

38/2008/114

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**

322601/123374

FULL

---

**PROPOSAL**

The proposal is 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 the surfacing of part of the grassed area with a compacted gravel finish, the introduction of planters with blue canvas panels to demarcate the boundary to the area and the introduction of tables, chairs and umbrellas within this area. It is intended that the area will function between 1<sup>st</sup> April and September 30<sup>th</sup> each year and the maximum operating times will be within the hours of 9am and 10.30pm. The area will accommodate 10 tables and seat up to 40. The intention is to store the furniture within the restaurant premises each evening. During the winter months the planters would be relocated to the paved area.

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICE - I do not object in principle to the temporary seasonal use of the area for restaurant seating but do not consider the use of a gravel surface or timber planters as acceptable. I recommend permanent hardsurfacing, similar or better than existing, and permanent planting. The design of the whole garden space should be a consideration. I am concerned that the external staircase in terms of its impact on the elevation of the listed building.

ENVIRONMENTAL HEALTH OFFICER - 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.

CONSERVATION OFFICER - 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.

TOWN CENTRE MANAGER - Assuming that all licensing conditions are met, the Town Centre Company is fully supportive of this proposal for several reasons:

- It secures the tenancy of the Hunts Court building to a very desirable and up-market food operator which will be a great attraction for the town.
- This use is entirely in accordance with the aspirations Project Taunton and the 'Cultural Quarter' uses in this part of the town.
- It will encourage pedestrians to use this part of the town, forming an important link from Bath Place to Corporation St and the Castle Green area of town
- It enlivens the frontage of Corporation St
- It will offer a catering and hospitality option not currently available in Taunton.

We would however like to be reassured that when the area is not in use, efforts will be made to ensure that it is an attractive area for public use and that public seating will be reinstated. We would also like to know that the surface treatment of the area will be easily reversible should the Restaurant cease to require the area for any reason.

5 LETTERS OF OBJECTION on the grounds of loss of public amenity area, it is well used by those who wish to picnic, read or just sit on the grass, there are few such opportunities in the town, it is part of the town's identity and a useful amenity, should not give in to commercial enterprise, ruining the garden area, the appeal and impact of the space would be lost if half were used by the restaurant, concern over noise and disturbance to dwelling, there should be no music.

## **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 main issues 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 would set a precedent. While each application has to be treated on its merits it would be inconsistent to object to a similar use on the other side of the garden if this were to be suggested. The use of the restaurant in Hunts Court has already been allowed and while the benefits suggested by the Town Centre Manager are noted these have to be set against the loss of the public space. 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, in order to provide the necessary seating area it would require a hard surface treatment that would exist all year round. The provision of movable planters are not considered sufficient to offset this loss. A more comprehensive landscaping scheme for the whole area would be required to address this concern. The proposed alteration will to a degree affect the setting of the adjacent listed building, however this is not considered to be so detrimental to the character and setting of the building to warrant an objection. The main issue however, is the character of the conservation area.

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 would result in a detriment to this character. The loss of part of the greenery in effect throughout the year 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 the proposal is therefore recommended for refusal.

## **RECOMMENDATION**

Permission be REFUSED for reason that proposed development will have an adverse impact on the character and appearance of the Conservation Area due to the introduction of a commercial use and loss of green open space 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.**

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:

