 The pre-applicant team intend to take option 6 forwards. That option is also reported to be unviable, and would require funding in addition to that already awarded by DLUHC.
- 11.61 The council may appoint an external consult to review the pre-applicant's viability evidence (at the pre-applicant's expense). In the meantime, it can at least be concluded at this stage that major development at this site (involving either minimal or extensive retention of the existing buildings) would require assistance in the form of external funding.

Other considerations

Urban design matters

- 11.62 Once more is known regarding what existing buildings need to be regarded as "fixed", further consideration of design matters (including regarding heights, building lines, elevational treatments and materials) will be necessary.

Residential quality and amenity

- 11.63 Further detail would need to be submitted to inform consideration of the proposed unit sizes (with reference to the Nationally Described Space Standards), unit size mix (with reference to the council's Affordable Housing and Housing Mix SPD), outlook, aspect, privacy, natural light and compatibility with the proposed development's employment uses.

Crime and anti-social behaviour

- 11.64 Measures to prevent crime and anti-social behaviour would need to be demonstrated at a future, more detailed design stage.

Environmental and public health

- 11.65 A Health Impact Assessment would be required at application stage. This would be assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy. Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with these planning policies.
- 11.66 Noise, air quality, odour and other matters relevant to environmental health will need to be addressed in the forthcoming planning application submission.
- 11.67 The site is not located within an Air Quality Management Area (AQMA), however due to the size of the development proposed, and having regard to the West Yorkshire Low Emission Strategy planning guidance, an Air Quality Assessment (AQA) would be required at application stage. For air quality reasons, details of charging points for electric vehicles would be required at application or conditions stage, and a Travel Plan would also be required for air quality reasons, given the size of the proposed development.
- 11.68 A Noise Assessment would need to be submitted. This would need to determine the existing noise climate, predict the noise climate in outdoor spaces (daytime), bedrooms (night-time) and other habitable rooms of the development, and detail the proposed attenuation or design measures necessary to protect the amenity of the occupants of the new residential units. Noise generated by the proposed employment uses would also need to be assessed.

Planning obligations

- 10.69 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary (if planning permission is to be granted). Heads of Terms would or may refer to:
- Highways mitigation
 - Sustainable transport
 - Education
 - Open space
 - Affordable housing
 - Provision and maintenance of drainage systems
 - Biodiversity net gain
- 10.70 Further consideration of contributions, their timing and triggers would be necessary once more is known regarding the proposals.

Training and apprenticeships

- 10.71 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development may meet one or more of the relevant thresholds, officers will be approaching the pre-applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such provisions are currently either being secured through Section 106 agreements or through other forms of agreement and partnership where officers work proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phases.

Construction management

- 10.72 If permission is granted for major development at the pre-application site, a condition securing the submission and implementation of a Construction Environmental Management Plan (CEMP) is likely to be appropriate. The CEMP would need to include proposals for mitigating environmental impacts during demolition and construction (including in relation to noise, dust and working hours), as well as details relating to construction traffic (having regard to the accessibility of Brougham Road, and its inability to accommodate HGVs).

11.0 CONCLUSION

- 11.1 Members to note the contents of this pre-application report.