

# **Planning Statement**

**New Mills, Marsden**

**Crowther Bruce and Company Limited**

**April 2026**

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## 1. Introduction

- 1.1 This planning statement has been prepared in support of an application lodged by lodged by Crowther Bruce and Company Limited at New Mills, Marsden.
- 1.2 New Mills is a key regeneration project for the village. It occupies a large and central area of the village area. The site is around 1.7Ha and has been unused since 2001. It is currently falling into disrepair.
- 1.3 This site is allocated in the Adopted Plan (MXS11) and is the former premises of Colne Valley Spinning Co Ltd, a Marsden based business that was an important producer of woollen cloth in the late 19th and early 20th Centuries. The Crowther family, who owned the business, were also local philanthropists- dedicating both land and money towards local amenities and services in the town. The Mill was founded in 1897 but closed in March 2001. It has been vacant since that time, with some local frustration over a lack of action at the site.
- 1.4 This application is submitted in full and seeks permission for a range of uses, focussed on employment generation, district centre expansion and providing new homes.
- 1.5 The objectives of this application are to:
- a) Make the redevelopment of the Mill site viable and market attractive,
  - b) Support the current function of Marsden as an important service provider for the local area- extending the provision of local needs services for existing residents, as far as reasonably possible, in an effort to make the settlement more sustainable and to reduce the need to travel to access key services and facilities; and to
  - c) Create the opportunity for a range of employment types in a central area of the village – including both “traditional” job generating development (light industrial and office uses) and other employment opportunities- for example in retail and café uses, depending on what can be attracted to the site.
- 1.6 This application proposes redeveloping the site as a series of new buildings. It is “heritage led” as far as can be reasonably achieved and, in summary, it involves:
- Demolition of the low rise mill buildings that sit over most of the eastern and western areas of the site. The approach adopted has been to remove the more recent buildings, which have less heritage value and which present significant challenges for re-use by modern occupiers.
  - Opening up the River Colne, through the removal of buildings that are currently built over the river. These are more recent and have less heritage value, and there are material planning benefits associated with the significant deculverting exercise.
  - Retention of the main two storey mill buildings that face Brougham Road. These are older buildings, and are in a reasonable state of repair. The eastern end is currently occupied by Labtex and space adjacent to this is currently capable of being occupied and is on the market. These sit over a second culverted watercourse, but are being

retained as they have both heritage value and require limited works to make them suitable for occupation.

- Retention of the two multi-storey mill buildings, and associated towers, that are located in the centre of the site. These buildings play a significant role in setting the character of Marsden and will be retained and converted.
- In order to achieve suitable vehicular access from Brougham Road, it will be necessary to demolish part of the 2 storey buildings fronting Brougham Road, as well as the southern part of the western mill building. This will remove an imposing built presence on Brougham Road
- The retained buildings will be converted to provide a mix of uses. This application includes detailed proposals for:
  - Converted light industrial units on the eastern part of the site
  - Mixed “town centre uses” on the lower ground floor of the western mill
- New build elements to provide:
  - Light industrial units on the eastern part of the site;
  - New parking areas and circulation areas; and
  - A high quality public space on Brougham Road at the entrance to the site.

1.7 Future applications will provide for residential uses on the upper floors of the western mill, and all floors of the eastern mill, alongside the parking a servicing necessary for those uses.

1.8 This application has been the subject of extended pre-application discussions. It has been subject to two public consultation events and has been presented to strategic planning committee as a pre-application proposal twice. There is wide-spread local support for some positive progress to be made on this site: From residents, Ward Councillors, the MP, the Marsden Community Trust and the group co-ordinating the Marsden Masterplan.

1.9 However, there are a range of technical issues to address. These are primarily:

- Heritage related- including the impact of the proposed changes on the character and appearance of the Conservation Area; the loss of buildings which are “Non-Designated Heritage Assets”, and; setting effects on the Listed “Tenterhooks” on Crowther Bruce Mill Road.
- Structural- including the current condition of the buildings to be retained, as well as the suitability of the ground to support the proposed development- including where the River Colne is being deculverted;
- Flood related- including both areas of Flood Zone 2 and 3, two culverted main rivers and the safety of future users of the site given climate change projections;

- Highways and traffic- including the existing parking, circulation and pedestrian safety issues; and
  - Potential harm to the functioning if the designated District Centre in Marsden, given the range and nature of “town centre uses” that are proposed, in order to secure a suitably diverse mix of uses that is likely to be deliverable.
- 1.10 It is considered that the principle of developing this site for the proposed use is acceptable- this is an allocated site and this application represents many months of technical work, consultation and scheme revisions to present a project that can work from a market, viability and practical perspective.
- 1.11 However, this project will also involve some fine balancing of technical considerations. There are inevitably compromises to be made. This application represents the culmination of well over a year of pre-application discussions, and several years of funding work, to help reduce the financial burden of regenerating this complicated site.
- 1.12 The site is vacant, derelict and deteriorating. If these iconic buildings are going to be preserved, it is necessary to act positively and quickly, to secure the best available compromise which secures the parts of the site that are most important, and provides a framework for a viable regeneration of this site.
- 1.13 This application takes a phased approach. Not all elements of the wider project are proposed at this stage- primarily because of viability constraints. This application seeks to preserve the potential for other project elements to be delivered in the future, which can build on the framework of this application as further funding becomes available.
- 1.14 This statement explores these themes in more detail and acts as a signposting document for the wider application package, which is extensive. It aims to summarise the work undertaken to date, to explore the solutions that have been arrived at, and to offer a rational view on the overall balance of harm and benefits presented by this proposal. It covers:
- i) The Site location and description
  - ii) The relevant planning history
  - iii) The relevant Planning Policy
  - iv) The Principle of the Development
  - v) Material considerations
  - vi) The Public Benefits of the Development
  - vii) The Overall Planning Balance
- 1.15 We conclude that the development accords with the Development Plan, is sustainable development and that there are no material considerations that weigh against the approval of this application.

- 1.16 We also identify a number of benefits arising from this proposal which suggest that this application should be approved “without delay” in line with national policy requirements.

## 2. Site Location and Description

2.1 The application site is shown outlined in red on the aerial photograph below:



2.2 It comprises a dense stone built mixed mill complex, with some single storey, rising to 4 storey mill buildings. There are two taller stair towers in the central area of the site- rising to the equivalent of around 6 storeys in height.

2.3 There is little space within the mill complex which has not been utilised, with access and servicing opportunities being extremely limited.

2.4 Areas of the site are also becoming structurally unsound- for example, the gable end of the main west mill has had to be tied back, and some stonework removed, to reduce the load on this elevation. The Structural Condition Report that accompanies this application confirms that the buildings are in a very poor state of repair.

2.5 They have been disused for a considerable period of time, have suffered from vandalism, water ingress, and vegetation growth, which have all affected the buildings structurally.

2.6 The mills have 2 storey terraced houses in various locations around it's boundaries:

- The houses on Derby Terrace are associated with the Mills and are "book ended" by 2.5 storey properties- which potentially housed supervisors and foremen working in factory when it was built.
- The western end of that terrace is on Peel Street, with commercial uses at ground floor level- forming a part of Marsden District Centre.

- Further along Peel Street, to the west of the mill complex and north of Derby Terrace, are further retail and service units- offering a range of convenience, food and drink and service uses.
- Other terraced properties on Brougham Road are two storey, with varied levels of detailing- these have the general appearance of typical Pennine town, stone built terraces.

- 2.7 The Marsden Infant and Nursery school sits to the southeast of the site and is 1-1.5 storeys. To the west of the infant school is the Grade II Listed Marsden Mechanics building, with it's distinctive red and white tower feature.
- 2.8 To the east of the site, east of Mill Road, is an area of open land known as "lakeside", with allotments, a nursery and green space running alongside the River Colne.
- 2.9 To the north is further terraced housing, the United Church and a commercial unit currently housing a bakery and musical instrument shop. The land rises above the site level north of the river, with terraced housing sitting several metres above the site level, held by stone retaining walls with sloping garden spaces.
- 2.10 To the immediate north of Mill Road is a managed garden space which houses the Grade II Listed Tenter Posts- remnants of the structures used to dry and size the woven wool made in the mills.
- 2.11 The surrounding roads are also typical of a Pennine town- generally being narrow, with cars parked on street. Particularly to the north of the site, where land rises above the River, the roads are steeper and have tight "switch back" junctions, which make safe manoeuvring difficult- with limited visibility in one direction.
- 2.12 The axonometric aerial photograph below shows the site in context- illustrating the scale and dense mass of industrial structures relative to the lower housing and commercial uses nearby.



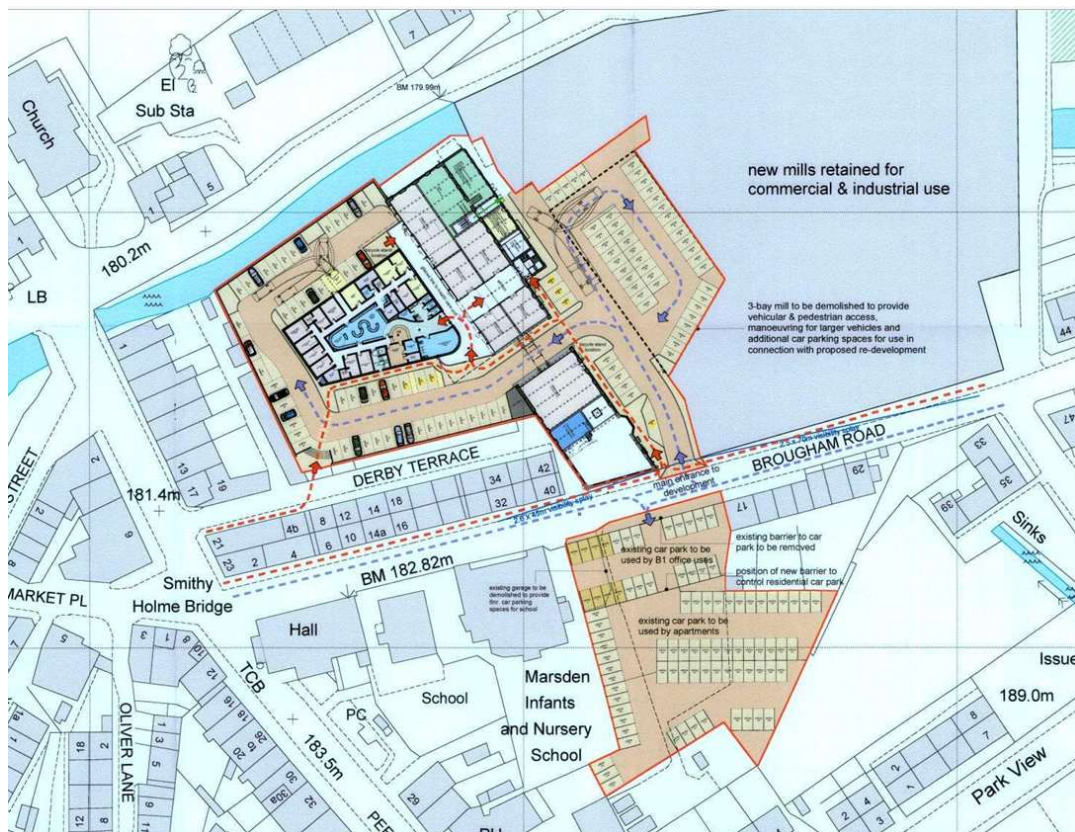
- 2.13 The Heritage Appraisal identifies the broad age of the different areas of the Mill complex- ranging from 1854 through to modern times.
- 2.14 The original mills (1854-94) are shown in orange, with early expansion (1894-1908) being shown in blue. The early 20<sup>th</sup> Century saw expansion over the river (1908-1932 in pink) with more modern infill additions (1932 to 2000) being shown in green.



- 2.15 The site currently sits over River Colne. Buildings 13, 14, 16 and 19 above are constructed on a 10cm / 100mm slab over the river.
- 2.16 New Mills is a large former industrial complex in a very central area of the village. It is extremely prominent and is a significant feature that dictates the character of a large part of the central area of the village. However, it is also redundant, is becoming unsafe and has huge potential to enhance the job, housing and service provision in the village.
- 2.17 The Crowther Family are well renowned for their positive contributions to Marsden over the years, originally as a main employer in the town, but also through benevolent gifts - including the football ground, land to widen Church Lane, land for the park, an extension of the church yard as well as it's walls and railings, an ambulance and even one of the bells in St Bartholomew's Church . The family wish to maintain their positive reputation and achieve a positive outcome for the village. They are acutely aware that the buildings have been vacant for an extended period and are keen to see a positive use achieved.

### 3. Relevant Planning History

- 3.1 The application site has a modest planning history. The main applications of interest are 2005/93716, and the associated 2005/93717.
- 3.2 These secured planning permission and Conservation Area Consent respectively, described as follows:
- 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/RESTRAURANT AND WINE BAR AND 32 NO. APARTMENTS ON 3RD AND 4TH FLOORS WITH ASSOCIATED CAR PARKING (WITHIN A CONSERVATION AREA).
- 3.3 Permission was granted in August 2006 but was not implemented.
- 3.4 This proposed the demolition of the “spinning shed”, at the western side of the site and its replacement with a new build 2 storey medical centre. The western mill was “cut through” at ground floor level to provide car access to the western side of the site, with the retained building converted to provide a range of health, office and food / drink uses, with 32 apartments above.
- 3.5 The eastern mill was demolished to provide for car parking, whilst the far eastern side of the site was outside the application area.
- 3.6 The approved development is shown on the extracted plan below:



## 4. Proposed Development

### Format of the Application and How it has been Assessed

4.1 This application is submitted in full detail, but does not include details of all of the development that will eventually be delivered on this site- further planning applications will be necessary to deliver the full vision of the regeneration of New Mills. It is intended to be a first tranche of works on the site and has been defined to make use of existing Government funding that has been secured to deliver some regeneration and job creation from this site. The extensive pre-application process has helped to form this approach into the project presented in this application.

