

Application Number 18/00194/FUL

Proposal	The change of use of section of Fleet Street from highway to service yard, including the installation of a 2.4m high metal fence
Site	Ashton Old Baths, Stamford Street West, Ashton
Applicant	Mr Nawaz Khan (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 a fence to enclose a sub-station and generator in what is currently the highway in Fleet Street.
- 1.2 The concurrent applications are:
 - ref. 18/00278/FUL, seeking 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) with supporting sub-station and generator; 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.
- 1.3 Enclosing the sub-station and generator, which are included in the concurrent planning application (ref. 18/00278/FUL) and are required to facilitate and enable the proposed change of use, the proposed 2.4m high steel fence would comprise louvred, angled flat horizontal bars and be coloured dark grey to match the window frames in the building.

2. SITE & 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 proposed sub-station and plant enclosure would be located on the southern side, and be detached from, the building.

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

1.3: Creating a Cleaner and Greener Environment.
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.
T1: Highway Improvement and Traffic Management.
C2: Conservation Areas.
C4: Control of Development in or Adjoining Conservation Areas.
C6: Setting of Listed Buildings.
C7: Enabling Development for Conservation of Heritage Assets.

4.4 Other Policies

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 9. Promoting sustainable transport
Section 12. Achieving well-designed places
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.

6. PUBLICITY CARRIED OUT

6.1 The application has been advertised by means of neighbour notification letters dispatched on 20 July 2018 to 6 addresses in Portland Street South, Stamford Street West, Welbeck Street South and Bentinck Street, and with a notice being posted at the site on the same day.

7. RESPONSES FROM CONSULTEES

7.1 Historic England offer no comments and defer consideration of the application to the local planning authority.

8. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

8.1 No responses have been received.

9. ANALYSIS

9.1 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:

whether the closure of a section of Fleet Street to accommodate the sub-station enclosure is acceptable in terms of the impact on the local highway network;
and the impact on the setting of the listed building and the character and appearance of the conservation area.

10. FLEET STREET CLOSURE

10.1 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. 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. SETTING OF THE LISTED BUILDING AND CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

- 11.1 The presence of the fence around the 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.
- 11.2 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. Given the above, for the purposes of such assessment, it is considered that the presence of the fence to enclose the sub-station and plant 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 development, which is necessary to enable the optimum new use for the annexe to the listed building to be secured. It is therefore considered the proposal is compliant with: the core principles and Sections 12 and 16 of the NPPF; policies C2, C5 and C7 of the UDP; and the SPD.

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.:

HS5003_233
HS5003_233_1
HS5003_233_3
HS5003_233_4
HS5003_233_5

3. Prior to installation, a sample panel of the fence hereby approved shall be provided at the site to be approved in writing by the local planning authority. The development shall be carried out in accordance with such approval.