

COMMITTEE DATE: 21 January 2009

APPLICATION NO: 08/04446/FUL and 08/04447/LBA **TYPE:** Full Application and Listed Building Application

WARD: Abbey

PARISH:

EXPIRY DATE: 30 January 2009

APPLICANT: Cubex Land Ltd And Blanc Brasseries PLC

PROPOSAL: Change of use from meeting house (Use Class D1) to restaurant (Use Class A3). Alterations to include new entrances, wheelchair access, lighting, railings and new mezzanine

SITE LOCATION: Friends Meeting House, York Street, Bath, BA1 1NG

REASON FOR REPORTING APPLICATION TO COMMITTEE

This is a revised proposal following a refusal of listed building consent and planning permission by the Committee under references 08/02283/LBA and 08/02397/FUL in September 2008.

INTRODUCTION

There are again two applications to consider. These linked proposals relate principally to a change of use and the impact of associated works on the fabric of the Grade II listed Friends Meeting House and the character of the Conservation Area and the World Heritage Site.

The committee report presented to the committee in September set out the full backcloth. It is not proposed to repeat all the background information in this second report. This agenda item seeks to set out the main changes in the revised proposals and the key issues to be considered.

Two separate recommendations are made at the end of this report.

DESCRIPTION OF SITE AND LOCATION

The Friends Meeting House is located in York Street, a through route between Stall Street and Terrace Walk, within the centre of Bath. It is surrounded by a number of listed buildings, including to the south west the former Town House of Ralph Allen - a Grade I listed building by John Wood the elder. Further to the north west is Kingston Parade which is bordered by the Abbey and the Roman Baths. Directly to the side and behind the building is a narrow alleyway known as 'Lilliput Alley' which continues from York Street onto the pedestrian area adjacent to the Huntsmen PH.

The Friends Meeting House is a Greek Revival building dating from 1817-19 originally designed and built as a Freemasons Hall by the nationally renown architect William Wilkins. The Freemasons left the building in 1823 and since then it has been used for a variety of purposes, first as an assembly room and exhibition space, and by the 1830s as a non-conformist chapel. In 1842 it was leased to the Bethesda Chapel, an event commemorated by the inclusion of the date on the pediment of the portico. Since 1866 the building has been the home of the Religious Society of Friends (Quakers). In the

1980s the building was altered to provide a basement flat and to allow the community use of some of the spaces, including a drop-in centre by the charity 'Mind' .

The exterior has an impressive projecting, pedimented Ionic portico over a blind central doorway with pylon architrave: there is a full entablature above. The slate roof is dominated by two prominent cylindrical lanterns. Access to the building is obtained, as in the original plans for the Masonic Hall, via two flanking wings in rusticated stonework. At the front of the building, at pavement level, are prominent railings located on stone plinths. Although not original they are on the line of the original railings.

The interior has two large rooms. The main space at ground floor level has often been referred to as the Great Room which has an attractive coved ceiling, six panelled doors, fireplaces, all lit by the original roof lanterns.

Although the Friends Meeting House was only used by the Freemasons for a short period of its life it was purpose-built. Features still survive in the Friends Meeting House which give an important clue to its former use as a Freemasons Hall, for example its plan form, lanterns in the roof, the squint adjacent the door entrance to the former Great Room, Masonic symbols on the external cast iron rainwater heads and the location of the windows and the blind door on the front elevation.

THE PROPOSAL

Brasserie Blanc are seeking to extend their operations on a national basis and wish to convert the former Friends Meeting House into a restaurant which requires extensive internal and external alterations to the existing building and its setting.

