

38/13/0129

241 LEISURE LTD

**CHANGE OF USE OF SHOP UNIT (A1) TO CREATE CAFE/BAR/BISTRO (A3/A4) USE, NEW SHOP FRONT AND CANTILEVERED TERRACE TO THE SIDE AT 2 BRIDGE STREET, TAUNTON**

Grid Reference: 322665.124866

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo J48/01 Existing Ground Floor Plan  
(A3) DrNo J48/02 Existing River Elevation  
(A3) DrNo J48/03B Proposed Ground Floor Plan  
(A3) DrNo J48/04A Proposed Bridge Street Elevation  
(A3) DrNo J48/05C Proposed River Elevation  
(A3) DrNo J48/06 Existing Bridge Street Elevation  
(A3) DrNo J48/07 Location and Block Plans  
(A3) DrNo J48/08A Terrace Plan  
(A3) DrNo J48/09 Existing and Proposed North West Elevations  
(A3) DrNo J48/10 Terrace Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted and the doors design have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Details of any external lighting to the terrace area shall be submitted to and approved in writing before the terrace is brought into use.

Reason: In the interests of wildlife and the amenity of the area.

5. The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA – prepared by Harcombe Environmental Services and dated 20 June 2013) and the following specific measures:

1. The soffit level of the terrace shall be no lower than 15.55m AOD, and
2. An Otter ledge shall be provided in accordance with the details set out in paragraph 3.2.2. prior to the use commencing.

Reason: To ensure that the development is appropriately resilient to flooding and does not increase flood risk elsewhere and to protect and enhance the natural environment and habitat of the River Tone.

6. No part of the building shall be used or occupied for the purposes hereby permitted under this planning permission until a Flood Evacuation Plan and an Operation and Maintenance Manual has been submitted to, and approved in writing by, the Local Planning Authority. The Manual shall include details of how the terrace will be maintained to ensure that flood flows are not impeded by the structure or associated debris. The Manual shall also include details of appropriate access routes for emergency maintenance and operations during a flood.

Reason: To ensure that flood risk is not increased elsewhere.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Flood Defence Consent (FDC) will be required for the both the permanent and temporary works within 8m of the River Tone. As part of the FDC application, please provide us with the drawings submitted with this planning application and a method statement detailing how the decking will be built. FDC applications can now be submitted electronically at the following address:

[Bridgwater.FDCs@environment-agency.gov.uk](mailto:Bridgwater.FDCs@environment-agency.gov.uk)

## **PROPOSAL**

The proposal is to change the use of the ground floor of the existing premises from retail to cafe/bar/bistro (an A3/A4 use), to provide a new shopfront with balustrading and folding doors and to extend to the side with a terrace projecting over the river.

## **SITE DESCRIPTION AND HISTORY**

The property is on the corner of Bridge Street adjoining the river and has a modern glazed shopfront. There is a side window onto the river and the ground floor has a retail use with a nightclub use on the two floors above.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection: -

- Site located within walking distance of Taunton town centre with numerous car parks

*HERITAGE* - Following comments: -

- Key building in Taunton and prominently sited close to town.
- Although not listed, or within a conservation area, the building is in a sensitive position and changes are likely to impact on the wider streetscape.
- Not convinced cantilevered terrace would enhance river frontage but main concern is height of the signage on the Bridge Street elevation, which exacerbates recent history of poor signs attached to this building.

*ENVIRONMENT AGENCY* - No objection to amended scheme: -

- Condition soffit level; otter ledge; Operation and Maintenance Manual.
- Note to applicant that Flood Defence Consent will be required.

*POLICE ARCHITECTURAL LIAISON OFFICER* - Following comments: -

- Stated CCTV will be installed. System should monitor vulnerable areas including entrance/exit, bar, external terrace etc.
- Also that SIA staff will be employed during weekend evenings and other peak times to ensure customer safety.
- Appear to be good sight lines between the bar and entrance/exit, entrance to toilets/private dining, external terrace.
- Internal lighting should be compatible with CCTV.
- Local Inspector and Sergeant may wish to comment from an operational policing angle.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Following comments: -

The application is to change the use of the premises from a shop to an A4 use (drinking establishment), and to construct an open terrace on the façade over the river. The application form does not include the proposed hours of opening for the premises, although the Design and Access Statement (March 2013) says that the proposed opening hours are 09:00 – 00:00 Sunday to Thursday and 09:00 – 02:00

Friday and Saturday.

There are a number of residential premises nearby and so there is the potential for noise from the premises to affect residents.

The information with the application does not provide any detail on whether it is proposed to have music at the premises, although it is likely that there would be some. It should be possible for the operator of a premises to control the level of noise from music so that it does not disturb neighbours; if there is poor sound insulation or the doors and windows are open then the volume should be reduced. I would recommend that there are no speakers outside the building on the proposed terrace. (N.B. If it is proposed to have music or other regulated entertainment at the premises the operator would have to apply for a Premises Licence from Taunton Deane Borough Council Licensing. It is possible to impose restrictions on the type and hours of entertainment and have conditions relating to noise on a Premises Licence).

There could also be noise from people using the proposed river terrace, which has the potential to disturb residents, particularly later in the evening and at night. This can be harder to control than noise from music, therefore, I would recommend that the use of the terrace is restricted later in the evenings, in particular after 11:00pm. Any control measures should take into account the use of the terrace as a smoking area.

*PROJECT TAUNTON* - Supports application: -

- Unit in secondary retail area, formerly a furniture outlet and has been vacant for some time.
- Wider town context, a general wish to see retail retained in this area. However, proposed development would complement the riverside location, provide an additional leisure offer and improve the street scene, which would have a beneficial effect on this area.

## **Representations**

Cllr Mrs L Lisgo: OBJECTS

As a Councillor for the Lyngford Ward I would like to raise an objection to the above planning application regarding the extension of the Okoko nightclub. My objection is based on insufficient regard being given to the negative impact on those living in adjoining properties.

12 letters of OBJECTION: -

- Residential area as much as commercial, 23 residential flats in Hammets Wharf; change of use not appropriate in this area.
- Existing noise complaints for OKOKO nightclub.
- Further noise from proposal, 7 nights of the week.
- OKOKO does not abide to licensing conditions; operating without due care to its neighbours.
- Already disturbed by nightclub.
- Objection to late opening hours; no reason to open later than nearby Coal

- Orchard pub which closes at 11pm.
- Not insulated and no noise protection
- Opening hours requested for 9am - 12am (mon-thurs) and 9am - 2am (Fri-sat), would generate noise from outside terrace for nearby residents; new door to terrace would be open in summer generating further noise.
- Terrace is a health and safety risk for late night users; users of terrace may throw litter into the river, polluting water, killing fish and making it dangerous for schools to bring children canoeing.
- Permission not given until noise from nightclub is within agreed levels for 12 months and licence to operate bar restricted to 10pm each day.
- No objection to day time cafe, bar, bistro.
- Clever means to extend OKOKO over all floors.
- Concern about waste collection, often disturb by existing commercial waste collections at 5.15am and other activities before 7am.
- Flooding: -FRA accuracies, future maintenance of rock revetment; river management; flood defence; FRA shows states no historic flooding since 2009 but does not mention dangerous levels from last year that breached at Morrisons.
- 'Taunton Food and Wine' sell alcohol until 4am, Bridge Street is already becoming the alcohol centre of Taunton.

1 letter of SUPPORT: -

- Like to see development of this nature enhance the town, situated near the bridge it would be nice to look down the river.
- At this end of the building (Bridge Street) it is around the corner from the flats at the rear, meaning sound would be diffused by its location, which is already by the main high street.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,  
T21 - TDBCLP - Secondary Shopping Areas,  
EC16 - TDBCLP - New and Altered Shop Fronts,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
F1 - TTCAAP - Developments within the Floodplain,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Use

2 Bridge Street is located within the Secondary Shopping Area of Taunton town centre. Within the secondary area a variety of uses are allowed beyond that of A1 (retail) and such uses include cafes, restaurants, takeaways, financial and professional services and would include public houses. As such, the proposed A3/A4 (public house) use is considered acceptable in this location.

Whilst the application has been submitted by the same operators as the OKOKO nightclub above the proposal, there is no indication that the application is to extend

the nightclub. The submitted plans show no link between the two buildings and an amended location plan has taken the nightclub entrance out of the application site.

### Amenity

The main concern from residents is regarding potential noise from the proposal and the existing noise from the nightclub.

The Environmental Health Officer has been notified of the proposal and does not object to the application. Possible noise from the terrace from open doors could be controlled by reducing the volume of any music playing, a premises licence would control and impose conditions relating to noise. The Environmental Health Officer has also recommended that the terrace should not be used after 11pm. Again this could be controlled by a condition on the licence rather than a specific planning condition.

Based on the above comments, the proposed use is not considered to be detrimental to the amenity of the neighbouring properties. Notwithstanding any outstanding issues regarding the nightclub, the proposed A4 is within the town centre, adjoining a nightclub, and in close proximity to other public houses. There is no reason why this proposal should generate any noise beyond that of existing uses, and noise can be controlled by licensing.

An amended plan has shown a possible location of a flue, if required for the kitchen, this flue is hidden from public view and is on a side elevation with an existing ventilation system. There is no reason that is if the flue is fitted with the correct equipment that any noise or odour would not be detrimental to nearby residential properties.

The lighting of the terrace in respect of any evening use is considered important to control in respect of the amenity of the area and an appropriate condition to address this is recommended.

### Heritage

With regard to the conservation officers comments, the signage shown on the submitted elevation drawings does not form part of this application. Separate advertising consent would need to be required for the signage.

There has been no objection from the conservation officer with regard to the terrace and its relationship with the listed bridge. While the terrace will be seen from the bridge and will be viewed from the south side of the river, it is not considered that such views would adversely impact on the bridge. As such, the proposed terrace is not considered to harm the setting of the listed structure and accords with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Flooding

The provisions within the flood risk assessment adequately mitigate the risks of

flooding for this particular development when considering the proposed use and the scale of development. There will be no increase in risk of flooding to property, and the resultant increase in people within the floodplain can be satisfactorily addressed through emergency planning. The increased risk of flooding to others has been addressed by setting the soffit of the patio above the Town Bridge (an existing restriction).

The Environment Agency has not objected to the proposal and has conditioned the soffit level and a otter ledge, both shown to be provided on the amended plan; a further condition is required to show an Operation and Maintenance Manual to include how flood flows will not be impeded by the structure or associated debris. Separate Flood Defence consent will also be required from the Environment Agency.

### Conclusion

The use is considered an acceptable one in policy terms given the location within the secondary retail frontage it would comply with retained policy T21 of the Local Plan. The scheme is not considered to detract from the setting of the listed bridge and the Environment Agency consider the development would be acceptable from a flood risk perspective. Amenity of local residents can be protected by licencing of the premises and the scheme is considered to be one that can be supported.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**