4.2 The following elements are applied for and comprise Phases 1 and 2 of the works proposed under this application:

#### Phase 1:

- Engineering and remediation works
- Demolition
- Repairs to the retained buildings
- The opening up of the River Colne, and associated engineering works
- Creation of a level area to the west of the West Mill and adjacent to Derby Terrace, for construction related logistics activity (materials storage, contractors facilities, etc) once a detailed construction management plan has been finalised by the selected contractor.
- The creation of site accesses at Brougham Road and Crowther Bruce Mill Road, as well as improvements to Crowther Bruce Mill Road (to the north and east of the current site) to widen the current junction with Brougham Road.
- New industrial building in the eastern area of the site, and industrial uses in the existing 2 storey Mill fronting Brougham Road
- Refurbishment of the existing Labtex building- to be used by Labtex, or an alternative office occupier
- The new and refurbished space on the eastern side of the site will provide a completed courtyard development focussed on employment provision- with a mix of office and light industrial space.
- New public realm at the site entrance- designed to be a “feature space” that assists with wayfinding, provides seating and relaxing opportunities and reflects the nature and heritage of the building it replaces

#### Phase 2:

- The conversion of the lower ground floor and basement area of the west mill, to provide retail, restaurant / café space, and the detailed design of the landscaping, car parking and servicing areas to the west of the West Mill and the “spine” of the site between the site entrance and the Rover Colne.
- New access infrastructure to allow pedestrian and cycle access to Peel Street from the western side of the site (stairs and a ramp alongside Derby Terrace, with steps to allow direct access from the western end of the car park).

4.3 A further application(s) will be needed to finalise the development of the site this would be undertaken as Phase 3 of the works, and would comprise:

- The use and refurbishment of the East Mill and the upper floors of the West Mill:

This allows flexibility within the use quantum parameters to meet commercial tenant requirements and to aid marketing. This also includes the precise mix, tenure and size of the residential uses on the upper floors of the mills. It is expected that necessary restrictions on these uses would be tied to any grant of permission by condition.

- New formalised parking area to the north and east of the site, including parking for the East Mill, landscaping layouts and a new riverside walkway.

4.4 These elements of this project are shown on the parameters plan and are included within the use schedules presented below, to ensure that the highways and other technical assessment of this application is comprehensive, and delivers the wider infrastructure necessary to deliver the site in total. They are also illustrated on the site masterplan, which shows how the applicant currently envisages these elements being delivered across the site. That masterplan, however, is primarily illustrative in nature and is designed to show how the proposed uses would fit on the site.

4.5 The project also previously included a footbridge over the newly opened up River Colne at the pre-application stage. That is not an element of this application for which planning permission is currently being sought- this is primarily due to funding constraints, and the associated implications for highway safety works on Warehouse Hill Road- which would be triggered if pedestrians and cyclists were to leave the site at this point and travel east-towards Peel Street and the Train Station. This would necessitate significant highways works to introduce a footway / cycle way on a narrow stretch of road- this would likely involve new traffic lights and a section of single lane running, which is costly intervention on top of the costs of the footbridge.

4.6 However, the project team are keen to see this delivered and for that to progress through other public funding streams and the village master planning exercise. For this reason, it is shown on the illustrative masterplan: It’s delivery is a shared desire of the New Mills Development Team and the Marsden Masterplan Team.

4.7 Another potential feature is the re-introduction of an elevated access corridor joining the two mill buildings. This is not considered to be an affordable option at this stage, but there is potential in the future to reconstruct a bridge link and install this, given that these are the

most iconic features of the site at the present time, but that the condition of the existing material is such that it is not possible to retain and / or refurbish those existing links.

**Uses – Quantum, location and restrictions**

- 4.8 This project aims to define a mix of uses that will be market attractive, enhance the services and facilities available in Marsden, create jobs and provide new homes. The proposed mix of uses across the entire site is shown on the following schedule:

| Use               | Use Class             | Total Amount (sqm) | Location  | Restrictions and Notes   |
|-------------------|-----------------------|--------------------|---|--|
| Light Industrial  | E g) ii)<br>E g) iii) | 1,881              | New Building C (eastern courtyard)<br>Retained Building B (Brougham Road) | Maximum unit size of 5,000sqft / 465 sqm, with ancillary office provisions only<br>No HGV servicing  |
| Office            | E g) i)               | 747                | Retained Labtex Use (Brougham Road)                                       | Labtex are likely to stay, but if they do relocate, this space would include potential single occupier, co-working areas or small local business suites. Parking has been provided to meet this future demand.                     |
| Food Retail       | E a)                  | 279                | Ground floor West Mill  | Limited to local convenience store (279sqm sales area, 93sqm storage / back of house)  |
| Non- Food Retail  | E a)                  | 335                | Lower ground floor West Mill  | Maximum unit size 2,500sqft / 235 sqm. Assessed as Ea) space in TA and for parking demand.<br><br>Potential to seek future amendments for Workshop / Studio (Hybrid Ea)/ Eg) uses) or Professional / Financial Services (Ec) uses) |
| Restaurant / Cafe | Eb)                   | 121                | Ground Floor West Mill  | Maximum unit size 121 sqm, potential for smaller unit(s) or split to café / restaurant   |
| Gym               | E d)                  | 181                | Basement, East Mill   | Limited to residents use only  |
| Ancillary         | n/a                   | 469                | Basements of East Mill and West Mill                                      | Secure cycle parking, bins, charging, and maintenance for residential + plant  |
| Residential       | C3                    | 60 units / 6,829   | All of East Mill (32 units), Upper floors of West Mill (28 units)         | Mix and tenure to be determined. All to meet NDSS requirements. Illustrative layouts show 2 bed units.   |

4.9 The uses and buildings are set out in the table below:

| Building              | Reference           | Uses  | Area (sqm) | In this application?   |
|-----------------------|---------------------|---|------------|--|
| Brougham Road Offices | Building A / Labtex | Office (Eg)i)                                 | 747 sqm    | Yes  |
|                       |                     | Ancillary                                     | 191 sqm    |  |
| Brougham Road Studios | Building B          | Eg) ii / Eg) iii) with ancillary office space | 1,300 sqm  | Yes  |
| New Build Industrial  | Building C          | Eg) ii / Eg) iii) with ancillary office space | 581 sqm    | Yes  |
| East Mill             | n/a                 | Residential (32 units)                        | 4,027 sqm  | Building repairs included, uses and fit out included in technical work.  |
|                       |                     | Resident's Gym                                | 181 sqm    |  |
| West Mill             | n/a                 | Residential (28 units)                        | 2,802 sqm  | Lower Ground and basement uses, plus building repairs included. Upper floor uses and fit out included in technical work. |
|                       |                     | Food retail (net sales)                       | 279 sqm    |  |
|                       |                     | Food Retail (back of house)                   | 93 sqm     |  |
|                       |                     | Non-Food retail                               | 335 sqm    |  |
|                       |                     | Café / Restaurant                             | 121 sqm    |  |
|                       |                     | Ancillary                                     | 278 sqm    |  |

4.10 The total floorspace on the entire site is:

- 4,105 sqm of light industrial and town centre uses
- 7,479 sqm of residential and associated uses- including ancillary space and a resident's only gym.

- 4.11 Not all of this space is included in the current application- further applications are expected for the East Mill and upper floors of the West Mill (the residential areas). However, to ensure that the highways mitigation and environmental effects of the entire site are considered comprehensively, the accompanying technical work considers the full amount of development envisaged across the site.
- 4.12 It is suggested that a series of conditions be imposed to restrict the following uses:
- i. No more than 279sqm / 3,000sqft of food retail (net sales area)
  - ii. Maximum unit size of 235sqm / 2,500sqft of non-food retail or any alternative professional and financial services uses.
  - iii. Gym to be available to residents only
  - iv. Light industrial units to be limited to 465sqm / 5,000sqft each
  - v. No HGV access to light industrial units during operation
  - vi. Residential use size and tenure to be subject to future applications
  - vii. All future residential units to meet NDSS minimum size requirements
- 4.13 It is considered that these conditions would offer suitable control over the character of development, and tie the uses to the approach adopted in the transport assessment, parking provision and local highway improvements.

### **Access**

- 4.14 The site is currently densely developed and securing a safe vehicular access has been a challenge given the location, scale and relationships of the existing buildings.
- 4.15 The main site access will be taken from Brougham Road, at the location of the existing site access. This is not wide enough to accommodate the necessary operational vehicles, nor the construction related equipment needed to deliver the proposed development.
- 4.16 The western end of the Brougham Road Studios (Building B) is in a poor state of repair, and it is proposed to widen the access in that direction, rather than rebuild the damaged section of building. However, with both Mill buildings in place- and in particular the visibility issues caused by the location of the stair towers for those Mills- it has been determined that the southern side of the West Mill also needs to be demolished in order for a safe access point to be created in this location. This is discussed in more detail in the “Demolition Justification” report that accompanies this application.
- 4.17 With this end of the building removed, a safe and secure access can be created. This will provide the main site access, with the majority of vehicular access- cars as well as servicing, deliveries and industrial traffic.
- 4.18 This leaves a modest plot at the site entrance. Proposals to redevelop this plot in a form that would emulate the physical presence of the current Mill structure on this part of the site was

considered in depth at the pre-application stage. It has, reluctantly, been agreed to leave this plot undeveloped for the purposes of this application.

- 4.19 This is primarily due to the cost of replacing that structure, and the available funding to deliver the retention of the retained Mills and other abnormal costs- primarily ground stabilisation, deculverting and other engineering works to make the site suitable for development.
- 4.20 However, in recognition of the role that existing building plays in the Conservation Area, a new public square is proposed in this area. This is applied for in detail with the objective of creating a new focal point for the site; reflecting the history of the building that was lost from this site and encouraging positive connections between New Mills and the village centre on Peel Street. This will offer a pleasant pedestrian route into the site, separated from the main vehicular access, and also offer opportunities for seating, meeting and socialising.
- 4.21 To the western side of the site, the masterplan proposes a new formal parking area. It is important to secure good pedestrian and cycle linkages back into Peel Street (village centre) from this location, as this will encourage linked trips and help integrate the retail offering of the site with the defined centre.
- 4.22 This area of the site is considerably lower than the ground level of Derby Terrace. It is therefore proposed to provide a 3m pedestrian and cycle ramp along the site boundary to Derby Terrace. This will allow wheeled access between the centre and New Mills. In addition, stepped access will be provided at the eastern end of Derby Terrace to offer an alternative and add to choice to people moving between the site and the village centre. The new square at the site entrance will also provide non-vehicular access opportunities for the site.
- 4.23 A secondary vehicular access, servicing only the current Labtex (Building A) unit, will be taken from Crowther Bruce Mill Road, providing access to a small car park for that unit only. That requires the widening of Crowther Bruce Mill Road at its junction with Brougham Road. That will be achieved by removing the current loading bay area.
- 4.24 The deculverting of the River Colne provides an opportunity for a new riverside walkway to the north of the site. This will connect Crowther Bruce Mill Road to the centre of the site, and connect through to the open space, retail and parking areas to the west of the site.

### **Parking**

- 4.25 The site will provide car parking at levels agreed during the pre-application process. This includes additional spaces in the western car park to allow for some village centre related short stay parking. This will facilitate linked trips between New Mills and Marsden Centre.
- 4.26 The car parks will be subject to a formal management strategy. Different uses will benefit from dedicated spaces, which will be either segregated (for example within the industrial courtyard; adjacent to the office building (Building A)) or marked / numbered to ensure that the residents have access to their dedicated spaces.

- 4.27 The industrial and office courtyard will have dedicated parking, provided to standard, that will not be open to public access. These will simply serve the approved uses at an agreed level.
- 4.28 Residents parking will be provided in two areas- to the rear / River side of the East Mill, (which is not included in this application but will be applied for in detail when the residential detailing is provided at a later date) and within the main western surface car park. The future parking area adjacent to the River, behind the East Mill would not be available to the public. The residents parking in the main western car park will be suitably marked to ensure they are not used by short stay drivers. Suitable fines would be introduced to discourage any abuse of that management system.
- 4.29 The retail and café uses will have access to short stay parking. The price management arrangement is yet to be determined, but this will likely involve a very short period of free parking- for example to allow access to the convenience store- or a paid short stay period, to allow slightly longer linked trips between New Mills and the village centre. The timings and costs will be agreed at a future date, and it is expected that this will be a requirement of a condition to agree a car park management strategy before operation.
- 4.30 The Phase 1 and 2 works (included in this application) are primarily aimed at securing the retained buildings and delivering the job creating development to the east of the site (industrial and offices in Buildings A-C) and within the ground floor of the West Mill. The parking associated with these use are included for approval now.
- 4.31 The other areas of parking, associated with the East Mill, will not be delivered until it is needed. The areas of land not being delivered as part of the current application works will be subject to a temporary surface treatment to be agreed with officers as part of this application- most likely a hardcore / gravel treatment over the finished / post remediation ground level.
- 4.32 It is also expected to provide space for Car Club vehicles on site. This will likely be in the central area of the site, between the retained towers of the mills. This provision will support lower levels of parking for residential uses, and encourage car free residents who can make use of the forthcoming TransPennine Upgrade route to Huddersfield, Leeds and Manchester.
- 4.33 The development will also benefit from cycle parking facilities. These will be provided in the ancillary areas of the Mill buildings, providing locked, secure facilities, with charging and repair facilities to encourage use of e-bikes and reduce the need for car ownership for residents on the site. Cycle parking will be provided within the employment related buildings around the east courtyard so that employees have access to secure cycling facilities.

### **Servicing**

- 4.34 In Phase 1, the employment uses will be serviced via the main Brougham Road access, or in the case of Labtex / Office Building A, via the upgraded Crowther Bruce Mill Road. This will include private refuse collection, and delivery / dispatch activity as expected from this type of use. It is expected that a servicing strategy for this phase will be conditioned.

- 4.35 In Phase 2, when the retail uses in the west mill are delivered, access will be via the central spine road and the western car park. Again, it is expected that a servicing strategy for this phase will be conditioned.
- 4.36 In future phases, once the residential uses are delivered, the remaining areas of the site will also be subject to a detailed servicing strategy, to be agreed through that application.
- 4.37 For the masterplan as a whole, it is expected that the servicing strategy will need to include:
- Refuse collection via the main site entrance at Brougham Road, with bins collected from the route between the East and West Mills. A Layby for the refuse vehicle will be provided at a suitable location that minimises carrying / wheeling distances, and it is anticipated that both residential and retail waste will be collected from this location. The layout of this route provides a turning head arrangement designed to accommodate a refuse vehicle.
  - Deliveries to the retail and restaurant / café uses will be undertaken from the shop fronts- within the western car park, once that is delivered. The car park layout includes provision of a loop system to facilitate deliveries to these businesses and it is expected that any vehicles larger than a transit van/ box van would limit deliveries to “out of hours” delivery. This will minimise conflicts with customers, avoid peak car park use periods and allow easier manoeuvring for larger vehicles to move within the car park area
- 4.38 It is expected that a Servicing Management Strategy will need to be agreed prior to operation, and that this can be secured through a planning condition.

### **Hard and Soft Landscaping**

- 4.39 This project creates a very significant opportunity to improve the landscape, reduce building cover and open up the site to public access. New Mills is currently a large area of the centre of Marsden which is inaccessible to members of the public. One of the key project aims of this application is to open up the site and make it more permeable and accessible.
- 4.40 This will be achieved, in part as described above, with 3 new non-vehicular access points at Derby Terrace / Brougham Road in the south west of the site, which is included in detail in this application; and a new pedestrian / cycle route in the east of the site, alongside the newly opened up River Colne, which will be applied for in detail at a future date. Unfortunately, the cost of providing a new footbridge across the River has meant that this is not proposed at this stage- but it is hoped that can also be provided at a later date, and this application makes provision for landing point that can accommodate a footbridge once funding can be found.
- 4.41 These new entrance points and routes around the site create new opportunities for public open space, and both hard and soft landscaping.
- 4.42 The main areas are:
- (a) New Public Square: This is on the site of the former “wages office” at the site entrance on Brougham Road. It’s context, approach and design are set out in the

Planit statement which accompanies this application, which describes that element of the project in detail.

- (b) The Northern River Bank: The deculverting of the Colne creates a large area of space that can't be built on. It may be utilised in part for softening the bends on Crowther Buce Mill Road, but the focus for this area will be in suitable native planting, to help deliver some environmental benefit from the deculverting.
- (c) Western Riverside: This is a further area to the north of the western car park. This area drops down towards the River and the removal of the current sinning shed exposes that levels change. To minimise the cost of raising that area of the site, the proposed car park is pushed to the north as far as it reasonably can be, which creates an opportunity for further naturalised native planting suitable to a riverside setting.
- (d) Incidental landscaping: The western car park and areas between and adjacent to buildings offer opportunities for smaller areas of ornamental planting.

4.43 In addition, a further area of public open space will be provided in a future application:

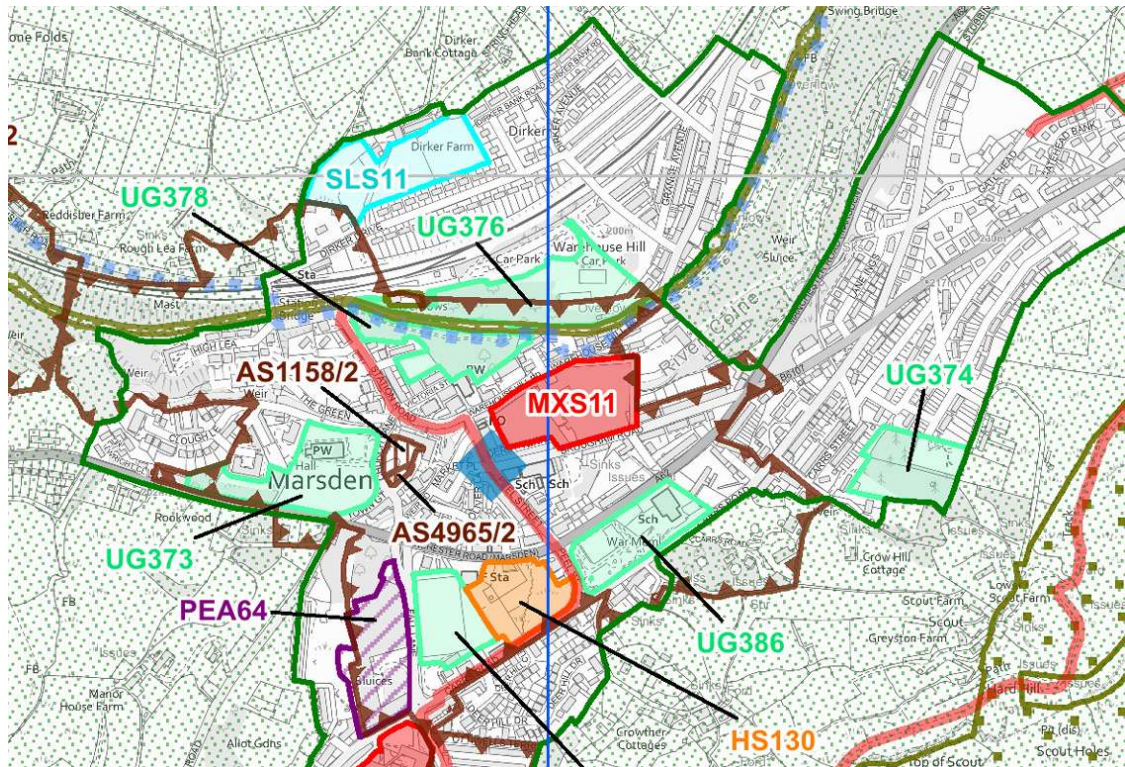
- (a) Eastern Riverside Walkway: This runs along the southern side of the newly opened up River Colne, from Crowther Bruce Mill Road to the West Mill, where it connects to the central shared surface spine of the site- between the two Mills- and through to both the New Public Square and the Village Centre links. This will primarily focus on hard standing, with a new footway and walling to the River, but will also be softened by planting at intervals along its length.

4.44 Further description of the development is provided on the submitted plans, in the DAS prepared by KPP, and the landscape design documents prepared by Planit and PWP.

## 5. Policy Analysis and the Principle of Development

5.1 The Adopted Development Plan is the Kirklees Local Plan, Adopted in February 2019. This is a relatively recent Plan, but is currently being reviewed due to issues with the delivery of larger housing sites and a need for more employment land.

5.2 The site is allocated as a Mixed Use site, MXS11, as illustrated below:



5.3 MXS11 allocated the site for the following indicative capacity:

- 29 dwellings
- 2,976sqm of employment space

5.4 The allocation notes a number of constraints:

- a) Part of the site is within flood zone 3
- b) Surface water issues
- c) Proximity to Special Protection Area / Special Area of Conservation
- d) Site is within / close to a Conservation Area
- e) Site is close to archaeological site
- f) 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)

5.5 The allocation also notes that the following considerations should be addressed through any application on the site:

- i. Flood risk vulnerability, including a potential exception test
- ii. Deculverting- although the Plan notes that environmental benefits might be limited
- iii. Residential amenity
- iv. Retention and re-use of the original buildings, unless there is adequate justification for their loss.

5.6 This application addresses each of those concerns in detail, and a summary of the technical outcomes of the specialist reports is provided later in this report. However, in summary:

- a) The site will be positively drained, with sub-surface storage designed to reduce site run off and address climate change allowances. The FRA demonstrates that the retained and new buildings can be safely accessed, and flood resilience measures will be provided for existing basement / lower ground floor areas. The proposal will increase impermeable areas, attenuate flows and ensure that the site is both safe and resilient to any flooding.
- b) The River Colne will be deculverted. This meets the policy expectations of the Local Plan. The Flood Risk Sequential and Exception Test report also considers the deculverting of a second watercourse under the site, and concludes that it would not be feasible to open up this second culvert in addition to the main River. The benefits of this approach are considerable, including opening up 2,976sqm / 140m length of river that has been culverted for over a century. This project will make a significant contribution to opening up and re-naturalising culverted water courses, which is a significant positive impact. It will also remove buildings from the river's edge, allowing further softening of the river corridor in this part of the village.
- c) The housing elements of the project are not within areas of Flood Zone 3a, and so no exception test is required.
- d) The key buildings that are capable of retention, and have the most positive influence in terms of townscape and character of the Conservation Area, are proposed to be retained. This outcome has been agreed through the extensive pre-application process and is discussed in the "Demolition Justification" report that accompanies this application.
- e) The site is not considered to have any meaningful archaeological resource. It has been intensively developed and any remains are likely to have been destroyed or severely truncated.
- f) The site is in close proximity to the SPA / SAC but is not considered to have any functional link to that designation, and is not used for off site foraging by qualifying bird species. The site is 100% hardstanding and building, with only ephemeral vegetation, such that there is no BNG requirement. The importance of this site to the SPA/SAC is considered to be minimal.

- g) Residential amenity is not considered to be harmed by this proposal. It will remove a manufacturing use from this central area, and address long standing issues of dereliction and building decay. The proposed uses are all appropriate next to house, being light industrial and town centre uses, and suitable management measures can be utilised during construction and demolition to control those temporary effects.
- 5.7 The site constraints identified in the Local Plan are considered to have been addressed and the uses proposed accord with those envisaged in the site's allocation. The proposed development provides more housing (60 units compared to the allocation expectation of 29) and more employment generating uses (4,105 sqm, compared to the allocation expectation of 2,976 sqm).
- 5.8 This will materially assist in delivering new jobs and homes, beyond the expectations of the Plan, at a time when the Plan is being reviewed due to its under-delivery against objectively assessed needs.
- 5.9 The proposal is in accordance with all of the relevant policies in the Development Plan and therefore attracts a presumption in favour of development, as set out in Section 38(6) of the Planning Act.
- 5.10 The Development Plan is up to date on the matters that apply to this case, and the proposed development is in accordance with its provisions. Paragraph 11c of NPPF therefore suggests that this application should be "*approved without delay*" unless there are material considerations which suggest otherwise.

## 6. Other Material Considerations

6.1 This section considers other material considerations that are relevant to the determination of this application. These are:

- Building Condition
- Heritage
- Viability and Market Considerations
- Transport, Parking, Servicing and Traffic Management
- Town Centre Impacts
- Flood risk and drainage
- Affordable housing
- Ground Conditions
- Landscape and Public Realm Considerations
- Ecology
- Trees
- Drainage and Flood Risk
- Air Quality
- Noise
- Construction Waste Management
- Climate Change
- Ventilation and Extraction
- Public Consultation
- Residential Amenity

### **Building Condition**

6.2 The poor condition of the buildings at New Mills is reasonably clear in public views of the site. However, there are structural issues which are less obvious from casual inspection and therefore the applicant has commissioned a structural engineers report, as well as specialist timber condition surveys. These reports accompany the application.

6.3 Public consultation feedback has highlighted that there have been local incidents where windows have fallen out of the West Mill onto the street, causing a considerable risk to human health and safety.

6.4 The Structural Condition Inspection work confirms that:

*The buildings on site have been derelict for a considerable period and as such, have suffered significant structural deterioration*

6.5 The main areas of concern are:

- Vegetation growth, which results in a need to rebuild the majority of masonry affected
- Most timbers will require replacement
- The metal bridges between the two mills are significantly corroded, to the extent that they are considered to be unsafe and not feasible to repair
- There are significant structural issues in the west mill, particularly at the Brougham Road frontage and the main stair core tower.
- The east mill tower is also in a very poor state of repair, with a stone cornice having fallen through the structure.

6.6 The structural survey lists the following works as being needed at the West Mill:

- 1) Wholesale replacement of the roof and timber rafter support.
- 2) Further investigation to assess the vertical alignment of the northern elevation due to concerns around potential outward movement.
- 3) Rebuilding of the upper two storeys of the Brougham Road gable end elevation, in order to address lateral movement, which is currently restrained by extensive beams and propping- the parapet stones have already been removed for safety reasons. This work will require extensive temporary propping while the works are undertaken.
- 4) Crack stitch repairs across all window heads and corners of third floor gable walls.
- 5) Removal of areas of vegetation growth and associated repairs.
- 6) Inspection, cleaning, protecting and local rebuilding of most steel beam end bearings.
- 7) Removal of vegetation at the old engine room building and re-building of parapet masonry.

6.7 Structural condition is a significant issue for the West Mill. The application proposes the partial removal of the southern end of the building. This is primarily to allow the site to be accessed and regenerated, but when combined with the very poor structural condition, the decision has been made to remove this part of the building.

- 6.8 The East Mill is in comparatively better condition, although it will also need extensive works, including:
- 1) Wholesale replacement of the tiled roof and timber rafter supports.
  - 2) Investigation to assess the vertical alignment of the northern gable elevation.
  - 3) Crack stitch repairs across all window heads and corners of third floor gable walls.
  - 4) Removing and repairing areas of vegetation growth.
- 6.9 The 2 storey mill, fronting Brougham Road also needs some considerable work:
- 1) Wholesale replacement of the roof and timber rafter support.
  - 2) Local re-building or demolition of the western end of this building- due to the poor condition of main structural elements in this area, where the roof and first floor has partially collapsed and is now in a dangerous condition.
- 6.10 Removing the western end of this building is also proposed. When combined with the removal of the southern end of the West Mill, this will allow a suitable site access to be created off Brougham Road, with safe internal visibility allowances.
- 6.11 Overall, the buildings on site are in fair condition- although there are areas where the structures have already collapsed and where local deterioration has occurred due to vegetation- where rebuilding will be needed.
- 6.12 The West Mill has suffered significant structural deterioration, with notable issues with the main stair core tower, the Brougham Road frontage, the historic removal of the second floor to accommodate machinery. The stair cores of both mill buildings are in a very poor state of repair and the western end of h Brougham Road 2 storey mill is severely dilapidated.
- 6.13 The structural condition of the site is such that retention of the main buildings on site will require considerable remedial works which come at significant cost.

### **Heritage**

- 6.14 The application is accompanied by a heritage statement which sets out the history of the site and village and assesses the implications of the proposed development.
- 6.15 The site has no Listed Buildings, but it is considered to be a Non-Designated Heritage Asset (NDHA) due to it's architectural merit and historical associations with the development of Marsden. It is within the Marsden Conservation Area and is part of the setting of the adjacent Listed Tenter Posts- which were an integral part of the production process occurring at the Mill. The site is also close to the Listed Mechanics Institute.
- 6.16 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 creates a duty in respect of Conservation Areas that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".

- 6.17 The question of whether harm arises is one of planning judgement- and is therefore unlikely to be challengeable in court unless it is plainly unreasonable<sup>1</sup>- but *“a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one.”*<sup>2</sup>
- 6.18 Equally, *“a finding of harm to the setting of a listed building is a consideration to which the decision-maker must give “considerable importance and weight””*<sup>3</sup>.
- 6.19 However, the reverse is also true, if there is no harm then the statutory duty is discharged, and the Council can make a positive decision.
- 6.20 The test for Conservation Areas is to *“preserve or enhance”* which has been interpreted in the courts as follows:
- “In South Lakeland the issue was whether the concept of “preserving” in what is now section 72(1) meant “positively preserving” or merely doing no harm. The House of Lords concluded that the latter interpretation was correct”*<sup>4</sup>
- 6.21 It is clearly acceptable for a proposal to simply cause no harm to a Conservation Area and so:
- “...if a development would not conflict with that objective, the special attention required to be paid to that objective will no longer stand in its way and the development will be permitted or refused in the application of ordinary planning criteria”*<sup>5</sup>
- 6.22 So, the fundamental legal questions in this case are
- Does the proposed development harm the setting of nearby Listed structures?
  - Will the proposed development actively harm the character and appearance of the Conservation Area?
- 6.23 If harm does arise- which is a matter of planning judgement- then there is a statutory presumption against the development, which sits alongside other statutory presumptions- for example, through S38(6) which sets a presumption in favour of development that accords with the Development Plan.
- 6.24 However, if there is no harm to the setting of nearby Listed structures, and if the effects on the character and appearance of the Conservation Area are neutral, then the planning decision should proceed in the normal manner.
- 6.25 It is clear that NPPF treats NDHA’s differently to Listed Buildings. This site does not have a Listed Building and so the tests set out in S66 of the Act – which requires the Council to have a “special regard” to the desirability of preserving the building and its setting- does not apply

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<sup>1</sup> See *Tesco Stores v Secretary of State for the Environment & Ors* [1995] 1 WLR 759 *“planning judgment are within the exclusive province of the local planning authority or the Secretary of State”*

<sup>2</sup> See *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin) at [48]-[49]

<sup>3</sup> *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137

<sup>4</sup> Quoted from *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137

<sup>5</sup> Quoted from *South Lakeland District Council v Secretary of State for the Environment* [1992]

to buildings on the site itself. Similarly, the NPPF requirement to require clear and convincing justification for any harm or loss of significance of a designated asset, does not apply.

- 6.26 The relevant policy test for NDHA's is significantly less robust- simply requiring effects on significance to be "*taken into account*" and to apply a "*balanced judgement... having regard to the scale of any harm or loss and the significance of the heritage asset*"<sup>6</sup>.
- 6.27 It is clear that, as a Non-Designated Heritage Asset, the significance of the asset is less than a designated asset. However, there is no detailed guidance on how to consider the importance of such assets in current policy. In this case, it is proposed to consider the criteria set out within the Historic England guidance contained within 'Local Heritage Listing: Identifying and Conserving Local Heritage' (2021) and 'Conservation Principles, Policies and Guidance' (2008). This covers the asset type, it's age, how common buildings of this type are, any architectural and artistic interest, its group value, landmark status and historic interest.
- 6.28 It is clear that the mill complex does hold some significance: It is typical of it's time, is associated with a local entrepreneur and philanthropist and represents the industry which drove the presence and survival of Marsden leading to what we see in the village today.
- 6.29 However, it is not consistently interesting- some parts are both more modern and purely functional; it's architectural interest is variable and it's not an early - or even rare- example of a Victorian mill.
- 6.30 The site is also within the Conservation Area and whilst it is visible in many close views- it's wider contribution is surprisingly limited. The position of the site in the valley bottom makes it hard to see all but the tallest structures from most locations around the town. The site is identified as a "key unlisted building / Building of merit" in the Conservation Area Appraisal (CAA), as follows:
- "The large mills within the valley are also of special interest, including Bank Bottom Mills (1867) and New Mills (original mill of 1850s), and are a local symbol of the dominance of the industry to the area and of the role the area played in the textile industry. Of the two towers at New Mills the taller one is a locally significant landmark and contributes to the roofscape of Marsden".<sup>7</sup> [our emphasis]*
- 6.31 The CAA notes that "*New Mills and Bank Bottom Mills are ideal candidates for heritage-led regeneration and a number of potentially sustainable uses have been considered. On completion this could act as a catalyst for further regeneration due to their central location.*"<sup>8</sup>
- 6.32 The taller tower at New Mills is identified as a landmark in views from Manchester Road:
- The tower of New Mills and connecting walkways are a focal point on the landscape and can be seen when traveling along Manchester Road.*<sup>9</sup>

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<sup>6</sup> Both italicised quotes from NPPF 209

<sup>7</sup> Conservation Area Appraisal page 22

<sup>8</sup> Conservation Area Appraisal page 39

<sup>9</sup> Conservation Area Appraisal page 25

- 6.33 However, views of the Conservation Area achieved from Manchester Road are also “characterised by clusters of two or three storey houses and an undulating roofscape”<sup>10</sup> and so the tower is clearly only one element in a view that is otherwise characterised by smaller buildings. Notably, the distinctive red and white tower of the Listed Mechanics Institute is in a similar location within these views, as can be seen in the view below (with the taller tower on the site indicated by the red arrow):



- 6.34 The views along Manchester Road, other than the elevated and open view above, are fleeting. The New Mills tower is also identified as featuring in a sequential view within the valley floor:

*“There are a number of sequential views leading to key landmarks within the valley floor of the settlement. These include the approach to the Mechanics Institute, the tower of New Mills, Bank Bottom Mill and St Bartholomew’s Church. These views are enhanced by a number of narrow spaces and gaps within the current plan form, allowing glimpses of these landmarks from all aspects.”<sup>11</sup>*

- 6.35 The Mill complex also plays a role in framing Brougham Road and helping to achieve the current transition from an industrial to a natural landscape:

*“Brougham Road is a historic street with a uniform building line, this is framed by Derby Terrace and New Mills and culminates as the industrial landscape meets the natural landscape at the horizon.”<sup>12</sup>*

- 6.36 The framing role of the buildings on Brougham Road are therefore an important feature to consider- and the main structure which contributes to this framing role, creates a horizontal emphasis along this street. This is an earlier structure (mid-19<sup>th</sup> Century) in the mill complex<sup>13</sup>, as seen below (with the site frontage indicated by the red arrows):

<sup>10</sup> Conservation Area Appraisal page 24

<sup>11</sup> Conservation Area Appraisal page 24

<sup>12</sup> Conservation Area Appraisal page 24

<sup>13</sup> Buildings 3 and 4 in the diagram earlier in this letter



6.37 Whilst the taller west mill building is visually dominant in views closer to the town centre, the lower horizontal mill building beyond really sets the strong uniform building line on the street, leading to the countryside beyond. This role has more emphasis the further along the street the viewer moves, as seen below:



6.38 The main features of townscape interest identified in the Conservation Area Appraisal (CAA) are:

1. The taller of the two towers (a local landmark) and
2. The role that the buildings on Brougham Road play in framing that street, through to it's transition to a more natural landscape beyond.

6.39 The analysis of the Mills in the CAA highlights the site's importance in both heritage and townscape terms. However, in discussing that importance, only parts of the complex are drawn out as being truly important. Whilst the buildings do hold some heritage interest, that interest is quite limited- primarily arising from the historical associations of the site with

the town, and from the two key buildings discussed above. On this basis, it's consideration as a "non-designated heritage asset" seems appropriate.

- 6.40 In line with the NPPF, it is necessary to form a "balanced judgement", having regard to the scale of harm arising, and the significance of the asset.
- 6.41 In this case, it is suggested that areas of the mill complex will need to be demolished.
- 6.42 Comprehensive demolition is not proposed, but partial demolition is clearly necessary. The reasons for this include:
- The need to gain a suitable and safe vehicular access to the site: Which the pre-application stage has confirmed is compromised by the current buildings at Brougham Road, both of which have major structural issues;
  - The need for suitable servicing and parking space for the proposed uses- to make sure the development can be suitable serviced and to avoid exacerbating existing on street parking issues<sup>14</sup>;
  - Existing and foreseeable structural issues- both with the buildings and their support slabs;
- 6.43 The combination of these issues mean that, for practical reasons, the only option (other than leaving the mill complex to further deteriorate) is to redevelop significant areas of the site- to open it up, address existing structural concerns and offer options for market attractive redevelopment and conversion of the more interesting buildings that would be retained.
- 6.44 This application proposes keeping the more important buildings and redeveloping the remainder of the site.
- 6.45 Without such an approach, the site is likely to remain vacant and deteriorating for the foreseeable future. There is considerable wider merit in finding an alternative use for this urban brownfield site- including:
- The benefits of recycling the urban land resource;
  - Reducing pressure on the open countryside to meet wider development needs;
  - Providing development within the urban area, which is inherently more accessible;
  - Addressing a long running issue of vacancy and increasing dereliction in this central area of the town, and
  - Contributing to meeting the development needs which remain unmet despite the Local Plan only having been adopted 5 years ago.
- 6.46 The public benefits associated with this application are set out in more detail in Section 8 of this report. Whilst the applicant acknowledges that the loss of some elements of these buildings is disappointing, this proposal follows considerable pre-application discussion and local engagement and it has been concluded that this is the best outcome that is also realistic and likely to deliver a regeneration of the site in the short to medium term.
- 6.47 The applicant recognises that a "balanced analysis" is the relevant policy test- the loss of those areas to be demolished would be total and irreversible. It is clear that the elements of

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<sup>14</sup> Note that this is identified as a negative factor in the Conservation Area Appraisal (Page 37)

the site, which have architectural merit, townscape value and local historical associations, should be conserved as far as can be practically achieved.

- 6.48 The heritage report notes that the East and West Mills, the towers and the Brougham Road 2 storey mill buildings make a high contribution to the significance of the Conservation Area and to the non-designated heritage asset as a whole. However, the lower level Mills and the 20th century additions provide a Low to Moderate contributions to their significance.
- 6.49 The application proposes the retention of both main Mill buildings, their towers and the Brougham Road mills, with the exception of the southern portion of the West Mill (the Wages Office) and the western end of the Brougham Road mill (which has collapsed internally). Both of these demolitions are required to achieve a safe access to the site. The structures that hold the greatest significance are therefore proposed for retention. Mitigation for the loss of the “wages office” element of the West Mill is the creation of a new public space, that utilises part of the original fabric of the building to frame that space and references the structure in its detailed design and layout.
- 6.50 The remainder of the low level and modern buildings will also be demolished.
- 6.51 The Heritage report concludes that these necessary changes will result in less than substantial harm to the significance of the Marsen Conservation Area and the non-designated heritage asset of the mill buildings themselves. This harm is balanced against consideration public benefits that are set out in Section 9 of this report. It also concludes that this project would secure an optimum viable use for the site, which is commensurate with it’s conservation.

### **Viability and Market Considerations**

- 6.52 This application is accompanied by a viability appraisal. This project has undergone extensive pre-application reviews over various stages where viability was noted to be a concern.
- 6.53 The project has evolved from a scheme that secured government funding of £5.6m that was focussed on securing employment benefits and which saw the majority of the current buildings on site demolished. It was considered to be viable at the time, but since then construction costs have significantly escalated and more detailed technical work has highlighted with a number of abnormal costs that had not been taken into account. That original scheme has been reassessed as having a funding gap of around £17.4m, even taking into account the money secured from Government and match funding from the applicant. It had also not benefitted from planning or heritage inputs.
- 6.54 The extensive pre-application process resulted in a scheme that was considered to be acceptable from a planning and heritage perspective. It delivered considerable additional benefits, including deculverting, retaining the main mill buildings, providing more economic and housing benefits, creating a riverside walkway and replacing the wages office (which needs to be demolished to secure safe access to the site) with a new significant structure.
- 6.55 However, the additional retained buildings, additional parking demand (which resulted in the need for a decked car park) and significant new build structures resulted in a funding gap

of around £41.2m, even taking into account the money secured from Government and match funding from the applicant.

- 6.56 This application has therefore sought to remove some of the more expensive elements of that project and to phase the development so that the currently secured funding saves the most important elements of the site, delivers some economic outputs and allows the project to continue in the future once either market interest is proven, or further funding can be secured. This means that certain elements of the project will not proceed in the short to medium term, but this application has sought to protect the future potential of the site to allow this project to evolve over time.
- 6.57 Phase 1 of this project will result in some significant environmental improvements as well as securing the future of the most important buildings on site. However, the current funding does not provide for elements that will either be provided in Phase 2 (the retail conversion of west mill lower ground floor) and future works (the residential uses and associated public open space, riverside walkway, parking areas, pedestrian bridge, etc) or through future funding streams. It is anticipated that the current Phase 1 funding gap of just under £11m will be addressed in part through the existing Government funding of £5.6m, and also through the possible sale of plots to developers, potential additional funding directed towards housing delivery (specifically targeted at physical works to buildings that can then be sold to residential developers) or through generally improved market conditions and thus revenue values.
- 6.58 This application is therefore an optimistic proposition. The proposal is not viable in its own right- in fact, it makes a very considerable loss, despite benefitting from £5.6m of government funding. This is the key driver behind the approach to the application: Which is phased, and focussed primarily on securing the future of the most important buildings on the site, and delivering the economic benefits that the current Government funding was provided to deliver.

#### **Transport, Parking, Servicing and Traffic Management**

- 6.59 The application is accompanied by a Transport Assessment and Travel Plan. The transport implications of this project have been the subject of extensive discussions at the pre-application stage.
- 6.60 Pedestrian, cycles and motor vehicles, including for delivery and servicing will enter the site via an improved site access from Brougham Road; a second private vehicle access will be provided from Mill Road, to support the office uses at the eastern side of the site. Pedestrian and cycle access will also be available at the following locations:
- Via a new pedestrian and cycle ramp connecting to Derby Terrace at its western end
  - Via a new public square off Brougham Road, on the site of the “wages office” which will be demolished to create the main site vehicular access
  - Via a new riverside walkway accessed through the site and off Crowther Bruce Mill Road

- 6.61 The masterplan has also preserved a location for a future footbridge over the River Colne allowing a further connection to the north when funding becomes available.
- 6.62 The traffic impact of this project is considered to be very modest. The vehicle generation will not exceed the capacity of any local junctions and no junction improvements are needed. However, the main transport effects are related to the scale of vehicles that will need to access the site, and the nature of the surrounding road network- much of which is very narrow and affected by on street car parking.
- 6.63 The development aims to encourage travel on foot and by cycle. Dedicated pedestrian and cycle access will be provided from the site to Peel Street, via Derby Terrace, and along Mill Road to Warehouse Hill Road and Brougham Road. The permeability of the site will be significantly enhanced by creating new attractive routes through the site, linking the various buildings and main site access points- including new public spaces and a riverside walkway.
- 6.64 The proposed commercial uses are small scale, which helps to minimise the need for access by larger vehicles. The site will need to be served by a refuse vehicle but the employment and retail uses will only require smaller commercial vehicles. It is expected that a framework delivery and servicing management plan will be secured by condition to ensure the effective operation of the site.
- 6.65 Car parking will be provided at a level which supports all uses proposed on site, as well as some modest short stay provision to serve linked trips to the village centre. The transport assessment shows that the proposed parking levels will provide for the operational needs of the development- this will ensure that the development does not cause any further on-street parking.
- 6.66 The parking areas will be subject to a car park management plan which is expected to be a condition of any approval on this site. The parking includes a mix of allocated and unallocated; long stay and short stay provision- including the necessary levels of accessible, electric vehicle, powered two-wheeler and cycle parking.
- 6.67 "Off site" highway improvements are proposed for Brougham Road and Mill Road. These aim to promote non-motorised access to Peel Street, public transport provision, schools and other destinations from the site, but also to restrict vehicle movement and restrain vehicle speeds- whilst still permitting access by larger vehicles.
- 6.68 The improvements are:
- Brougham Road west: Making the section between Peel Street and the new site entrance one way (Peel Street eastwards to the site), with a chicane style build out to direct vehicles around on street parking areas and divert them to the correct side of the road at the site entrance.
  - Brough Road east: Rationalising the existing parking along Brougham Road, between the site and Manchester Road, providing marked parking bays that are protected by kerbed build outs and that are separated by formal passing places.

- Crowther Bruce Mill Road: Widening the junction with Brougham Road to provide a footway; providing footways over the existing road bridge; creating a new “table top” junction adjacent to “lakeside” to facilitate suitable movements by refuse vehicles, improve visibility, reduce vehicle speeds and provide crossing for pedestrians; and providing priority running for vehicles entering Mil Road from Warehouse Hill Road, to allow space for a footway without requiring too much land adjacent to the Listed Tenterhooks. This system is currently 2 way, but would change to run one way (northwards) from Brougham Road to Lakeside; and 2 way between Warehouse Hill Road and Lakeside.

6.69 Traffic Regulation Orders (TRO) will be required for these changes, which will need to follow any permission granted on this site.

6.70 The proposal is considered to be acceptable in highways terms.

### **Town Centre Impacts**

6.71 This application is accompanied by a Town Centre Statement, as the proposal includes new retail and office space outside a designated Town Centre boundary. It considers the sequential test and undertakes a proportional impact assessment.

6.72 For the sequential test, it concludes that there are no vacant units on the market, and there is no suitable or sequentially preferable land that could feasibly meet the needs of this development.

6.73 It also examines the extent of need for this type of development in Marsden. It concludes that there is quantitative need for non-retail space; qualitative need for food retail provision; potential for local food and drink uses to reduce travel out of the Village; demand, but not necessarily a commercial desire for larger leisure offerings; and a low order demand for office spaces that could facilitate more flexible working to reduce travel demand and support modern forms of working. It also finds a significant need for regeneration of the site in a manner which is commercially acceptable.

6.74 It finds that Marsden has a very healthy centre for its size and location and that the project is not likely to have a materially negative effect on any defined centre.

6.75 Indeed, it concludes that the project is likely to have a positive impact- there is currently a 0% vacancy rate in the centre and there are no opportunities for further investment or business growth. The regeneration of prominent buildings of character in the centre of the village, and; helping to address long running local concerns about job availability and parking issues, is likely to have an overwhelmingly positive influence on Marsden.

6.76 It is concluded that the development would not harm the vitality or viability of Marsden Centre. Indeed, we would expect this development to support the success of both the Centre and Marsden as a whole.

6.77 It is concluded that the sequential test has been passed, and that there would be no material impact which suggests that this planning application should be refused on grounds of the “town centres first” policy

### **Affordable housing**

- 6.78 The policy expectation in the Local Plan (Policy LP11) is to provide 20% of homes as affordable dwellings.
- 6.79 However, as a brownfield redevelopment project this project will benefit from vacant building credit. This applies when a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. Before the net affordable housing requirement is calculated, the project should be credited with an amount of floorspace lost or converted- in this case, the existing floorspace (which occupies the vast majority of this site at c.1.71Ha or c.17,000 sqm) far exceeds the area of residential development (6,829 sqm).
- 6.80 There will be no increase in floorspace above the existing and thus the project is not required to provide affordable housing.
- 6.81 The PPG<sup>15</sup> notes that this applies to buildings that have not been abandoned, and notes that the intention of the policy is to incentivise brownfield development. It advises that Local Authorities should be mindful of the intention of this policy when considering how vacant building credit should apply in any case.
- 6.82 The applicant suggests that requiring affordable housing on this site is not required as the site and buildings have not been abandoned. Indeed, they suggest that requiring affordable housing would add a further financial burden to a project which already requires government funding and which has had to be passed to ensure that the main elements of the project are deliverable and that the key buildings of interest are preserved.
- 6.83 In this case, it is suggested that – whilst it would be a desirable provision in numerous respects- requiring affordable housing on this site is not necessary and would be likely to harm the delivery of the proposal.

### **Ground Conditions**

- 6.84 This application is accompanied by a phase 1 Desktop study and Phase 2 intrusive survey and a Ground Gas Risk Assessment.
- 6.85 The desktop site investigation includes results from historic survey work which suggests that the site has some contamination in areas of made ground- particularly in an area where there was a former mill pond. The site has elevated levels of PAH (polyaromatic hydrocarbon), TPH (total petroleum hydrocarbon- mineral oil), chromium, zinc and copper. There is a moderate to high risk to end users of the site and a moderate risk to controlled waters and construction workers. The phase 2 investigation found made ground down to 3.5m with some voids of up to 3m deep. Asbestos was found in one sample, and elevated PAH was found in a leachate sample. The soil acidity is such that it recommends laying services in clean trenches.

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<sup>15</sup> Planning Obligations Paragraph: 028 Reference ID: 23b-028-20190315

- 6.86 The report finds that the levels of contamination recorded on site are unlikely to pose a risk to the current and future users of the site. Working methods would need to manage the risk to site workers, as well as the water environment.
- 6.87 The ground investigations showed that parts of the existing floor slab are suspended over a void (a former mill pond). It is also known that the northeastern part of the site sits on a slab over the River Colne, which is now proposed to be removed. The retention of these slabs will need to be carefully considered to ensure that they are structurally robust enough to support any future loads. The report suggests that presence of voids, relic foundations, the potential for buried tanks and cobbles and boulders require consideration in the design of the proposed development. Any existing foundations will need to be assessed by a competent structural engineer, and local deepening of foundations may be necessary due to the variation in the depth of rockhead across the site. There may be a need for piled foundations and where normal plant is being used above known voids, these may need to be broken out and stabilised.
- 6.88 The site would not need radon protection and no elevated levels of ground gas were identified.
- 6.89 Whilst the contamination and ground conditions on site create need for remediation- which is a cost factor this project- this should not be a barrier to granting planning permission. Indeed, remediation of this site should be considered to be a benefit of this project.

#### **Landscape and Public Realm Considerations**

- 6.90 The application is accompanied by detailed landscape proposals for Phases 1 and 2, and an outline landscape strategy for future phases.
- 6.91 The Phase 1 and Phase 2 Landscape Design and Access Statements set out the design rational and contextual analysis for the first phase of works, and includes details of the main landscape square to provided adjacent to Brougham Road.
- 6.92 This new space aims to provide a connecting piece of placemaking, a transition between the main heart of Marsden to the west, and the River Colne to that runs along its northern edge; to activate and animate the site, with the open space itself and opportunities for local “pop up” markets; to provide green relief to the hard urban central area whilst creating an inviting space for people to relax and spend time while enhancing biodiversity and ecology, and; to reflect the heritage of the site by referencing the building lost from this plot as well as the overhead tunnels across the central spine of the site.
- 6.93 A key design driver has been the need to allow safe vehicular access for residents, visitors and servicing. However, the detailed design has worked with these constraints to zone the space to provide green areas, a pocket square, car club bays and options to utilise mill artifacts as focal points in the space.
- 6.94 The main feature will be the retention of part of the west mill “wages office” façade frame, to contain the space and act as a gateway to the site for pedestrians and cyclists. Surface detail inlays will reference the mill footprint and bridge links, and mill artifacts will be re-purposed to function as lighting columns or arbours. Reclaimed stone will also be used to

construct the space and the materials will primarily be yorkstone paving, with different sett sizes to differentiate the vehicle carriageway.

- 6.95 Soft landscaping has been designed to provide colour and interest through the year, as well as supporting biodiversity.
- 6.96 The application also includes new feature spaces, with the central spine of the site mirroring the treatment of the entrance space; the west mill car park reflecting the strong geometry of the retained mill building, with potential for occasional events with a new footpath and cycle link up to Derby Terrace and Peel Street.
- 6.97 A new riverside walkway will be applied for in the future, which would provide a continuous route along the riverside, softening the environment with planting and trees. A small pocket park will also be created at it's eastern end to provide a focal point.
- 6.98 A more natural area of landscaping will also be provided opposite the site adjacent to Crowther Bruce Mill Road and the River Colne. Space has been allowed for a future footbridge connection between the central spine of the site and Warehouse Hill Road.

### Ecology

- 6.99 The PEA notes that the site has little ecological value. It is mostly hardstanding and vegetation is ephemeral in nature. However, there site is relatively close to the South Pennine Moors (SAC, SSSI and SPA) and the nearby deciduous woodland and River Colne will need to be protected during construction works.
- 6.100 The limited vegetation on site means that very significant biodiversity gains will result from this proposal- a 271% increase in habitat units and a 26% increase in river units is predicted based on the detailed elements of the proposal and the landscape strategy. This is well beyond the statutory requirement (+10%) and significantly beyond current local policy requirement.
- 6.101 However, the buildings are used by bats. The site buildings are very complex and the survey shows that there were around 7 roosts within the site as a whole. However, these are transitory roosts, which were not consistently identified in the same places through the survey periods. The site is also impacted by security and street lighting- which means that the site is only used by light tolerant and more common species.
- 6.102 The roosts supported low numbers of common and widespread species of bat, likely non-breeding females or lone males, such that they are considered to be of low conservation status. However, given the lack of other roosting opportunities in proximity to the site, and the open nature of the surrounding area, the site is considered to be locally important to bat species. A protected species license will be needed to mitigate and compensate for the loss of the roosts.
- 6.103 The site is also used by nesting birds, including suitable nesting habitat for swift and barn owl. The loss of this habitat will result in a minor adverse effect. There will also be a loss of suitable foraging habitat within the site, but this is not significant given the extensive foraging habitat present in the immediate area.

6.104 Use of the site by other protected species is considered to be unlikely.

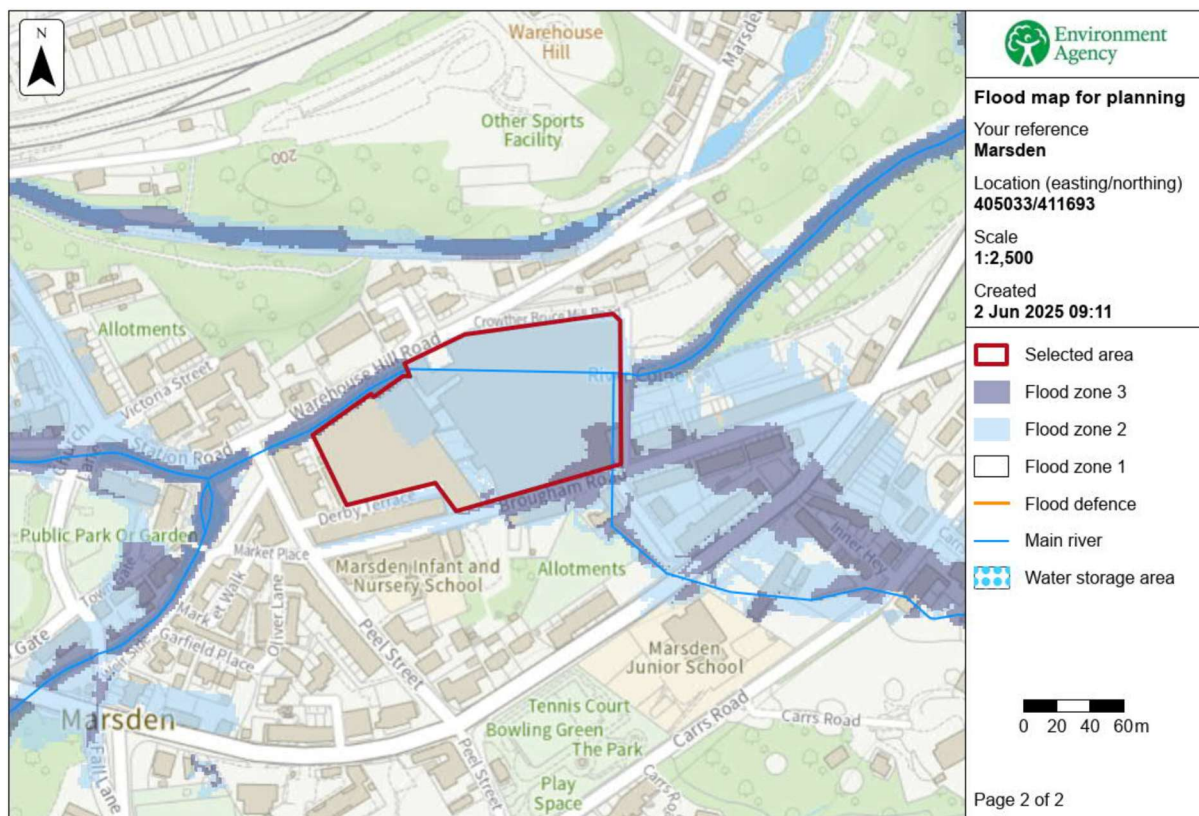
6.105 The project will result in the need for protected species licenses and is locally important for bats. However, this change can be managed effectively through the licensing process and the development will result in very significant enhancement of habitats.

### Trees

6.106 The site has been surveyed by an arboricultural consultant which confirmed that there are no trees on site. There are occasional sycamore, ash and buddleia which are insignificant, growing out of buildings and would not be included in a tree survey.

### Drainage and Flood Risk

6.107 The FRA and drainage strategy report suggests that whilst the western part of the site is in flood zone 1, the eastern area is in flood zone 2- with a small area of flood zone 3. There is a culverted section of the River Colne underneath existing buildings to the north of the site, flowing from west to east. There is also another culverted watercourse running along the eastern boundary of the site, flowing from south to north, which connects into the River Colne. The site also has a high risk of flooding from surface water.



6.108 Buildings will either be set above the estimated flood level, have the proposed external levels fall away from entrances and thresholds, or use flood resistance and resilience measures to a level 600mm above the estimated flood level or the existing adjacent road level.

- 6.109 Flood resilience measure will be provided, including:
- Using flood resistance materials that have low permeability,
  - Making sure any doors, windows or other openings are flood resistance,
  - Using flood resilience materials (for example lime plaster),
  - Raising all sensitive electrical equipment, wiring and sockets,
  - Making it easy for water to drain away after flooding such as installing a sump and a pump,
  - Making sure there is access to all spaces to enable drying and cleaning,
  - Making sure that soil pipes are protected from back-flow such as by using non-return valves.
- 6.110 The use of infiltration techniques was considered, however due to the previous usage of the site and the potential for contaminated and made ground, soakaways are not considered to be feasible. Surface water will therefore discharge to the river at a restricted rate, with a storage allowance to meet climate change requirements. The drainage strategy shows a subsurface tank under the car park to the east of the East Mill.
- 6.111 The flood modelling has tested what would occur when the adjacent river is in flood. If the system were to exceed capacity, for example, due to a failure of the drainage system or a rainfall scenario in excess of the design event, water would leave the drainage system and follow the overland flow route towards the River Colne, and hence would not increase the flood risk of neighbouring properties.
- 6.112 All surface water would pass through an interceptor to prevent pollution. Foul water will connect to the existing sewer in Crowther Bruce Mill Road.
- 6.113 The site entrance will be used as the safe access and escape route from the development. The route from each building has been considered individually and is deemed acceptable. The owners, operators and occupiers of the development will need to sign up for EA Flood Warning notifications.
- 6.114 The sequential test and exceptions test are considered in detail in a separate report that accompanies this application, and this demonstrates that the tests have been passed.
- 6.115 The deculverting policies in the Local Plan have also been considered in that separate report. The application proposes to open up a significant area of the River Colne. This offers significant flooding and environmental benefits and is considered to be in accordance with policy.
- 6.116 However, it is not feasible or practical to deculvert the second water course that runs under the north easter area of the site. This would create a major incursion into a proposed operational area of the site, and would also require the removal of historic buildings which are deemed to be significant enough to be retained. This would remove key economic

outputs, which would impede the applicant's ability to secure the additional government funding that might be needed to achieve the aim of further deculverting.

- 6.117 The applicant considers that the proposal as a whole will make a significant contribution to opening up and re-naturalising previously culverted water courses. Overall, this presents a significant positive impact, and the applicant considers that the policy objectives have been achieved

### **Air Quality**

- 6.118 The site is not located in an Air Quality Management Area (AQMA) although it will make provision for vehicle parking and necessitate deliveries / refuse collection using vehicles which will generate nitrogen dioxide (NO<sub>2</sub>)- which is the key pollutant in all of the local AQMA's. However, the level of traffic generated will be relatively low and the development should reduce the need to travel overall given its highly accessible location.
- 6.119 The assessment shows that the long-term effects of the proposed development on Nitrogen Dioxide will be 'negligible'. Fine dusts and particulates (PM10 and PM2.5) are also expected to be 'negligible'. On this basis, all receptors are expected to be exposed to air quality below the Air Quality Objectives and no further mitigation is required to protect the health of future and existing residents.
- 6.120 Mitigation will also be provided in the form of travel planning. Electric Vehicle (EV) charging points will also encourage a move away from internal combustion engines for those vehicles that do use the parking spaces provided.
- 6.121 The construction stage will generate dust and other particulates, during both demolition and construction activities. This can be mitigated through standard construction management practices and can be controlled through a CEMP if needed. These mitigation measures can be secured by condition and could include:
- Compliance with IAQM guidance<sup>16</sup> on mitigation measures during construction activity, including:
    - Regular dust inspections of nearby cars or street furniture within 100m of the site
    - Erection of screens around dusty activities
    - Damping down loose stockpiled materials during dry periods
    - No on-site burning
    - Not using diesel powered plant where an electric alternative is available
    - Maintaining a water supply on site for dust suppression when needed
    - Sheeting / covering wagons moving loose materials
    - Minimising drop heights
    - Delivery of bulk cement or other fine powders in enclosed tankers and storage in silos or other structures which stop wind blow
    - Use water assisted sweepers on site and access roads to remove mud and reduce track out of materials
    - Install wheel washing facilities

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<sup>16</sup> [construction-dust-2014.pdf \(iaqm.co.uk\)](#)

- Preparation of a CEMP which requires these measures to be defined and implemented.

6.122 Therefore, it is concluded that the development is not likely to generate air quality or dust issues which warrant refusal of this application.

### **Noise**

6.123 This application is supported by a noise assessment. The site is close to houses which would be sensitive to new development on the site. However, the uses proposed are all suitable in a residential area, being focussed on lighter industrial uses in Class E, rather than more general manufacturing or industrial uses which might be louder.

6.124 The noise assessment shows that the impacts of the proposed development will be acceptable, provided that the following mitigation is put in place:

- Limiting commercial site servicing to day time hours only (0700-2300)
- Using “white noise” reversing beepers rather than tonal beepers
- Implementing a combination of closed windows with passive or continuous mechanical ventilation and double glazing for new residential occupiers.

6.125 The report concludes that the development will not result in adverse noise impacts with this mitigation in place, and suggests that conditions be attached to limit servicing hours and to further assess noise once fixed plant information is available.

### **Construction Waste Management**

6.126 The application is accompanied by a site waste management plan, which sets out the waste management strategies that will be used at various stages of this project. It aims to minimise waste during the demolition and construction stages through early consultation with all parties, sub-contractors, the design team and suppliers.

6.127 It sets out a framework to monitor and review waste reduction and to increase awareness and drive down waste during the project lifecycle. It seeks appropriate segregation, reuse, recycling, and disposal of waste; compliance with relevant legislation and meeting or exceeding local waste reduction targets; reducing carbon emission through minimizing transport and landfill, and; maintaining a safe and tidy site.

6.128 It suggested that this document forms the basis of a condition to be complied with when any permission on this site is implemented.

### **Climate Change**

6.129 The application is accompanied by a sustainability statement that addresses the Council’s climate change guidance, and the requirements of local policies LP24 and LP26.

6.130 It sets out measures to reduce energy demand, minimise carbon emissions and generate energy on site from renewable sources. These include a likely reliance on air source heat

pumps, solar PV mounted on roofing, smart metering, and optimising insulation, airtightness, glazing performance, and natural daylighting to meet or exceed the requirements of Part L of the Building Regulations.

- 6.131 The project will include cycle facilities, EV charging points and active travel planning to support travel by sustainable modes. Water use will be reduced by using low flow equipment, sub-metering and landscape design that focusses on drought tolerant species.<sup>3</sup>
- 6.132 This proposal will be highly sustainable, both through its design and development, as well as it's central location, reuse of historic buildings and proximity to significant rail and cycle opportunities.

### **Ventilation and Extraction**

- 6.133 The project includes space that could be utilised by businesses preparing and selling food and drink on the site. Given the conservation area setting of the site, the ventilation strategy will avoid external flues. The mill building fit outs are only proposed in outline at this stage and so no detailed design has been presented. However, once uses are established, the strategy will include internal ventilation routes within the mill buildings servicing strategies.
- 6.134 This approach will ensure that ducting and flues are routed internally to vent at roof level and the residential uses on upper floors of the mill will be designed around that provision. Given the height of the mills relative to other nearby properties, venting at roof level is considered to be suitable to avoid any olfactory issues for nearby residents.

### **Residential Amenity**

- 6.135 The project proposes residential uses in the East Mill and the upper floors of the West Mill. Detailed proposals are not included in this application, and the future use, layout and spaces associated with the residential conversions of the Mill buildings will be detailed in a future application. However, the flats will comply with NDSS requirements and the noise assessment requires that they are mechanically ventilated to achieve suitable noise levels internally.
- 6.136 The site includes new areas of landscaping, including new public spaces, and recreational and open space opportunities available along the canal, the moors and at Marsden Park which is around 75m walk from the site boundary. This will ensure that the amenity for future residents on site is protected.
- 6.137 The site has residential uses on, or close to, almost all of it's boundaries. The uses proposed on site are suitable in a residential environment but limits on servicing are proposed to protect the amenity of the closest residents during the more sensitive night time hours.
- 6.138 Residents on Brougham Road, at its junction with Crowther Bruce Mill Road already have a close relationship with the existing Labtech building (Building A). This building will be reduced in scale, by opening up the loading area and widening Crowther Bruce Mill Road. This will improve the physical relationship and maintaining an office use in that area of the site will ensure that the amenity of those residents is not harmed.

- 6.139 Residents to the north, on Warehouse Hill Road are well separated by distance- the closest being around 27m to the north of the West Mill façade which will have new residents introduced looking to the north over the deculverted river. This distance is adequate to remove concerns about overlooking and loss of privacy.
- 6.140 The closest existing residents are those on Derby Terrace and opposite the site on Brougham Road. Derby Terrace is some 17m away from the façade of the altered West Mill and the properties on Brougham Road are some 12m from the façade of the Brough Road Mill (Building B).
- 6.141 Building B is proposed to be light industrial uses, and so the propensity for overlooking and potential loss of privacy is reduced. The upper floor offices will have windows directly facing this terrace of houses. However, this is an existing relationship and some residents have already taken some measure to secure their privacy (eg net curtains) because of the close relationship between their windows and Brough Road. This is not considered to alter the existing relationship and no harm to amenity would arise through the re-use of this building.
- 6.142 The West Mill is some 17m to the north of the existing houses on Derby Terrace. The development will introduce new residential windows, with balcony spaces, on the new southern elevation. Residential windows will also be located on the west elevation (looking over the new car park area towards Peel Street). Whilst the closest measurement point is closer than would be ideal, these new windows will only have an oblique view of the Derby Terrace windows and given the angle and distance, this is not considered to be harmful amenity. Indeed, the development will significantly improve the current view from these properties, and a reasonable height retaining wall will be kept to the boundary of the site adjacent to these properties- primarily for safety purposes.
- 6.143 The buildings being retained are all existing and so there would be no negative impact on daylighting for existing properties close to the site.
- 6.144 It is considered that this proposal will provide a high quality environment for new residents and protect the amenity of existing residents living close to the site. Indeed, the project will significantly improve the environment for immediate neighbours, given the current state of disrepair of the buildings and the risks these pose from a health and safety perspective.
- 6.145 Consturction stage management will also be needed to ensure that the effects of demolition and construction stage noise and dust do not harm amenity. These are issues that are commonly encountered and it is suggested that a Consturction and Environmental Management Plan is required by condition

### **Public Health**

- 6.146 A separate Health Impact Assessment has not been prepared, however details of key technical elements can be found in the Noise and Air Quality assessments, as well as the travel plan. Policy LP47 and the council's Joint Health and Wellbeing Strategy require consideration of a number of factors.
- 6.147 This development is located in a highly accessible location, with excellent opportunities for walking, cycling and access to the countryside. The project proposes some car free homes,

which will encourage active travel and reduce pollutants. It will also open up new connections through the site, which are primarily pedestrian and cycle focussed – which will promote healthier travel, activity and safer lifestyles. In particular the project will provide new open spaces with opportunities to both dwell and interact, as well as travel through the site.

- 6.148 It is expected that a construction stage management plan will help to manage construction stage issues around health and environmental controls- including dust management measures.
- 6.149 All new properties will comply with the accessibility elements of the Equalities Act, including lifts to residential floors of the mill conversions.
- 6.150 Provision will be made for electric vehicle charging. This is not proposed in detail at this stage, as this detail can be secured by condition and through future applications. However, this is likely to have local air quality benefits and also reduce carbon emissions resulting from the development.
- 6.151 It is concluded that the project will have health benefits and that it would comply with the requirements of policy LP47 and the Council’s wellbeing strategy.

#### **Mineral Safeguarding**

- 6.152 The site is in a sandstone mineral safeguarding area. Policy LP38 sets out the circumstances where surface development will be permitted. In this case, the site has been developed for some considerable time, and is relatively small. The ground conditions reports discussed above note that there is also considerable made ground on the site, up to 3.5m deep. The scale and depth of necessary excavations, transport constraints and the proximity to existing residential homes, suggests that prior extraction would not be feasible in either economic or environmental terms.
- 6.153 Criterion c. of the policy also provides for cases where there is an overriding need for the development. This is discussed more detail in Section 8, where it clear that there is an overriding need for both housing delivery and economic outputs. These are inherent in the Local Plan allocation of this site, but the weight to be given to this is enhanced by the lack of 5 year land supply and significant undershoot of the housing delivery test.
- 6.154 It is therefore suggested that the requirements of Policy LP38 have been met.

#### **Open space provision**

- 6.155 The Kirklees Open Space Study shows that the Colne Valley has 5.43Ha of open space for a population of 17,639, which is 0.31Ha per 1,000 population. This is below the standard set for parks and recreation grounds in the Open Space SPD. Although there are no major gaps in accessibility, all wards have quality gaps for this typology. The Colne valley is also assessed as being short against the provision of natural spaces, but does meet the required standard for allotment space.

6.156 Table 11.4 of the Open Space Study summarises the quality and accessibility deficiencies by area. Marsden is not drawn out as having any deficiencies, although in Slaithwaite and Linthwaite there are shortages for skateparks and MUGA's.

6.157 The site provides new open spaces at the main entrance of around 450sqm and a smaller pocket park adjacent to the deculverted river off Crowther Bruce Mill Road, of about 285sqm. This is considered to be a lot of open space given the central location and dense nature of the site and surroundings.

### **Security**

6.158 The site will be designed to comply with Secured by Design guidance. New spaces have been designed to be naturally overlooked, and a suitable lighting strategy would be detailed under a condition.

### **Public Consultation**

6.159 This project has been subject to extensive public consultation. A drop in event was held on 19 June 2024 at the Marsden Mechanics, being advertised by local posters and social media. 49 feedback forms were completed.

6.160 The key issues raised were as follows:

- Access
- Parking
- Integration with Marsden
- Viability
- Job Creation
- Heritage

6.161 People were also asked for other comments. Some of these were very positive and other less so. Several key examples are below:

*There is a major problem for traffic going down Brougham Road. Really object to knocking down the attractive office buildings on Brougham Road - proposed buildings look awful.*

*The current mill looks terrible I am supportive of redevelopment, cars and traffic are the main concerns.*

*It would be great if the walkway could be preserved - the building is so iconic to people who live here and have visited. It would be good to retain this as much as possible. I would spend the money on making the building safe and accessible and adapt over time. What is happening with the other mills?*

*You have one chance at this. Get it right. No point in doing half a job, go for the most regeneration.*

*The mill has merit (heritage) but it's not the most beautiful building so I think its best developed for retail/commercial/ recreational use. To create employment etc but I would like to see some green space down the river.*

*It needs something doing, it is a danger at the moment.*

*I am very much in favour of this development and relieved that you are not planning total demolition.*

- 6.162 The feedback was generally positive, with traffic and transport being the overwhelming concern and a common theme that “something needs to be done”.
- 6.163 A second event was held on 11 December 2024. 158 people attended and 38 feedback forms were completed. 89% was supportive, The key issues raised were:
1. Access during building works
  2. Brougham Road becoming one-way
  3. Wages Office frontage removal
  4. General traffic
  5. Put focus on renewable/energy efficiency
  6. Balancing the retail/leisure offer – local independent shops, services for local residents compared with tourist focus leisure options.
- 6.164 Feedback received has been overwhelmingly positive. A significant percentage of respondents indicated they would be interested in supporting the proposals and feedback data indicates residents would like to see regeneration take place at New Mills

## 7. Public Benefits

7.1 The application offers a number of benefits which go beyond policy requirements. These weigh in favour of the application and add weight to our suggestion that it should be approved. These are:

- Increased housing delivery
- Socio-economic benefits, including job creation, support to local businesses, construction jobs
- Providing additional services and facilities for nearby houses and businesses, reducing the need to travel out of Marsden for basic local needs- including providing new commercial space to allow existing retailer and service providers to expand in a central location
- Re-use of un-used, derelict brownfield land
- Health and safety improvements through addressing building repair issues
- Carbon reductions and efficiency through retention and reuse of heritage assets
- Visual improvement of a key central site in Marsden
- Deculverting of a Main River, with flood and environmental benefits
- Biodiversity Net Gain significantly beyond policy requirements (the De Minimis Exemption applies) provided on site.
- Improved place making, open space provision, new public realm and circulation around Marsden
- Retention of original materials, structures and references to original structures in the detailed landscaping proposals.
- Encouraging car free living

7.2 These are explored in more detail below.

### Increased housing delivery

7.3 The project is currently expected to deliver around 60 houses across the site. The site's allocation in the Local Plan indicatively suggests it should deliver around 29 homes. The project, therefore, approximately doubles the number of houses expected on the site.

7.4 The Council will be aware that housing delivery is failing in Kirklees, primarily because of the slow start on three strategic housing sites allocated in the Local Plan. The effect of this has been compounded by the new "Standard Method" which changes the annual housing delivery expectation from 1,595 per annum to 1,840 per annum:

- The average net annual additions for 2021-2023 was 964 per annum, which is around half (52%) of the required target.
- The separate Housing Delivery Test shows a need of 4,463 against a delivery of 2,392, which is a 54% delivery rate, placing the Council into the “presumption” category.

7.5 This picture of housing requirements versus delivery is not encouraging. It was the main reason for triggering a full Local Plan review just 5 years after adopting the current Local Plan.

7.6 This is not just a case of “not hitting the numbers”; The lack of housing delivery also has social and economic consequences:

- People will be less able to find affordable housing;
- people won’t move who need to;
- the housing market will begin to stagnate, and;
- productive workers may elect to move out of Kirklees to access housing elsewhere.

7.7 The Indices of Multiple Deprivation (IMD) was updated in 2025, which is useful reflection of what that means for people’s wellbeing. The site is in a statistical area where barriers to housing are worse than 70% of the UK:



- 7.8 Marsden is not a particularly deprived village overall. However, as a District wide issue, large areas of Kirklees, particularly the more urban areas, are in the top 10% and 20% of deprived areas in the UK. Housing is a major factor in overall deprivation, and housing provided in Marsden will help to address needs in an area wider than just Marsden itself.
- 7.9 It is important for the economy, people's health and wellbeing to have access to more and better housing. This project will deliver more than expected, at a time when supply is particularly constrained and the Council are under pressure to approve applications that they would otherwise resist.
- 7.10 The building of 60 new homes is estimated<sup>17</sup> to create £1.6m in new tax revenue, including £120,750 in Council tax revenue. Whilst these new revenue streams should not be considered as a material planning benefit, it will assist the Council considerably in meeting its statutory obligations, including providing enhanced services to help address health, income and housing inequality in the District.
- 7.11 The additional houses that would be secured through this application weigh in favour of approval. It also triggers a presumption in favour of development, in line with NPPF 11.

**Socio-economic benefits, including job creation, support to local businesses, construction jobs**

- 7.12 This project will have considerable socio-economic benefits for the local area. The benefits of housing delivery are discussed above, and there are other indicators discussed elsewhere in this report- notably regeneration, health and safety and environmental improvements.
- 7.13 The proposed development will result in the following jobs being created directly on site:
- Light industrial: 40 jobs
  - Retail, Restaurant, Café: 55 jobs
  - Office: 62 jobs
- 7.14 This development will also have local supply chain and indirect job creation benefits. The following job creation has been calculated using the HCA Additionality Guide:
- Total direct jobs: 157
  - Regional / indirect jobs: 227
- 7.15 The job calculations above would ultimately result in around £11.9m of GVA per year of operation being added to the local economy.
- 7.16 The project delivery costs have been calculated at some £52.4m. This is likely to result in a total of around 277 construction jobs. Assuming that the project takes 5 years to build out, this would deliver around 55 construction jobs for the next 5 years, with indirect / regional jobs of around 80 also created. The construction stage is likely to deliver around £4.2m of GVA per year.

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<sup>17</sup> Using the HBF Housing Calculator

7.17 These are considerable economic benefits that should weight in favour of approving this proposal.

**Providing additional services and facilities for nearby houses and businesses, reducing the need to travel out of Marsden for basic local needs**

7.18 Marsden has a well occupied village centre, but it is limited in scale and has a modest provision of retail and service provision. The very low vacancy rates and low turnover of occupiers means that demand is likely being unmet in the village.

7.19 The proposed development will bring enhanced levels of activity to the village centre, which will make a positive contribution to it's diversity at a time when other areas are seeing significant retail closures, a decline in footfall, as well as a loss of revenue to online sales.

7.20 The Government response to the "Supporting our High Streets" Select Committee was published just after the pandemic<sup>18</sup> and confirms that Government wants to "*create more vibrant, mixed use town centre areas which will attract people to shop, work and for leisure activities, ensuring they remain viable now and in the future*". This mirrors the approach in NPPF, which encourages a positive approach to growth, management and adaptation in town centres<sup>19</sup>. National policy also recognises the benefits that conservation of heritage assets can make to sustainable communities, including their economic vitality<sup>20</sup>.

7.21 The application will help deliver new investment, diversify the supply of accommodation available in Marsden and encourage visitors to the Village.

7.22 The application proposal will significantly enhance the services and facilities available in the village through providing more retail, leisure, food and drink and office spaces, all of which will make the village a more attractive place to be, and reduce the need for local people from travelling away to access goods and services. This project also has the potential to enhance the attractiveness of Marsden to people living outside the village. This will assist with the overall diversification of the village, and attract people for shopping and leisure visits which will benefit the overall vitality and viability of Marsden.

7.23 Overall, the project is expected to make Marsden more sustainable for the people who currently live there and, combined with public transport improvements, will make this a highly attractive, revitalised and sustainable village.

**Re-use of un-used, derelict brownfield land**

7.24 Re-using previously developed land is a requirement of national policy<sup>21</sup> and reduces pressure to build on greenfield and Green Belt land.

7.25 The work being undertaken to support the emerging Local Plan is very likely to indicate that further Green Belt land will need to be released in order to meet development needs. On

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<sup>18</sup> [Supporting Our High Streets After COVID-19 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>19</sup> NPPF 90

<sup>20</sup> NPPF 210 b)

<sup>21</sup> See Section 11 of NPPF

this basis it is important to make the most of the existing urban resource to meet those needs.

- 7.26 This proposal will generate jobs and homes and will help to ensure that existing urban land is contributing as much as it can to reducing pressure on the Green Belt to meet Kirklees' development needs outside the Green Belt.
- 7.27 Urban land recycling is both a national policy and political expectation. This is considered to weigh heavily in favour of the approval of this application.
- 7.28 It is also important to consider the need for the New Mills site to be regenerated. The "What Matters to Marsden" survey results<sup>22</sup> suggest that the key employment related issues being faced by local people include:
- A lack of diversity when it comes to employment and career opportunities locally
  - The impact of the mill closures, a shortage of premises and the potential opportunity to develop the mill space to bring new businesses to the area and create much needed jobs
  - A lack of variety in work opportunities, with limited options for skilled and professional work and meaningful chances of progression
  - There are lots of opportunities available in the food preparation sector, in cafes, pubs, restaurants and the retail sector- which is good for giving young people some work experience, but can be limiting for others.
  - A number of people already work from home, either sometimes or the majority of the time, especially since the pandemic. Several people said there is a need to have better internet speed in Marsden.
  - The range of shops and services in Marsden is considered to be good, and the high street is active.
  - There is a need for adult learning, apprenticeships and more local job search support.
- 7.29 The key feedback highlighted in the summary note for this exercise is a comment that the mill space offers unexploited potential to bring employment to the village. This is very clearly the case.
- 7.30 The overall scoring of that consultation exercise left issues around parking, public transport reliability and work / economy issues being those areas that needed the most attention in the Village.
- 7.31 It is clear that New Mills offers considerable untapped potential for visual, community and economic improvement.

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<sup>22</sup> [What matters to Marsden results summary](#)

- 7.32 The site is currently a negative influence, and has huge potential to improve the village- not just from a connectivity and visual appearance perspective, but in terms of offering more services and facilities; a wider range of job opportunity, and; allowing the already higher number of people working from home the opportunity to use shared facilities, or to grow their micro-business into suitably flexible accommodation.
- 7.33 New Mills needs regenerating. It is potentially a large part of the solution to the issues being raised by local people.

#### **Health and safety improvements through addressing building repair issues**

- 7.34 The site is currently falling into considerable disrepair. This is discussed in more detail in Section 6.
- 7.35 The Structural Condition Inspection work confirms that:
- The buildings on site have been derelict for a considerable period and as such, have suffered significant structural deterioration*
- 7.36 The main areas of concern are:
- Vegetation growth, which results in a need to rebuild the majority of masonry affected
  - Most timbers will require replacement
  - The metal bridges between the two mills are significantly corroded, to the extent that they are considered to be unsafe and not feasible to repair
  - There are significant structural issues in the west mill, particularly at the Brougham Road frontage and the main stair core tower. It is known that windows have fallen out of this building onto Brougham Road in the recent past, which is clearly unsafe.
  - The east mill tower is also in a very poor state of repair, with a stone cornice having fallen through the structure.
  - The Brougham Road mill needs demolishing or rebuilding at its western end and is currently in an unsafe condition.
- 7.37 Undertaking work on this site will remove the safety concern which arises from historic and future potential building collapse- whether from falling masonry, windows, roofing materials or other parts of the building. The site is adjacent to public rights of way and close to a school. This is a major liability for the applicant and action needs to be taken to avoid any accidents that may affect the general public.
- 7.38 Removing that risk to public health would be a considerable benefit, both for the buildings and also the public using Brougham Road.

### **Carbon reductions and efficiency through retention and reuse of heritage assets**

- 7.39 Research by Historic England<sup>23</sup> shows that demolishing a historic building, and replacing it with a new building, can result in greater carbon emissions compared to reusing the existing building. Whilst it may be difficult to achieve all of the building regulations requirements for insulation and air tightness, the embodied carbon in the existing building is a critical factor in considering the life-time carbon emissions from the site.
- 7.40 This application will result in the removal of areas of low level mill structures. This is primarily because they are of reduced heritage interest, having less of an influence on the character and appearance of the Conservation Area, and also because the site is so densely developed that access would be hampered by their retention and that their format is not suitable for modern business needs- having been designed around a specific industrial requirement.
- 7.41 However, saving the embodied carbon in the three main mill buildings, has both heritage benefits (from a townscape perspective) and retaining the original fabric of the building is a key factor in the overall emissions from the site. The HE research suggests that it would be better, in carbon terms, to reuse the building. We consider that this is a benefit that also weighs in favour of approving this application.

### **Visual improvement of a key central site in Marsden**

- 7.42 The Mill site is currently a major negative influence in the village. It's current state of repair detracts from visual amenity, presents safety concerns and it also blocks access through the village.
- 7.43 The site is a major visual detractor and the application proposals will transform the site to open it up, bring new public access through the site, regenerate the retained buildings and significantly improve a major visual influence on the village.

### **Improved place making, open space provision, new public realm and circulation around Marsden**

- 7.44 The site represents a barrier to movements between key locations in the village, including to the District Centre and other key services and facilities within the central area of the village- particularly for those living in the north and east of the village.
- 7.45 The Marsden Masterplan aims to enhance connections between Peel Street and Lakeside via New Mills. It encourages connectivity via Derby Terrace that should be safe and well lit. That will be delivered in the form of a new cycle and pedestrian link ramp within the site boundary and parallel to Derby Terrace.
- 7.46 The opening up of the river and creation of a new riverside walkway along the Colne will also have benefits for the environment, enhanced permeability, public access, encouraging active travel within the village and generally enhancing the pedestrian and cyclist amenity in the vicinity of the site.

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<sup>23</sup> [Re-use and Recycle to Reduce Carbon \(historicengland.org.uk\)](https://www.historicengland.org.uk)

- 7.47 The removal of part of the western mill creates the opportunity for a significant new public space, creating a new gateway that includes retention of some of the historic façade and reflects the form of the demolished building in the layout and hard surfacing of the new space. The main public square will open a route between the retained Mill buildings, acting as a central spine to connect the square with a future footbridge and the new riverside walk.
- 7.48 This project will deliver general permeability improvements, provide for key desire lines, and retain the potential for a future footbridge that will enhance this connectivity further when adequate funding is available.

#### **Deculverting of a Main River, with flood and environmental benefits**

- 7.49 Initially the project did not allocate money to opening up the Colne, primarily due to cost. However, in order to avoid the risk of the river walls collapsing when the buildings were removed, the project has been amended to deliver a major environmental improvement, in line with Policies LP27 and LP34.
- 7.50 This will have environmental, ecological and visual benefits that should be weighed positively in favour of this proposal.

#### **Biodiversity Net Gain significantly beyond policy requirements (the De Minimis Exemption applies) provided on site.**

- 7.51 The development of the site will see the loss of very small areas of scattered bushes, modified grassland, scrub and ruderal vegetation, all within the central spine of the site between the two main Mill buildings. The proposed development will see the introduction of large areas of new landscaping and opening up the river.
- 7.52 The proposal will deliver an 271% increase in biodiversity interest and a 26% increase in watercourse units. This is considerably above the statutory requirement, and very considerably above the current Local Plan policy expectation.
- 7.53 This is major exceedance of policy guidance which should be given considerable weight in making this decision.

#### **Retention of original materials, structures and references to original structures in the detailed landscaping proposals.**

- 7.54 The application will see the retention and refurbishment of the 2 main mills on the site which have the greatest influence on townscape character, particularly in wider views across the roofscape of Marsden. The two storey mills that frame views from Pel Street out of Marsden will also be retained.
- 7.55 Where it has been necessary to remove important structures the applicant has sought to reflect the character of that building through retained materials and references in the hardscaping. Whilst retention would always be the favoured outcome, this approach is considered to be necessary for a variety of reasons including access safety, cost and practicality, given the state of dilapidation of these structures. The response is discussed in the Phase 1 landscape statement (PlanIt document) in more detail and this includes retaining part of the structure of the “wages office” façade on Brougham Road as a frame for

the new open space, the referencing of the shape and structure of the building footprint of the western mill on the ground and within the new open square; and the reflection of the elevated link corridors between the mills in the hardstanding, to show their original position. This will be supplemented with information panels to aid interpretation of the approach adopted.

7.56 The re-use of site materials across the new development will also be provided for- in order to reduce the costs of surfacing materials and the retain that material on site as far as practical.

7.57 Whilst the removal of some elements of the current built form is regrettable, the retention of those parts with the most significant interest, and the mitigation strategy for the remainder, is considered to be a material benefit which should be weighed in favour of this proposal.

### **Encouraging car free living**

7.58 The TransPennine Upgrade will significantly enhance the accessibility of Marsden by rail- giving quicker access to Huddersfield, Leeds and Manchester. There are also good local options for non-motorised travel - cycling is already a good local option, with traffic free routes available to nearby villages.

7.59 This will allow people to consider a car free lifestyle, which in turn will reduce emissions, congestion and enhance active travel, which is beneficial for both health and the environment. This also reduces the parking burden on the site which will enhance the public realm should this project be delivered.

### **Public Benefits Overview**

7.60 There is a considerable list of benefits that weigh in favour of this proposal going ahead. These span all areas of relevant policy, including housing, economic, social, retail, environmental and health interests. The benefits of redeveloping this site are both undeniable and considerable.

7.61 These positive factors need to be weighed against any heritage harm when considering the appropriate balance under NPPF 214, and also weight in favour of approving the application

## 8. Planning Balance

- 8.1 It is concluded that the proposed development accords with the provisions of the Development Plan. Other material considerations also suggest that the application should be approved.
- 8.2 Our analysis of the policy context has not highlighted any issues which are not capable of being dealt with by the imposition of suitable conditions or, in the case of the sequential test, a reasonable level of flexibility given the circumstances of the site. We consider that the application is compliant with the Development Plan when read as a whole.
- 8.3 We have not identified any material considerations which suggest that Planning Permission should be refused. We have, however, identified a number of benefits that weigh heavily in favour of the application. These are:
- Increased housing delivery
  - Socio-economic benefits, including job creation, support to local businesses, construction jobs
  - Providing additional services and facilities for nearby houses and businesses, reducing the need to travel out of Marsden for basic local needs- including providing new commercial space to allow existing retailer and service providers to expand in a central location
  - Re-use of un-used, derelict brownfield land
  - Health and safety improvements through addressing building repair issues
  - Carbon reductions and efficiency through retention and reuse of heritage assets
  - Visual improvement of a key central site in Marsden
  - Deculverting of a Main River, with flood and environmental benefits
  - Biodiversity Net Gain significantly beyond policy requirements (the De Minimis Exemption applies) provided on site.
  - Improved place making, open space provision, new public realm and circulation around Marsden
  - Retention of original materials, structures and references to original structures in the detailed landscaping proposals.
  - Encouraging car free living

- 8.4 The proposed development is considered to be sustainable development, as defined in the NPPF, and will contribute to all three overarching objectives<sup>24</sup> by:
- Offering economic benefits, through job creation and GVA;
  - Securing social objectives by providing access to jobs, services and facilities;
- and
- Securing environmental and visual improvements through deculverting, reducing vehicle based emissions, BNG improvements and carbon emission reductions.
- 8.5 We consider that the presumption in favour of sustainable development applies in this case. In line with NPPF 11c), we conclude that planning permission should be granted “*without delay*”.
- 8.6 We also conclude that the presumption inherent in S38(6) of the Planning Act applies in this case. The development accords with the adopted Development Plan and no material considerations have been identified that suggest refusal. Indeed, we have identified a number of material benefits which suggest that the balance clearly lies in favour of granting this application.
- 8.7 We, therefore, ask that this application be approved in a timely manner to ensure that its inherent benefits can be realised.

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<sup>24</sup> Para 8 NPPF