The main elements of the scheme involve :

- Opening up the blind door on the front elevation
- New steps down from the door to street level
- Internal glazed lobby to the new entrance
- Disabled access lift near the existing eastern door entrance
- Paving over the existing open well at the front of the building which will be used as a seating out area when the existing railings and their stone plinth have been removed.
- Cooler and air conditioning units on the rear elevation
- Introduction of new mezzanine floor and staircase in the Great Room.
- Introduction of additional staircase between lower and ground floor
- Introduction of kitchens on the ground and basement floors

- The siting of tables and chairs on an open-air seating area between the front elevation of the building and the highway
- The main changes to the previous scheme are :
- Retention of window cill heights
- Re-setting of part of railings along the street frontage
- Retention of roofs and ceilings to both flanking wings
- Main plant to be located within existing roof space between the two lanterns
- Omission of a new service chimney
- Retention of historic name painted on the cornice of the pediment
- Proposed front door oak panelled rather than glazed
- Reduction in thickness of proposed mezzanine floor (from 500mm to 425mm)
- Lengths of exposed service pipes and ducts within the Great Room reduced
- Service runs rationalised in corridor areas adjacent basement floor
- Paving over of light wells now to be reinstated at correct level
- De-cluttered arrangement of internal fittings adjacent Stothert fireplaces within the Great Room

CONSULTATIONS AND REPRESENTATIONS

BATH PRESERVATION TRUST: `BPT believe that the applicants have listened to (original) primary concerns and they have made substantial revisions to their approach to the development.

The lowering of the window cills, which was our primary reason for objection does not now form part of the proposals. The door proposed to be created in the currently blind central door is now to be a solid timber door with a glazed lobby rather than a completely glazed door.

In this respect we feel the special architectural interest of the façade, particularly the neo-Egyptian proportions of the fenestration and solidity of the elevation is retained.

In addition the retention of the roof levels to the sides is a great improvement to the previous submission, alterations to the roof have been avoided by routing duct work internally through existing voids. Retaining the roof at its existing level also helps to retain the architectural integrity of the façade.

We retain some reservation about the proposals for the curved stepped access to the newly created central door and the effect on the rectilinear emphasis of the façade, particularly as there is adequate access to the building off the street provided by the two existing entrances. However, we acknowledge that no historic fabric will be removed in the creation of the steps (only in the creation of a door), and that the provision of a more prominent entrance could have enlivening effect on the street scene to the benefit to the character of this part of the conservation area, and could potentially secure a long term occupation of the building for this and future uses.

We are not convinced that railings in the spaces between the columns are the most appropriate detail. A lighter touch is needed to maintain the openness of the portico.

The Trust recommends that the application is approved subject to Conditions in order to address detail of the design of the central access steps and alterations to railings and railings in the portico as expressed above.

We trust that our comments will be relayed to Members of the Development Control Committee and taken into account in your consideration of the proposals'.

ENVIRONMENTAL AND CONSUMER SERVICES: Considers the Acoustic Report submitted with the application to be acceptable, suggests condition relating to noise attenuation of any machinery.

HIGHWAY DEVELOPMENT OFFICER: No Objection, but requires a condition ensuring that the front gates onto the highway will not obstruct the highway.

OTHER REPRESENTATIONS: The applications have been publicly advertised in the local press and with notices on the site.

Six people have objected to proposals raising the following points:

(a) The punching of a new door in the blind doorway would subvert the architectural and historic integrity of this unique building

(b) The internal modifications would destroy the extraordinary space of the Great Room

(c) The distinctive architectural features should not be destroyed for purely commercial reasons

(d) Statements in the press that the building would be neglected if the application were not approved are simply untrue; there are many organisations eager to use the building and it should be retained for community use. It is capable of use as a concert venue, exhibition space, meeting room, gym, crèche, community café. Councillors should not be concerned that the building will be neglected as a number of groups have a vision for its continuing use for the benefit of the people of Bath

(these people are all Bath residents although not local to the application site)

Some members of the Friends Meeting House congregation have also verbally expressed a preference for the building to be used for some form of appropriate community use.

Councillor Terry Gazzard has also expressed his support for this proposal for the following reasons:

1. This is an important development for the York Street Area of the City.
2. The changes to the external features of the building enhance the suitability of the premises for its new life as a prestige restaurant.
3. To retain the original; short term, features would detract from the overall appearance functionality and presentation of the plan.

The plan needs to happen soon so that we don't end up with another empty and near derelict 'unusual' building, similar to the school on Broad Street ,or the Kodak shop on Stall Street Bath

PLANNING ISSUES

RELEVANT PLANNING HISTORY: Thirty years ago permission was granted for a change in use from a place of worship to an Art Gallery and a Tourist Information Office and in both cases permission was given to open-up the blind doorway and replace it with glass doors. However these permissions were not implemented and since that time the Bath and North East Local Plan and PPG15 : Planning and the Historic Environment have been published.

Four applications for planning and listed building consent submitted in August 2007 on behalf of solely Cubex Land Limited. These applications proposed a restaurant use but without a named operator and were eventually withdrawn.

Fresh applications involving Brasserie Blanc were submitted during 2008 as set out at the head of this report.

PLANNING POLICY

BATH AND NORTH EAST SOMERSET LOCAL PLAN (INCLUDING MINERALS AND WASTE POLICIES) ADOPTED 2007

The following policies are material considerations:-

- BH1 - World Heritage Site
- BH2 - Listed Buildings and their settings
- BH6 - Development within or affecting Conservation Areas
- SR7 - Commercial and Leisure Uses
- CF1 - Community Facilities
- D 2 - General Design and Public Realm Considerations
- D4 - Townscape Considerations
- T24 - Highway Development Control criteria

POLICY CONTEXT REGARDING LISTED BUILDING CONTROL: In terms of the historic environment the primary consideration is the duty placed on the Council under S16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

There is also a duty under S72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Planning Policy Guidance Note 15: Planning and the Historic Environment sets out government advice concerning alterations to listed buildings, development conservation areas and world heritage sites.

As demolition of the side roofs is no longer proposed the Council is not required to notify the Secretary of State before a decision is issued if it is minded to grant listed building consent.

CONSERVATION ISSUES: Your officers are pleased to report that since the decisions issued last September the applicants have been prepared to negotiate. This has resulted in a scheme that is significantly more sympathetic to this protected building. Some of the changes are subtle and members should be aware that the introduction of the mezzanine floor and the services associated with a modern commercial kitchen represent significant disturbance to the interior. The retention of the original window cill heights, and the roofs and ceilings to the flanking wings are however important improvements to the scheme. The slimming down of the mezzanine floor, and the retention of part of the street railings, are both also welcomed. The scheme is thus generally now more typical of the adaptation often accommodated at historic buildings, with one important exception.

The scheme still includes the controversial proposal to convert the existing blind (solid stone) door beneath the portico into an useable doorway. Although the building already has two entrances from York Street the new doorway would in effect become the main way in to the building. The provision of a blind entrance was, of course, a self conscious design feature for the original use of the building. Its alteration complicates the interpretation of the building's history. In addition, the provision of the new opening entrance has a number of knock-on effects.

Internally, customers arriving at the building will enter the Great Room on the 'wrong' axis. Traditionally the space would enter from the end, rather than at the centre. This esoteric problem manifests itself physically with a glazed 'storm' lobby that will protrude into the floor plan.

There is also a consequent need to construct a new flight of steps up to the door from the street. In view of the limited space available the design of the proposed steps would depart from the classical temple template. The street railings here also have to be omitted to allow access to the bottom of the steps. The spaces either side of the new steps both on top of the stylobate and at footway level will be used for outside dining tables. The upper level would need to be enclosed by new balustrading for reasons of safety. These areas are likely to be generally shaded and windswept and are not

obvious locations for al fresco dining. However the applicants attach importance to the opportunity provided by the visible seating attracting passing trade..

It is also disappointing that the opportunity has not been taken to 'open up' Lilliput Alley. By locating some external plant to the rear of the building the scheme tends to consolidate the lane as an undervalued asset. The area to the rear of the Friends Meeting House would make a pleasant sitting out area with views to the façade of Ralph Allen's Town House. Improved access via the Alley may also have provided a neater solution for disabled access to the building and to the lower large room generally. This was a chance to regenerate an interesting backwater for the benefit of the City as a whole but, it must be conceded, improved use of the Alley is not entirely within the gift of the applicants as the co-operation of others would be required.

In the opinion of your officers negotiations have now gone as far as they are able. The original scheme has been significantly improved, and some aspects of the scheme might be regarded as a potentially exciting re-use of this historic space. However, the proposal for a new central entrance, and associated issues, remains.

