

Application Details	
Application Reference Number:	3/21/23/014
Application Type:	Full Planning Permission
Earliest decision date:	23 March 2023
Expiry Date	05 April 2023
Extension of Time Date	
Decision Level	Planning Committee
Description:	Refurbishment and alterations to single storey cafe building to include raised flat roof level, additional replacement windows and doors, construction of ramp and raised deck to entrance and installation of a mobile catering unit
Site Address:	Cafe, Blenheim Gardens, Blenheim Road, Minehead, TA24 5PY
Parish:	21
Conservation Area:	Wellington Square Minehead
Somerset Levels and Moors RAMSAR Catchment Area:	Outside
AONB:	Outside
Case Officer:	Russell Williams
Agent:	Mr Abraham,
Applicant:	Mr Wynn
Committee Date:	
Reason for reporting application to Committee	Parish Council and more than 4 comments received that are contrary to officer recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The proposed development will assist the applicant in bringing the disused cafe back into a functional use, to the benefit of the community and local economy. The proposals will enhance the appearance of the building, conserve the character and appearance of the Conservation Area and it would not give rise to any significant adverse impact upon residential amenity. The development will not give rise to any unacceptable adverse impacts upon highway safety, flood risk, trees or biodiversity and therefore, the development complies with the West Somerset Local Plan and National Planning Policy Framework.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- 1) Time limit
- 2) Approved plans
- 3) Replacement trees
- 4) Biodiversity enhancement
- 5) Ecology attendance for works to roof
- 6) Arboricultural Method Statement
- 7) Opening hours
- 8) Waste Storage details

3.2 Informatives (full text in appendix 1)

- Proactive Statement
- Wildlife and the law
- Additional legislation

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The application seeks full planning permission for works to support the re-opening of Blenheim Cafe.

The application has been amended by email and drawings received on 3 March 2023 to the extent that the proposed development now seeks approval for the following:

- Minor alterations to flat roof and repair of roofing felt;
- Construction of raised decking area with access ramp;
- Replacement of windows and doors;
- Erection of fencing to eastern side of building;
- Removal of 1 no. tree.
- Retention of existing floor plan layout with kitchen and WC areas.

The application is supported by the following documentation:

- Planning application form
- Detailed architectural drawings
- Design & Access Statement
- Biodiversity Checklist
- Climate Emergency Checklist
- Tree Survey

4.2 Sites and surroundings

The Blenheim Café is located on the southeast side of Blenheim Gardens within the

town of Minehead. The building is constructed from a timber frame structure and was originally designed as a bandstand. The building has been altered and extended in the past, including a brick flat roof extension which contains a kitchen area, WC and storage space. These works, together with the installation of timber windows and doors to the building frontage allowed the site to be used as a cafe for a number of years until its closure in late 2018. Since that time the cafe has remained closed and its condition has begun to deteriorate.

The owner, Somerset West & Taunton Council, has awarded a lease to the applicant enabling the cafe to re-open by April 2023.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/22/082	Extension and alterations to Blenheim Gardens Cafe	Withdrawn	6/10/22

6. Environmental Impact Assessment

The development proposals do not constitute EIA development.

7. Habitats Regulations Assessment

The application site is located outside of any sensitive river catchment and designated habitat. An HRA is therefore not required.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 21 February 2023

8.2 Date of revised consultation (if applicable): 9 March 2023

8.3 Press Date: 16 February 2023

8.4 Site Notice Date: 21 February 2023

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
Minehead Town Council	Objects to the proposals: It does not include: The provision of kitchen facilities; Dishwashing facilities. Refrigeration facilities; Cleansing provisions for customer areas; Hygiene facilities for staff or	Comments noted and addressed within the report and amendments submitted.

	<p>customers.</p> <p>Secure on site disposal of waste.</p> <p>Pushchair or disabled access from within Blenheim Gardens.</p> <p>The application proposes a raised deck with gates to be closed during the hours the park is closed and proposes unacceptable cafe opening hours between 7am to 11pm which are outside the gardens' opening hours.</p> <p>The proposed raised deck area is not in keeping with these Edwardian gardens which are in a Conservation Area.</p> <p>The application proposes to site a disabled ramp which will have no access from within the gardens. The only access will be from the adjacent North Road car park, forcing those less able, or with push chairs to negotiate vehicular traffic in order enter and exit the cafe through said car park, which has no footpath.</p> <p>The proposed means of waste disposal by transporting it across North Rd car park to the tenant's premises in the Avenue, is wholly inadequate and unsanitary and has the potential to attract wildlife and vermin.</p> <p>There is no proposed access from the catering van to the cafe other than to exit the site, into the car park and up the ramp to the decking area while carrying food and drink.</p> <p>A Preliminary Bat Roost and Breeding Bird Assessment has been requested by SCC Ecology; this has not been produced. This</p>	
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	<p>greatly concerns the committee since the structure is in a parkland setting and has been derelict for some years.</p> <p>The committee is also concerned about the proposed loss of trees and potential damage of the Monterey Cypress.</p>	
Wessex Water Authority	No comment.	Noted.
Tree Officer	<p>The proposed plan for this café renovation shows two trees being removed on the northeast side. From the plan, the two trees are close together, and I therefore think that one of them, a Holm Oak, has already been removed for safety reasons – the stump is still present. Can this be clarified by the agent?</p> <p>As I commented in the previous application, I have no objection to the small walnut coming out – it is not a good specimen, having been suppressed by the recently-felled Holm Oak, it is not particularly old and can be replaced by a better new tree in a suitable location in the park, to fulfil a landscape condition and in cooperation with our Arboricultural Services.</p> <p>The tree survey states that there are three potentially-affected trees but no plan has been included in the survey. T3 is stated as a Monterey Cypress. There are Monterey Cypress trees in the area but I'm not sure which tree the survey is referring to, or whether it is referring to the tree that has already been felled, which was apparently a Holm Oak.</p> <p>I am pleased to see that the hornbeam on the southwest side has been retained in the latest design. However, significant works are proposed for the new terracing</p>	Noted. Conditions can be applied to secure required safeguarding

	<p>within the RPA of this tree, so we will need a detailed Arboricultural Method Statement that explains how this structure is to be erected so that it does not harm this tree's roots. The AMS will need to include details regarding hand-digging, placement of posts to avoid roots, procedures for the cutting of minor roots if required, and generally protection of the tree (and other trees nearby) during the construction works, as well as any proposed pruning works if they are necessary.</p>	
Highways Development Control	No observations to make.	Noted. Highway impact considered within report.
SCC - Ecologist	<p>Requested PEA for trees to be removed. Requested PRA for building believing works to roof are involved. Commented 13 March: "There is no need to apply a condition to the building at this stage as disturbance would have already occurred to any ecological features if they had been there. I would request the planting of some new trees at a ratio 1:2 to those lost from removal. And the provision of some bird boxes on existing trees. "</p>	Noted and discussed within report.
Economic Regeneration and Tourism	No comments received.	Noted.
Grounds Maintenance	No comment received.	Noted.
Environment Agency	We should not be consulted on minor development.	Noted. Flood risk considered within report.
Cllr T Venner	Notes the importance of the application to the local community and requests the application is determined at Planning Committee.	Noted. The application will be determined in accordance with the adopted Scheme of

	Delegation.
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8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

41 letters have been received objecting to the proposed development. With many objections raising the same points of issue, comments have been summarised into the key points below:

Material Planning Considerations	
Objections	Officer Comment
Removal of facilities including the kitchen and WC will not support the running of a cafe.	Plans revised to retain kitchen and WC
There are requirements for health and safety and environmental health for the provision of staff and visitor toilets.	Plans revised to retain kitchen and WC
The provision of a mobile catering unit is not acceptable. Will harm the gardens and conservation area and its siting require removal of trees.	Mobile catering unit has been removed from proposals.
A mobile catering unit cannot support over 60 covers within the cafe.	Mobile catering unit has been removed from proposals.
Opening hours until 11pm are not acceptable. Will extend beyond the opening hours of the gardens.	Opening hours can be restricted by planning condition.
Operating hours have potential to cause noise and disturbance to local residents through music and anti-social behaviour.	Opening hours can be restricted by planning condition.
The selling of alcohol on the premises would be a major concern.	The proposals do not propose the sale of alcohol. A license would be required.
Disabled access is welcomed but the route is not acceptable off the car park, which will cause safety issues and is potentially discriminatory if people have to exit the park and reenter from the car park in order to access the ramp.	Highways raise no safety concern. Discussed in report.
Final details of the access ramp should be provided to the council for approval.	Noted
Waste and recycling storage is not provided and use of the applicants nearby business premises is not acceptable. Provision should be on site.	Space available on site for storage and this can be conditioned.
Biodiversity - works to trees and the building have a reasonable likelihood of impacting upon protected species and the request for further surveys has not	Discussed within the report.

been addressed.	
There appears to be little justification for removing trees.	Tree Officer does not object. Discussed in report.
The new windows and doors within the building are nothing like the original.	Noted.
The development is poorly design. Reference to The Dulwich Pavilion design approach is recommended.	Design is subjective. Discussed in report.
The large rear window to the car park will be detrimental to the open vista of the gardens.	Impact of works upon the area discussed in report.
Pre-application advice has been ignored.	Noted.
Flood risk - The site is located within Flood Zone 3. Conflicting information provided suggesting discharge of surface water will be via a stream though there is no such stream nearby.	Discussed in report.
Fire risk has not been properly considered, with direct access not given to able bodied and wheelchair used from the front of the building. Railing prevent direct access.	Fire safety regulations are a separate matter to planning.
Security is a concern if opening hours extend beyond the Gardens opening hours.	Opening hours can be restricted by planning condition to allay security concerns.
Support	Officer comment
General support for bringing the cafe back into use.	Noted.

8.6.1 Summary of objections - non planning matters

- Many observations comment in relation to the relationship between the applicant and Bar 21. This is not material to consideration of the proposed works to bring the cafe back into use.
- Comments have been made regarding the tender process and award of the lease. This is not material to consideration of the proposed works to bring the cafe back into use.
- Reference to Building Regulations have been submitted. Building Regulations and the need to comply therein is not material to consideration of the planning application.
- Comments have raised issue with the serving of alcohol on the premises and the need for a license. The proposal does not include the provision of alcohol or change of use to a bar. This is a separate legislative matter and is not material to the consideration of the planning application.

8.6.2 Summary of support - non planning matters

- None received.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC5	Self containment of settlements
MD1	Minehead Development
EC1	Widening and strengthening the local economy
CC2	Flood Risk Management
NH1	Historic Environment
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
NH2	Management of Heritage Assets

Neighbourhood Plans:

No NHP for the area.

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The application seeks permission for works to refurbish an existing cafe building and to provide additional features including a new raised decking area, disabled access ramp, replacement of existing windows and doors and formation of enclosed yard area with fencing.

Much of the works being undertaken are internal alterations and do not require planning permission. This includes the installation of the new kitchen which though not shown on the layout plan in detail, can be undertaken without the need for planning permission.

The development does not involve any change of use and the proposals will enable the cafe to re-open, to the benefit of the local community and visitors, having been closed since late 2018. In this respect, the proposed development will enhance the service provision within the area, enhancing self-containment of Minehead, in accordance with LP Policies SC5, MD1 and EC1.

The application has received a range of objections from members of the public, which have been summarised within this report. One concern raised by a number of objectors relates to the sale of alcohol from the premises and the perception that the applicant would use the cafe as an extension to a nearby business at "Bar 21". The association or otherwise with the adjacent premises is not material to the determination of this application. In planning terms, the sale of alcohol would not require planning permission in its own right, provided doing so was an ancillary function of the cafe business and did not result in a change of use of the premises from Use Class E to a Sui Generis Use (public house, nightclub, wine bars, or drinking establishments or drinking establishments with expanded food provision). The sale of alcohol would require a separate license to be obtained from the local authority and said licensing process is the appropriate mechanism for assessing the suitability of the site for serving alcohol. This complaint is not, therefore, material to the consideration of the application.

Complaints have also been received regarding the opening hours of the cafe. The application form states that opening hours would be from 0700hrs to 2300hr , 7 days a week. Such opening hours extend beyond the opening times of Blenheim Gardens, which are 0800hrs to 2000hrs; this would have the potential to cause conflict with the management of the wider park as well as having the potential to impact upon the amenity of local residents. Having discussed this matter with the applicant, it has been agreed that the opening hours of the cafe would reflect those of Blenheim Gardens and this can be controlled appropriately by planning condition.

Regarding the above considerations, the principle of the development is supported, and the key considerations are the impact of the proposed development and works

upon the locality and relevant material considerations.

10.1.2 Design and impact on the character and appearance of the Conservation Area

The proposed development involves a range of works that will alter the external appearance of the building. These include the raising of the flat roof to the kitchen, construction of the decking area, erection of fencing and alterations and replacement of windows and doors.

The application site is located within the Wellington Square Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon local planning authorities in respect to conservation areas in the exercise of their planning functions.

The impact of the proposed works and impact upon the appearance of the building and the surrounding land needs due consideration against LP Policy NH13 whilst the impact of the development upon the character and appearance of the Conservation Area should be assessed against LP Policies NH1 and NH2.

LP Policy NH1 states that *"proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance."* Policy NH2 expands upon this by setting out how heritage assets such as Conservation Areas will be managed through the development process. Policy NH2 states proposals that *"affect a conservation area should preserve or enhance its character or appearance, especially those elements identified in any conservation area appraisal."*

Section 16 of the NPPF sets out the national guidance for assessing the significance of heritage assets and considering the impact of development proposals.

Para 202 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Some of the works have commenced on site.

In assessing the impact of the proposed development upon the character and appearance of the building and the setting of the Conservation Area, it is important to acknowledge that the condition of the building has deteriorated and its appearance within Blenheim Gardens negatively impacted upon as a result for a number of years. The building appears tired and in need of restoration. The external painting of the building and replacement of the timber windows and doors to the front of the building will enhance the character and appearance of the building, rejuvenating its appearance and enhancing the setting of the gardens and wider conservation area. Such enhancement to the appearance of the building is already evident having visited the site.

It is proposed to change the kitchen window fronting the car park and to replace

doors to the east elevation. Despite objections, it is Officer opinion that these works will have an acceptable visual appearance in keeping with the locality and no discernible impact upon security.

The proposed fencing and decking area will introduce relatively modern features in to the gardens and alone these features would detract from the character and appearance of the area, though the level of harm is considered to be at the lower end of the scale.

When assessed as a whole, the development will enhance the character and appearance of the original building and the setting within the gardens. The proposals will enhance the character and appearance of the Conservation Area and the public benefit associated with bringing the building back into a functional use as a cafe is considered to significantly and demonstrably outweigh any harm that might arise. The development therefore accords with LP Policies NH1, NH2 and NH13 and guidance within the NPPF.

10.1.3 Access, Highway Safety and Parking Provision

The application site is located adjacent to a public car park from which direct access to the cafe can be gained. The proposed development will not materially impact upon highway safety or parking provision, given the extant, lawful use of the site as a cafe.

Regarding the proposed access ramp, it is considered that this is an important design feature and will provide safe access to the cafe for the disabled and members of the public with reduced mobility. At present the site can only be accessed by traversing concrete steps to the building frontage. The access ramp will be sited to the side of the building and accessible from the public car park. It is regrettable that the scheme does not provide an access ramp to the front, offering a connection into the wider gardens, however it would be unreasonable to resist the proposed works on this basis, given the wider benefit of providing enhanced accessibility to the cafe.

Overall the development will not materially harm highway or pedestrian safety, will enhance accessibility and is therefore supported.

10.1.5 The impact on neighbouring residential amenity

The application site has a lawful use as a cafe and the proposals do not proposed to change this status. The site is distant from nearby residential properties in general and the works to refurbish the building, construct a decking area and other improvements will not give rise to any material impact upon residential amenity in the area.

Matters relating to the sale of alcohol and opening hours, which would have potential to cause anti-social behaviour issues if not managed correctly, have been addressed in Section 10.1.1 above. The control of opening hours by condition is appropriate in order to preserve the amenity of residents in the wider area from potential late night disturbance and such will ensure that residential amenity is appropriately protected.

10.1.7 The impact on trees

The application proposals include the removal of two trees, from the site, a hornbeam and a walnut according to the submitted Tree Survey. It appears that the hornbeam has been removed by the local authority recently and so only the poor quality walnut will not be removed. The Council's Tree Officer does not object to the removal of the tree, which has no discernible amenity value, is a poor specimen and can be replaced by a suitable alternative. The replacement of the walnut is also supported by the County Ecology team and this can be secured by condition.

The primary impact of the development upon trees will be the construction of the concrete ramp and raised decking on the root protection area of a good quality Monterey Cypress tree to the west of the building. The works have the potential to impact upon the root system and thus the health of the trees and so it will be necessary to agree how the works will be completed prior to them starting on the ramp and decking area. This can be managed by a planning condition, which has been recommended by the Tree Officer.

Subject to the above, it is considered that the proposed development will not give rise to an unacceptable impact upon trees within the area and the proposals will therefore comply with LP Policy NH6.

10.1.8 The impact on ecology and biodiversity

The application proposes a range of works, much of which will not impact upon biodiversity in the area. Those works being completed internally involve new joinery features and decorating. The kitchen ceiling has been over boarded with plasterboard. These works themselves do not require planning permission.

The primary impact of the development upon wildlife in the area and which have been referred to in objections, are the raising of the roof to the kitchen and removal of the tree. The application of felt over the existing main roof has been undertaken in places as general repair and maintenance.

No works appear to have been completed so far that have resulted in the existing roof being stripped and replaced. It is noted that the County Ecologist requested a Preliminary Ecological Appraisal and a Preliminary Roost Assessment, and these requests have been discussed with the relevant SCC Officer. Following an inspection of the building and the roof to the kitchen it appeared apparent the existing flat roof is well sealed around the eaves in roofing felt with no apparent means of any bats being able to enter any roof void.

One of the two trees affected has already been removed (some time ago), so only one small walnut remains. It is not a good specimen, having been suppressed by the felled Holm Oak, it is not particularly old and can be replaced by a better new tree in a suitable location in the park.

Officers are of the opinion that there is no reasonable likelihood of protected species being present within the flat roof and the adjacent tree has no discernible ecological value. These points have been discussed with the County Ecologist who no longer

requests the PEA or PRA and has requested mitigation in the form of a replacement tree and bat/bird boxes.

To provide further protection for wildlife, a condition is recommended requiring a suitably qualified ecologist be on site during works to strip any part of the roof for observation purposes and for workers to be suitably inducted prior to works starting on the roof.

The above can be secured by planning condition and will ensure that appropriate consideration of wildlife is given to the impact of the development such that the impact upon wildlife in the area will be acceptable and compliant with LP Policy NH6.

10.1.9 Waste/Recycling facilities

Objections have been received in relation to the storage and disposal of waste from the site. At present there is a small storage area to the east of the building. The proposals suggest that waste will be removed and stored at an adjacent premises, though Officers do not consider this appropriate, as storage on the site is required in the interest of health and safety. A condition is therefore recommended that will require details of waste storage to be submitted to the local planning authority for approval. Such will address the concerns raised and is appropriate and reasonable in the interest of proper planning and health and safety.

10.1.10 Flood risk

The application site is located within Flood Zone 3. The development does not propose any works or use that would materially increase flood risk in the area or to users/employees of the cafe over and above the lawful use that was in operation up until late 2018. It is understood that the development will retain the existing drainage regime on the site for surface water which is appropriate. Information set out in the supporting information being incorrect in this regard. The impact upon flood risk and drainage is therefore acceptable.

10.1.11 Any other matters

Objections set out in the report relating to the suitability of the mobile catering unit, removal of the kitchen area and WC have been addressed by the applicant with amended plans having been submitted that no longer include the mobile catering unit within the proposed development and reinstatement of the kitchen area and WC within the building. Such amendments have addressed the concerns raised. Similarly, matters relating to fire safety and building regulations are not controlled through the planning process. The use of the site as a cafe is established and the applicant will need to comply with fire and building control regulations before opening. In planning terms there are no overriding reasons based upon public health and safety that should cause the development proposals to fail.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

The development is not CIL liable.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 The proposed development will bring a disused building back into a functioning economic use, to the benefit of the local economy and wider community. The development will enhance the character and appearance of the area and will not result in any adverse impacts so harmful that permission should be refused.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 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 300 Rev B Site Location Plan
(A3) DrNo 304 Rev B Proposed Layout
(A2) DrNo 305 Rev B Proposed Elevations
(A3) DrNo 306 Rev B Proposed Block Plan
(A3) DrNo 307 Existing & Proposed Front Views
(A3) DrNo 308 Rev A Existing & Proposed Rear Views
(A3) DrNo 309 Proposed Ariel View

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

- 3 A landscaping scheme requiring the provision of two replacement trees shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4 The following will be incorporated into the proposal with photographs of the installed features submitted to the Local Planning Authority within 3 months of the date of this Decision Notice: - Installation of 1 X Schwegler 1B, 2M or similar bat/bird box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 5 No activities that could result in disturbance (such as demolition, roof stripping or associated operations) shall be carried out between the dates of 1st November and 1st March in any year. Any works undertaken during the specified period should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed. Confirmation of the works by the licensed bat ecologist should be submitted to the Local Planning Authority within one week of completion.

Reason: To ensure the approved works do not impact upon protected species in the area in accordance with Local Plan Policy NH6 and the NPPF.

- 6 Prior to the construction of the decking and concrete ramp hereby approved, (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The approved TPP and AMS shall thereafter be strictly adhered to throughout the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting important trees in close proximity to the development site, in accordance with Local Plan Policies NH6 and NH13.

- 7 The premises shall not be open for business, private use or any other function (including loading and unloading of vehicles) outside the following hours:

Monday - Friday: 8am - 8pm

Saturday: 8am - 8pm

Sunday and Bank Holiday: 8am - 8pm

Reason: To ensure use of the cafe aligns with opening times of the gardens and in the interests of protecting residential amenity in the area.

- 8 Within 1 month of the date of this Decision Notice details of new waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved waste storage facilities shall be fully provided on the site within 1 month of the date of the aforementioned details being approved and shall thereafter retained as such.

Reason: To ensure that adequate facilities exist for the needs of the business on the site and that the proposed development does not harm the character and appearance of the area or public health and safety.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

- 3 The applicant is reminded of the need to ensure compliance with additional legislation where applicable, including Building Regulations and fire safety.

