

38/2008/295

LOCH FYNE RESTAURANTS LTD

TEMPORARY CHANGE OF USE OF PART OF CIDER PRESS GARDEN FOR RESTAURANT SEATING BETWEEN APRIL AND END OF SEPTEMBER EACH YEAR ADJACENT TO HUNTS COURT, CORPORATION STREET, TAUNTON

322605/124477

FULL

PROPOSAL

The proposal is a revised scheme to use the western part of the Cider Press Garden for use as seating in connection with the new Loch Fyne Seafood Restaurant proposed within the Hunts Court building. The scheme involves 31sqm and the surfacing of part of the grassed area with a gravel paved finish and the introduction of tables, chairs within this area. It is intended that the area will function between 1st April and September 30th each year and the maximum operating times will be within the hours of 9am and 10pm. The area will accommodate 7 tables and seat up to 28 rather than the previous proposal for 40. The intention is to store the furniture within the restaurant premises each evening and during the winter months

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - I do not object in principle to the temporary use of the area but as in my previous comments do not consider a gravel surface suitable. I recommend permanent hard surfacing similar to existing paving and that the design of the whole space should be a consideration.

CONSERVATION OFFICER - Observations as previous application. The Cider Press garden is a long established public open space which is rare within the town centre and provides a pleasant setting to the adjoining Listed Buildings – the former library and Hunts Court, as well as a pedestrian thoroughfare between Bath Place and Corporation Street. When the former library was first converted to a public house, the Council resisted a similar use of the Cider Press Garden due to loss of public amenity. Council land to the rear, adjoining Bath Place was subsequently released for such use. In my opinion the Cider Press Garden offers an important public open space and thoroughfare, the ambience of which would be diminished by the proposal and to the detriment of the character of the Conservation Area.

ECONOMIC DEVELOPMENT UNIT - Considering that there is currently extremely limited seating in the Cider Press Garden for the public to use, this application for a change of use would actually improve the usage of this public space by the paying public. It would be important to keep the present public seating to at least its current levels when restaurant seating is introduced in order not to lose free public facilities and to encourage use of it as an enjoyable public space.

The concept of a 'cafe culture' is one that TDBC, the Town Centre Company and the Taunton Cultural Consortium wish to encourage. However, the Cider Press Garden should remain in public ownership and management to ensure this public land is not lost to private development in the long term.

It is recommended that the restaurant is responsible for enhancing the attractiveness of the space when they are using it, with responsibility for litter collection, ensuring that a high standard of furniture is provided to complement the surroundings and that the Cider Press Garden remains presentable and accessible.

ENVIRONMENTAL HEALTH - No observations.

LEISURE DEVELOPMENT MANAGER - This will be a loss of what is already a small open space which is well used by the public and will set a precedent for the future.

4 Letters of objection on grounds of loss of little haven in the midst of the busy town, the garden area is most used in the summer months, precious open space and use should not be abused, the area will be unusable in the wet, seating will bring noise pollution, smoking pollution and litter, the restaurant will not necessarily benefit many local people and it is unjust to let the use go for commercial gain.

POLICY CONTEXT

PPG15 - Planning and the Historic Environment

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

POLICY9 – The Built Historic Environment

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

EN14 – Conservation Areas

ASSESSMENT

There are two key concerns with this proposal and they are interlinked. One is the loss of public open space within the town centre and the other is the impact on the character of the conservation area.

There have been a number of public objections to the loss of this amenity area to public use and this is also reflected by the view of the Leisure Development Manager. Clearly this is an area that is well used by the public and is one of the few green spaces within the town centre. There is an existing commercial use in the building on the other side of the Cider Press Garden and allowing this use for a new restaurant could set a precedent. The use of the restaurant in Hunts Court has already been allowed and whilst the benefits outlined in consultation responses are noted these have to be set against the loss of the public space and impact on the character of the area. The space is not identified within the Local Plan as one having protected status through any policy, however clearly it is considered of benefit to the town.

If the use were to be allowed here it would necessitate the loss of the grass area for good. While the use is proposed for part of the year and the area has been reduced in size, in order to provide the necessary seating area it would require a hard surface

treatment that would exist all year round as it would not be practical to reinstate the grass after each period of use. The revised scheme no longer proposes movable planters to define the boundary.

The area of the Cider Press Garden is considered an important one in street-scape terms lying between two prominent listed buildings within the conservation area. The building at Hunts Court has been granted permission as a restaurant use and separate consent has been sought to provide a fire escape that would access out into the Cider Press Garden. The loss of part of the green area through the current proposal on a permanent basis and the introduction of a commercial use into this public space clearly will affect the character of the area. The Authority has a duty to preserve or enhance the appearance or character of the conservation area. The Conservation Officer considers the proposal will result in a detriment to this character. The loss of part of the greenery and the public space for part of the year is considered to be detrimental to the existing character of this area. As such it is considered that the use of this area for commercial purposes cannot be supported and although the area has been reduced, members previous objections were based upon the principle of loss of this space rather than the extent of the area.

RECOMMENDATION

Subject to no further representations raising new issues by 25 July 2008 the Development Manager be authorised to determine in consultation with the Chair/Vice Chair and permission be REFUSED for reason of the adverse impact on the character and appearance of the Conservation Area contrary to Policy EN14 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

REASON(S) FOR RECOMMENDATION:-

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: