

Application Number 18/00278/FUL

Proposal	Change of use from storage and distribution (Use Class B8) to office accommodation (B1), coffee shop (A3) and a new internal data centre (sui generis) with supporting sub-station and generator compound externally with, subject to separate application, a fence enclosure.
Site	Ashton Old Baths, Stamford Street West, Ashton
Applicant	TMBC
Recommendation	Approve, subject to conditions, and authorise the closure of a section of the public highway in Fleet Street
Reason for report	A Speakers Panel decision is required because, in accordance with the Council's Constitution, in association with the granting of planning permission authorisation is sought for closure of a section of the public highway in Fleet Street.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The application is one of three concurrent applications appertaining to Ashton Old Baths and seeks full planning permission for the change of use of what is known as the eastern annexe of the building to accommodate offices (use class B1), a coffee shop (use class A3) and a new internal data centre (sui generis use). Permission is sought also for an external sub-station and generator compound in Fleet Street.
- 1.2 The proposed data centre is intended to host council, NHS and commercial computer systems in a controlled environment and comprise a single-storey, modular room within the annexe.
- 1.3 The application is accompanied by a Heritage Statement: Significance and Impact.
- 1.4 The concurrent applications are:

ref. 18/00194/FUL, seeking full planning permission for the change of use of section of Fleet Street from highway to service yard, including the installation of a 2.4m high metal louvred fence; and,

ref. 18/00321/LBC, seeking listed building consent for internal works, repairs, restoration and alterations, to accommodate the proposed office accommodation, coffee shop and data centre with supporting sub-station and generator.

2. SITE AND SURROUNDINGS

- 2.1 Located on the south side of Henry Square, Ashton Old Baths is a grade II* listed building situated in the town centre conservation area and is at the heart of the St Petersfield redevelopment scheme. The building sits on an island site bounded by Stamford Street West to the north, Fleet Street to the east and south, and Welbeck Street to the west. The A635 Park Parade town centre by-pass is situated parallel with Fleet Street to the south.

- 2.2 The building comprises the main former pool hall that now accommodates a free-standing office pod, and ancillary facilities (see paragraph 3.3) and an annexe on the eastern side that remains vacant and accommodated originally a smaller swimming bath for women and a number of private (slipper) baths together with the Turkish and hot air baths.

3. PLANNING HISTORY

- 3.1 In order to address the decline of the area known now as St Petersfield, and the Old Baths, which is the landmark building, outline planning permission (ref. 02/01443/OUT) was granted initially in May 2003 for the comprehensive redevelopment of the area, and again, with some modifications (ref. 04/00040/OUT), in May 2004. The proposal was that the redevelopment would include a mix of uses, but primarily business uses, with an element of residential use, and ancillary retail uses so as to provide a new business quarter for the town. A Masterplan included with these applications envisaged the Old Baths having the potential to accommodate either an hotel or a business centre.
- 3.2 Prior to the evolution of the St Petersfield scheme, planning permission (ref. 80/00119/FUL) was granted to use the Old Baths for light industrial and storage accommodation. Confirmation of the lawfulness of the use of the building for light industrial, or business, use was issued (ref. 14/00381/CLUD) in May 2014.
- 3.3 More recently and significantly, in accordance with the authorized use of the building, listed building consent (ref. 14/00575/LBC) allowed for:
- Phase 1 works, comprising external and internal works, repairs, and alterations to the former main pool hall including the erection of an internal free-standing structure; and,
- Phase 2 works, comprising essential works to secure repairs to and the structural integrity of the remaining parts of the building.
- 3.4 The current applications comprise Phase 3 works to the building.

4. RELEVANT PLANNING POLICIES

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation**
Allocated Development Opportunity Area within Ashton town centre conservation area

4.2 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People
- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development.
- 1.6: Securing Urban Regeneration
- 1.7: Supporting the Role of Town Centres
- 1.11: Conserving Built Heritage and Retaining Local Identity
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies

- E2 (1): Development Opportunity Area: office, leisure, residential, light industrial and supporting retail uses.

E6: Detailed Design of Employment Developments
S7: Food and Drink Establishments and Amusement Centres
T1: Highway Improvement and Traffic Management.
C2: Conservation Areas.
C4: Control of Development in or Adjoining Conservation Areas.
C5: Alternative Uses, Alterations and Additions for Listed Buildings.
C6: Setting of Listed Buildings
C7: Enabling Development for Conservation of Heritage Assets.
MW11: Contaminated Land.

4.4 **Other Policies**

Employment Land Supplementary Planning Document.

Ashton-under-Lyne Town Centre Strategy Supplementary Planning Document

It is not considered there are any local finance considerations that are material to the application.

4.5 **National Planning Policy Framework (NPPF)**

Achieving sustainable development;
Section 6. Building a strong, competitive economy
Section 7. Ensuring the vitality of town centres
Section 9. Promoting sustainable transport
Section 12. Achieving well-designed places
Section 15. Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

4.6 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. **PUBLICITY CARRIED OUT**

- 5.1 The application has been advertised by means of neighbour notification letters dispatched on 29 May 2018 to 8 addresses in Portland Street South, Old Street, Stamford Street West, Welbeck Street South and Bentinck Street, and with a notice being posted at the site on 15 May 2018.

6. **RESPONSES FROM CONSULTEES**

- 6.1 The Head of Environmental Services (Highways) has raised no objections to the proposal.
- 6.2 The Head of Environmental Services (Public Protection) has no objection to the proposal and suggested that conditions restricting the hours of construction work and requiring acoustic insulation of plant and machinery be attached to any permission.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 No responses have been received.

8. ANALYSIS

8.1 There being no residential properties, nor any firm proposals for any future residential development, in the immediate vicinity, and so minimal impact on any residential amenities, the issues to consider in determining the application are:

the appropriateness of the introduction of the new uses in to the listed building in this location; and then whether the closure of a section of Fleet Street to accommodate a sub-station is acceptable to facilitate the change of use;

and, the impact of these developments on the setting of the listed building, the character and appearance of the conservation area and the local highway network.

9. APPROPRIATENESS OF THE CHANGE OF USE

9.1 The use of the Annexe as offices, with a smaller coffee shop, is wholly appropriate. Both offices and a coffee shop are a main town centre use as defined by the NPPF. The uses accord with the both the Development Opportunity Area and original Masterplan designations. Meanwhile, the Ashton Town Centre Strategy SPD includes the aspiration that St Petersfield will be developed to create a high quality commercial-led mixed use environment, providing Ashton with its first town centre business park.

9.2 The proposed data centre use does not sit comfortably within any defined Use Class and so is considered to be sui generis (ie, a use that does not fall within any particular Use Class, or a use of its own kind). The use would provide support for business and so is considered compatible and comparable with the proposed office use.

9.3 The building is situated in a relatively highly accessible town centre location and so the proposal, being to bring a vacant section of the building back in to beneficial use, is inherently a sustainable development that would secure a viable future for the listed building. It is therefore considered that the proposed change of use of the building is compliant with: the core principles and Sections 6, 7, 9 and 16 of the NPPF; policies E2 (1), E6, S7, C2 and C5 of the UDP; and the SPD.

10. SUB-STATION AND FLEET STREET CLOSURE

10.1 The proposed sub-station and generator would be detached from the building and occupy land currently within the highway in Fleet Street. The plant would be enclosed by a 2.4m tall, grey-coloured, steel louvred fence which is the subject of the concurrent application, ref. 18/00194/FUL. The sub-station and plant would then not be visible from the street.

10.2 The presence of the enclosed sub-station and plant would impact on the setting of the listed building and the character and appearance of the conservation area in which it is set. Views of the Old Baths are from the east and west along Stamford Street and mainly from Henry Square in the north. The location of the proposed sub-station and plant, on the southern side of the

building, at the very southern edge of the conservation area, is relatively secluded with passing views being mainly from the Park Parade town centre by-pass.

- 10.3 Paragraph 196 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. For the purposes of such assessment it is considered that the presence of the sub-station and plant, views of which would be obscured by the proposed fence, would lead to less than substantial harm to the significance of the listed building and the character and appearance of the conservation area as heritage assets and that this harm would be majorly out-weighed by the public benefits that would accrue from the this element of the development, which is necessary to secure the optimum new use for the annexe to the listed building. It is therefore considered that this element of the proposal is compliant with: the core principles and Sections 6, 7, 9, 12 and 16 of the NPPF; policies E2 (1), E6, S7, C2, C4 and C6 of the UDP; and the SPD.
- 10.4 The key traffic route through St Petersfield is along Old Street. The section of Fleet Street on the southern side of the Old Baths serves only to link two temporary car parks on either side of the building; it is rarely used, and not required, as a through route.
- 10.5 Having been consulted on the application the Head of Environmental Services (Highways) has raised no objection and so in these circumstances it is considered that the impact on the local highway network would not be severely detrimental and so the proposal is compliant with Section 9 of NPPF and policy T1 and of the UDP.

11. CONCLUSION

- 11.1 Without impinging unduly on any existing amenities, it is considered that the proposed development would facilitate the retention of a unique part of the heritage of Ashton, whilst the restoration and increased use of the building will continue to build on the success of the completed Phase 1 and 2 works and act as a catalyst for further town centre investment, and constitutes a sustainable development that conforms to the relevant requirements of the Ashton Town Centre Strategy SPD, the UDP and the NPPF. The recommendation is therefore for approval

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development must begin not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans refs.:

02-00-LBC P2
1064-203-00-LBC P1
1064-205-101-LBC P2
1064-205-102-LBC P2
1064-205-103-LBC P2

3. .During the conversion no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
4. All fixed plant and machinery shall be acoustically treated/designed in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed measures shall be maintained and retained thereafter
5. Fence permitted by planning permission ref. 18/00194/FUL shall be installed not later than 2 months of completion of works to construct and install the sub-station and generators hereby approved.