In support of the application an estate agent's letter has been submitted which explains the marketing of the building. The estate agents were instructed in May 2005 to sell the building by the charitable trust organisation that owns the building and they understand the owners find the building difficult and expensive to maintain and no longer suitable for their purpose. Marketing proposals were prepared and circulated to interested parties. The property was advertised and the property was marketed with an open-ended guide price, 'Offers Invited'.

It is stated that a number of offers were received and, mindful of their clients need as a Charity to obtain best value, and weighing up the likelihood of funding and other issues, they recommended that the offer from Cubex be accepted. Other offers received, reflected a range of uses but funding, ability to deliver and contractual uncertainties rendered a number unacceptable. Cubex were viewed as having a good track record on performance, ability to fund and invest in the fabric of the building with an understanding of its listed status and the issues that this raises.

No financial details of the costs associated with running and maintaining the building have been received, nor of the range of offers received. Neither has the acceptability of possible alternative uses been discussed with the planning authority. Accordingly it is recommended that little weight can be given to this aspect.

There have been a number of comments in the local press expressing concern that if the applications are not agreed the building will fall into dereliction. Whilst generally the best way to save a building is to ensure it has a beneficial use there is no significant reason to assume that vacancy and degeneration are just around the corner. The building is in use at the present time and is fundamentally sound. Whilst its inherent design would represent a challenge there is every probability that some form of acceptable use could be maintained. Again, therefore, this is not an overriding issue for consideration.

As regards the impact of the proposals on the character of the wider Conservation Area and World Heritage Site the loss of the blind door will reduce the distinctive sense of

place at this particular point of York Street whilst the other external changes are at best neutral in their impact. However, the Friends Meeting House and street railings are essentially retained in the current proposals and will be effectively preserved.

Another important factor to be gauged in favour of the revised scheme is the changed position of key heritage organisations. No comments have been received to the current applications from English Heritage, The Georgian Group, The Bath Society, and Bath Heritage Watchdog. The Bath Preservation Trust, as set out above, have specifically withdrawn their earlier objections.

PLANNING POLICY ISSUES: The proposal represents the formation of a 'commercial leisure use' as referred to in Policy SR7 of the Local Plan. This advises that development for such uses are to be permitted firstly in Bath's Central Shopping Area and other principal urban centres. This site is located within Bath City Centre and the proposal is in compliance with Policy SR7.

Policy CF1 of the Local Plan refers to development which would involve the loss of a site last used for community purposes, and the church use of this site and also the use by the Charity 'Mind' causes it to fall within this definition. The policy states that proposals which would involve the loss of such facilities will only be granted where there is adequate existing local provision of community facilities. However this site is located within the City Centre where there is a substantial number of other church and other halls and meeting places, providing a range of types and sizes of community meeting places. It is considered that the loss of the Friends Meeting House to community use would not represent a significant reduction in the choice and range of community facilities available in the local area, and that adequate provision for community uses would remain. The proposal is therefore not considered to conflict with Policy CF1.

In view of the above, it is considered that there is no objection on planning policy grounds to the principle of conversion of the building to a Class A3 Use.

HIGHWAYS: The application site lies within Bath City Centre, which is regarded as a 'sustainable' location where commercial and leisure developments are not required to provide off-street parking and no objection is raised to the application proposal on highway safety grounds.

LOCAL RESIDENTS: While York Street is predominantly commercial in character there is residential accommodation in the upper floors of 11 York Street, on the north side of York street opposite the application site, and in buildings in North Parade Passage which backs onto the application site. These residents could be affected by noise and disturbance from the operation of the restaurant and by cooking smells, and conditions relating to hours of opening, provision of ventilation and noise attenuation of machinery are recommended to ensure neighbours are not unreasonably affected.

POSSIBLE COMMUNITY USE: A number of objectors have recommended that the building should be reserved for community uses. This would represent an acceptable use of the building and there is no planning impediment to this being the case. It is accepted that additional planning permissions may have an impact on the value of the property but essentially the groups eager to use the building need to persuade the owners of the site to sell it or lease it to them.

However, there are at present no proposals to continue the community use of the building or as to how the restoration of the building would be funded for such use, and this present application must be determined on its own merits.

