

TAUNTON DEANE BOROUGH COUNCIL

Executive: 14 November 2007

Report of Strategic Director – Brendan Cleere

(This matter is the responsibility of Executive Councillor Richard Lees)

Proposal to use part of The Cider Press Garden (Taunton) as an outdoor dining area

1. Purpose of Report

- 1.1 To seek the view of the Executive on a proposal to use part of the Cider Press Garden (Taunton) as an outdoor dining area.

2. Background

- 2.1 Loch Fyne Restaurants have expressed a keen interest in opening a new outlet to occupy the ground and lower ground floors of the Hunts Court building in Corporation Street, Taunton.
- 2.2 Hunts Court is one of Taunton's 'landmark' listed buildings and has been vacant for a number of years, since the departure of the County Council Social Services Department. The building already has planning and listed building consent for restaurant use on the ground and lower ground floors and residential use on the upper floor.
- 2.3 As a condition of their possible occupancy, Loch Fyne have requested that almost half of the adjacent Cider Press Garden be made available to them, for use as an outside seating and dining area. Outdoor service would be offered between 1st April and the end of September. A map showing the garden and area affected by this proposal (hatched in green) is attached as Appendix A.
- 2.4 The style of service that Loch Fyne are proposing would involve outside service from 9.00am until 10.30pm with the last people sitting down at 9.00pm. Furniture would be cleared at the end of each day, being lightweight and not noisy. Staff would always be present in the outside area, by virtue of wireless handheld technology for ordering. Staff would also manage customer seating and would not allow intoxicated and rowdy customers to enter the area. Tables would be laid up for dining, sending a clear message that this is not a beer garden. Loch Fyne have committed to keeping the space in immaculate condition and have invited members to view some of their

other restaurants with outside dining areas (in Portsmouth, Egham, Twickenham and Farnham).

- 2.5 During the months that Loch Fyne would be operating outside service, the area would be accessible only to restaurant customers. The area would need to be enclosed in some way to prevent access by the general public. Loch Fyne are prepared to discuss ways of enclosing the area that are sensitive to the surroundings.
- 2.6 Loch Fyne have made it clear that if they cannot use this open space, they would not be interested in occupying Hunts Court.
- 2.7 Loch Fyne's proposal to use this space would require a number of separate approvals from the Council – as planning authority, licensing authority and as owners/managers of the open space. This report relates only to this latter role.
- 2.8 In this role, the Executive will need to weigh up a number of facts and issues. These are summarised in section 3, below.

3. Facts and Issues to Consider

- 3.1 The Cider Press Garden is a public open space, wholly owned and maintained by the Council since 1905. A covenant is in place protecting the site as public open space, and the proposed use would effectively close the space to the general public during business hours between April and September. However, if the Executive was minded to support the proposal and set aside the covenant protecting this part of the Cider Press Garden, a formal advertisement would need to be placed in a local newspaper. The Executive would need to consider any objections arising from this advertisement.
- 3.2 An informal consultation on this matter has already been undertaken recently, in which businesses in the vicinity and other stakeholders (such as the Civic Society and Town Centre Company) were informed of the proposal and their views sought. A similarly worded item was also placed in the Weekly Bulletin of 18 October 2007. The consultation letter is attached as Appendix B. Fifteen responses to the consultation were received, with eight against the proposal, six in support and one neutral. A summary of views expressed in these responses is provided in the table overleaf:

Table 1: Summary of responses to informal consultation

Views <i>for</i> the proposal	Views <i>against</i> the proposal
<ul style="list-style-type: none"> • Fits well with 'Project Taunton' plans for a 'cultural quarter' in this part of Taunton. The proposal would widen range, quality and choice of eating establishments in Taunton. • The loss of this space for six months a year will be replaced many times over when Castle Green becomes public open space within the next five years. • Would enhance Corporation Street as a main route into the Town Centre and encourage a more cosmopolitan feel to the area. The addition of a dining area will provide a focal point for the link between Bath Place and Corporation Street, encouraging people to explore further. • Supportive, provided appropriate use and sympathetic design are ensured by licensing and planning conditions. • Hunts Court has been vacant for many years – the proposed use would be good for the building and Taunton as a whole. An external area would give the outlet a 'street presence' that the building itself does not lend itself to. 	<ul style="list-style-type: none"> • The current space is well balanced, and a paved dining area to one side would be detrimental. • The central stone cider press is sculptural in form and benefits from the space around it. • Scepticism that the restaurant's business would actually depend on use of this space. • The area is an indirect asset to neighbouring Bath Place, enhancing its attractiveness as a shopping venue. • This is one of the few public open spaces in the Town Centre. Tranquillity would be lost. • Potential encouragement to customers of the neighbouring establishment (Pitcher and Piano) to use the other side of the garden. • Concern about changes to Hunts Court building which may be required to access the area. • The garden would become an outside smoking area for the restaurant and a 'rubbish tip' for cigarette butts and food spillage from plates and tables.

4. Recommendation

- 4.1 The Executive is **recommended** to decide whether it supports in principle the use of part of the Cider Press Garden for the purpose identified, subject to formal advertisement and consideration of objections, as well as licensing and planning consents.

Brendan Cleere
Strategic Director
b.cleere@tauntondeane.gov.uk
018823 356350
November 2007

Greg Dyke

Democratic Services Manager

The Deane House, Belvedere Road, Taunton TA1 1HE

Tel: 01823 356410 Fax: 01823 356329

Email: g.dyke@tauntondeane.gov.uk

Dear

INFORMAL CONSULTATION

Request to use part of the Cider Press Garden (Corporation Street) as an outside dining area

Taunton Deane Borough Council's Executive will meet on 14 November 2007 at 6.15pm to consider a request to allow part of the Cider Press Garden to be used as an outside dining area from 1st April until the end of September. The meeting is open to the public and takes place in the Principal Committee Room, Deane House, Belvedere Road, Taunton.

The Cider Press Garden is a public open space, owned and maintained by Taunton Deane Borough Council. The request for using part of this space as an outside dining area comes from a restaurant company interested in occupying the vacant Hunts Court building. Use of this space forms a vital part of the company's business plan and potential occupancy of Hunts Court.

The attached plan shows Hunts Court cross-hatched in blue, and the part of the public open space concerned cross-hatched in green, immediately adjacent to the building. This part of the open space is currently a grassed area, and agreeing to this request would see this paved and open for use solely by restaurant customers during trading hours from April to the end of September. The remainder of the space, including the route through the garden between Corporation Street and Bath Place, would remain open to the public, as would the outside area hoped to be used by the restaurant when they are not trading. The Cider Press itself would remain in its current position.

The proposal is at a very early stage and the Executive have not yet formed any view as to its merits. If the Executive (on behalf of the Council as landowner) was minded to support such an outside dining area, then the request would still need quite separate planning and licensing approvals. I should emphasise therefore that any decision made by the Executive will not in any way prejudice those formal applications.

The Executive would welcome your views on this matter before it meets on 14 November 2007. Please could you send any views by **5 November 2007** to the following address:

PTO

Greg Dyke
Democratic Services Manager
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

Or by email to g.dyke@tauntondeane.gov.uk

Yours sincerely,

Greg Dyke
Democratic Services Manager