CONCLUSION

If members do not believe that the application building, including any features of special architectural or historic interest which it possesses, will be preserved by the proposal then the committee should consider refusing the application for listed building consent. However, as stated on an earlier occasion, in principle a restaurant use in this location is acceptable.

Imaginative re-use of old buildings is also encouraged. Furthermore it must also be accepted that the modern conservation movement, so often devoid of direct funding to influence the outcome, must work with the development industry wherever practical to carefully manage change. The emphasis is on continuity rather than preservation at all costs.

The collaboration that has taken place since the Committee's previous decisions can be seen as tipping the scales in favour of agreement to the proposals. On close balance the revised scheme is recommended for approval.

RECOMMENDATION

In respect of 08/04447/LBA

CONSENT with the following conditions:

1. The works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. No works shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

3. Unless otherwise indicated on the approved drawings, all existing external and internal architectural details, including fireplaces, skirtings, cornices, doors and windows and their architraves shall be retained.

Reason: To safeguard the character and appearance of the building.

4. All internal and external wall, floor and ceiling surfaces disturbed by the proposed works shall be carefully reinstated to exactly match adjacent surviving traditional materials.

Reason: To preserve the character and appearance of the Listed Building.

5. Exact details for the decoration for the proposed new external front door, and the walls and ceiling of the Great Room (ground floor), shall be submitted to the local planning authority and approved in writing before any works commence.

Reason: To preserve the character and appearance of the Listed Building.

6. The exact methodology for the conservation or re-writing of the external 'Friends Meeting House' sign on the front pediment shall be submitted to the local planning authority and approved in writing before any works commence.

Reason: To preserve the character and appearance of the Listed Building.

7. Exact details of the stone to be used for the proposed external flight of steps, and adjustments to the existing flight of steps, and to be used for the paving of the portico (including type, colour, size, jointing and pointing) shall be submitted to the local planning authority and approved in writing before any works commence.

Reason: To preserve the character and appearance of the Listed Building.

8. All external flues authorised by this consent and to be sited on the roof slopes of the building shall be coloured a dark colour with a matt finish.

Reason: To preserve the character and appearance of the Listed Building.

REASONS FOR GRANTING CONSENT FOR 08/04447/LBA

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, Government Planning Policy Guidance 15, Planning and the Historic Environment and in light of views of third parties. The Council considers that the proposals because of their location, design, detailing and use of materials, will preserve the building, and its features of special architectural or historic interest, and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

In Respect of 08/04446/FUL

PERMIT with the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

(2) The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0900 - 2400hrs Mondays to Saturdays and 0900 - 2230hrs on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers.

(3) All plant and machinery installed at the premises, including fume extraction and air-conditioning plant, shall be attenuated so that noise levels are 5dB below the minimum background noise levels, to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of nearby residential occupiers.

(4) The use hereby approved shall not commence until the ventilation system shown on drawings 702/01D, 02D, 03D and 04 has been installed and brought into operation to the satisfaction of the Local Planning Authority, and thereafter maintained.

Reason: To protect the amenities of nearby residential occupiers.

(5) No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason: In the interests of the appearance of the development and of the amenities of the area.

Footnote: These decisions relate to drawing(s) site location plan Nmlo01770400, block plan 1407/60A, feasibility, design and approval drawings 1407/11F, /12F, /13B, /14D, /15C, /16F, /17D, /18D, /19C, /20D, /21D, /22D, 23E, /24D, /26B, /27B, /28A, /29C, /30C, /31B, /33B, /34B, /35A, /36A, survey drawings 1407/50, /51, /52, /53, /54, /55, 56, /57, /58, /59, structural drawings 1577/01A, 0/02A, /03A, /04A, mechanical drawings 702/01C, /02C, 02C, /03C, /04A, date stamped: 28th November 2008, as amended by the agent's email dated 6th January 2009, and revised drawing 1407/25B dated stamped 7th January 2009

REASONS FOR GRANTING APPROVAL OF 08/04446/FUL

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

Permission is granted because the proposal is in keeping with relevant policy guidance and would not detract from the amenities of nearby residential occupiers

A Policies BH1, BH2, BH6, SR7, CF1, D2, D4 and T24 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted 2007.

ERROR: undefined
OFFENDING COMMAND:

STACK: