

Development Management Report

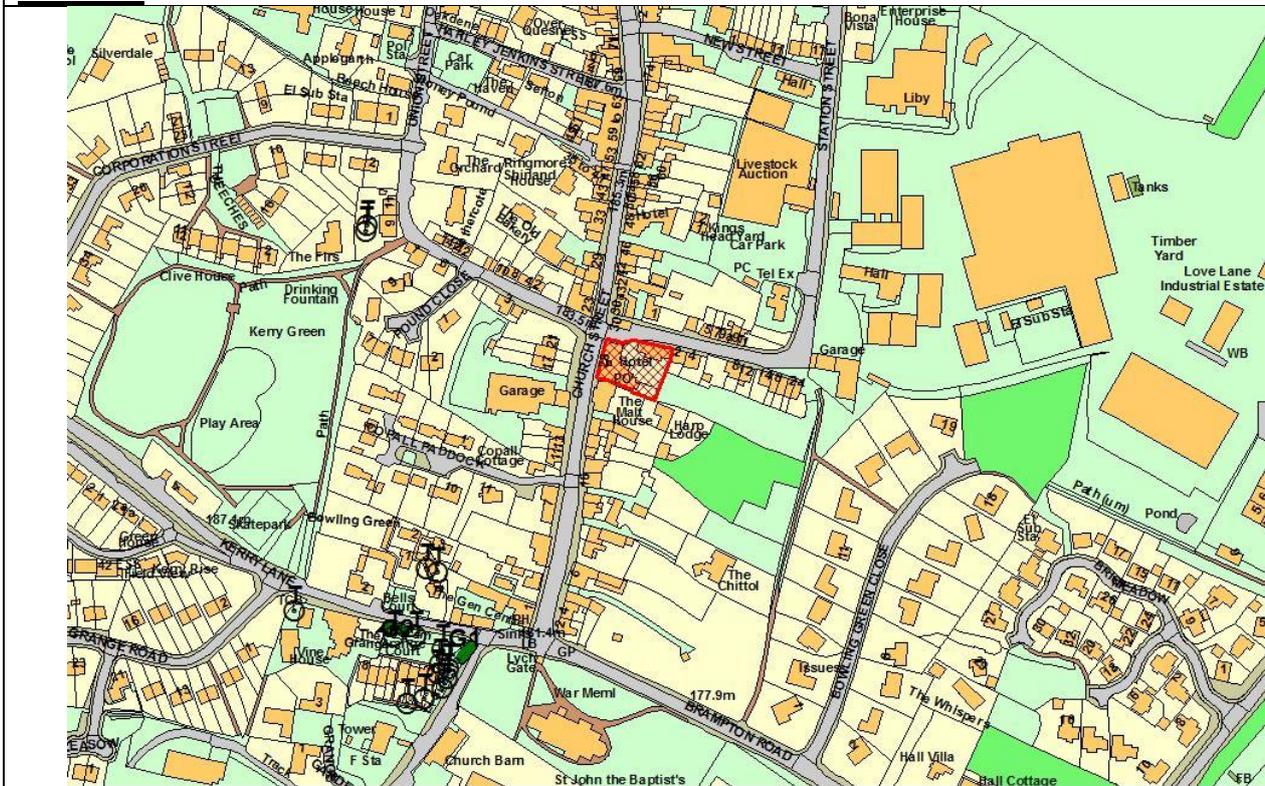
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Summary of Application

Application Number: 19/03997/LBC	Parish:	Bishops Castle
Proposal: Conversion of and alterations to public house/inn to form two dwellings (including demolition of rear extensions); conversion of and alterations to holiday accommodation block to form one dwelling (including demolition of rear extension)		
Site Address: Boars Head Hotel Church Street Bishops Castle SY9 5AE		
Applicant: Mr D Price		
Case Officer: Trystan Williams	email: planning.southern@shropshire.gov.uk	

Grid Ref: 332339 - 288626



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Recommendation: Grant consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is the listed building consent counterpart of planning application 19/03996/FUL. It is concerned only with those aspects of the scheme which would affect the listed buildings themselves, specifically the physical works involved in:

- converting the public house into a pair of semi-detached, two-storey dwellings following demolition of single-storey additions at the rear (east); and
- converting the detached outbuilding (known as the 'Curley Tail') from four bed-and-breakfast rooms with en-suite bathrooms into one dwelling (again following demolition of a previous extension, and also including erection of an attached car port at the rear (south) and weatherboarding over the western gable end).

Certain aspects have been amended in response to consultee comments.

1.2 A further proposal to erect an entirely new dwelling (reduced from initial plans for two) on what is currently a car park behind is only relevant to the planning application.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Boars Head Hotel is located in Bishop's Castle's town centre and conservation area, southeast of the junction of Church Street and Station Street. The principal building, containing a pub/restaurant and a first floor residential apartment, fronts Church Street to the west, and is a Grade II-listed former coaching inn of timber-framed construction dating back to the 17th Century, but refaced in stuccoed limestone during the 19th Century, and with 20th Century additions behind. The Curley Tail is a curtilage-listed former barn fronting Station Street to the north, now faced in render and synthetic stone under slate roofs stepped down at the west, and with a flat-roofed extension behind.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee since the officer recommendation of approval is contrary to an objection from the Parish Council, and because Shropshire Council's Local Member and the chairman and vice chair of its planning committee consider that the issues raised warrant the full committee's consideration.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Ecology:

12/9/19 – objection:

The application triggers the need for bat survey work. A licensed ecologist should complete a preliminary roost assessment, and depending on its outcome a presence/absence survey, roost characterisation, mitigation measures, compensation and enhancement proposals, a lighting plan and a European Protected Species licence from Natural England may also be required.

4.1.2 Additionally, swifts are known to nest in the area.

4.1.3 24/10/19 – comment:

The buildings have now been surveyed by a licensed ecologist. No physical evidence of bats was found, and there is negligible potential for roosting. As a precaution,

however, any permission granted should include an ‘informative’ advising on the legal status of bats, whilst in order to minimise disturbance to foraging or commuting bats, a condition should restrict any external lighting.

- 4.1.4 One old bird’s nest was found in the main building. Compensatory bird boxes should therefore be secured by condition, and an informative should advise on the legal status of any active nests.
- 4.1.5 7/11/19 – comment:
Since the site is upstream of the River Clun Special Area of Conservation (SAC), a Habitats Regulations Assessment (HRA) has now been completed. This concludes that developments of up to ten dwellings connected to the Bishop’s Castle sewage treatment works would not affect water quality in the SAC.
- 4.1.6 Previous comments regarding bats and nesting birds are reiterated.
- 4.1.7 27/11/19 – comment:
The Council’s HRA has now been updated to reflect the reduction in the number of new-build dwellings proposed, but its conclusions remain unchanged. The previous comments on bats and birds also remain applicable.
- 4.1.8 Shropshire Council Highways Development Control:
27/9/19 – objection:
Along the Station Street frontage are steps leading into the pub, a basement hatch and a proposed parking space. These appear to be on land forming part of the public highway. Either this should be stopped up, or a copy of any previous stopping up order submitted.
- 4.1.9 Bishop’s Castle Town Council:
23/9/19 – neutral:
Owing to members’ interests, the Council was not quorate and so was unable to discuss the application.
- 4.1.10 19/11/19 – objection (to associated planning application):
- The pub’s closure would spell the loss of a community asset.
 - The loss of visitor accommodation could harm the local tourism economy.
 - The scheme would change a building of historic interest, and also the wider street scene.
 - The new dwelling’s south-facing windows would overlook both of the adjacent properties.
 - Local knowledge suggests drainage could be an issue.
- 4.1.11 Shropshire Council Historic Environment (Archaeology) – comment:
See comments on associated planning application.
- 4.1.12 Historic England:
27/9/19 – objection:
There are concerns about the proposals on heritage grounds. It is therefore recommended that further analysis of the site and its buildings is undertaken, in order

to inform a more sympathetic scheme.

- 4.1.13 The submitted Heritage Impact Statement says this Grade II-listed former coaching inn is believed to date back to 1597, and was first licensed in 1642. As such it has been an integral part of the life and vitality of this small rural town for over 400 years. Although altered and adapted during the 19th and 20th centuries the building retains much of its historic interest, and contributes positively to the character and appearance of a particularly prominent part of the Bishop's Castle Conservation Area.
- 4.1.14 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the preservation of the listed building and its setting, or any features of special architectural or historic interest which it possesses, and also to the desirability of preserving or enhancing the character and appearance of the conservation area. Section 16 of the National Planning Policy Framework (NPPF) highlights the need to fully understand the significance of heritage assets and to assess the impacts of development upon them. Furthermore it expects great weight to be given to conserving designated heritage assets, with any harm requiring clear and convincing justification in terms of public benefits. Particularly relevant to the proposed new-build housing, meanwhile, is Section 12, which emphasises the importance of appropriate and well-designed development sympathetic to local character and history.
- 4.1.15 Given the previous alterations to the pub, its associated outbuilding and the wider setting, there would in principle be no objection to further sympathetic adaptation. However, any changes should be underpinned by a thorough understanding of the site as a whole, and its contribution to the wider conservation area. Whilst the current Heritage Impact and Design and Access Statements are helpful, they lack the level of assessment and analysis expected for such an important building and sensitive site.
- 4.1.16 If the Council accepts the justification put forward for conversion, consideration should be given to securing a less intensive scheme with greater regard to the existing buildings' character. The new-build dwellings are considered a particularly incongruous addition to the current building complex, and would require robust justification. Analysis of the existing built fabric, supported by map regressions and an assessment of the setting, would help to inform future proposals more strongly.
- 4.1.17 14/11/19 – no objection:
In principle Historic England is satisfied with the revised proposals. Thus, provided any approval is subject to conditions to ensure a suitably high quality development, it is happy to defer to the Council's own Conservation Officer regarding the details.
- 4.1.18 Society for the Protection of Ancient Buildings – objection:
The pub's change of use would be regretful given its long history and prominent role in this small market town. That said, there is not necessarily any objection in principle to the proposed residential use if a sympathetic scheme of conversion can be achieved.

- 4.1.19 Whilst the submitted Heritage Impact Statement provides some useful information, it lacks sufficiently detailed assessment and analysis to inform an understanding of the two buildings' significance, and the scheme's potential impacts on that significance. Neither does not provide clear and convincing justification for the proposed works. A more detailed appraisal using appropriate expertise is therefore recommended, and this should, in turn, inform the proposed design approach. In its current form the application should be withdrawn or refused.
- 4.1.20 Shropshire Council Historic Environment (Conservation):
30/10/19 – objection:
Subdividing the pub itself appears feasible without impacting significantly upon the building's historic fabric and character. Since there would be no alterations to the roadside elevations, its appearance within the street scene would remain largely unchanged. A nod to its history as a public house could be considered, perhaps by retaining traditional external features such as signage. It is also noted that the scheme aims to consolidate the building back to its early 19th Century form by removing the later rear additions, which is acceptable as they do not contribute to its character.
- 4.1.21 That said, further information on the main building's historic fabric, and on the evolution of both it and the Curley Tail, may help to justify the scheme. It is also suggested that conditions should require recording of the buildings in their current form, plus full details of new internal features and finishes, including staircases.
- 4.1.22 The plans for the Curley Tail include inserting dormer windows. This would be inappropriate given the building's semi-agricultural nature, and roof lights should be used instead. Other changes to fenestration should also be minimised, with the pattern of the existing windows followed where possible. Additionally, it would be preferable to replace the current synthetic stone on the gable end with weatherboarding rather than render, whilst the proposed car port and also solar panels should be omitted.
- 4.1.23 Two new-build dwellings as currently proposed could appear overly cramped in this context. However draft amended plans show a reduction to one unit, whose design reflects a small and fairly unobtrusive outbuilding. This is considered appropriate, especially as historic mapping suggests there may once have been an outbuilding in this position. That said, its porch and solar panels should be omitted in order to achieve a simple uncluttered north elevation and roofline.
- 4.1.24 Boundary treatments between the various units should be given careful consideration. Low stone walling and soft landscaping, as found elsewhere in the town, may be more appropriate.
- 4.1.25 18/11/19 – no objection:
The amended plans and additional information now submitted take account of the previous comments. There are no further issues from a conservation perspective, and it is considered that the revised proposals generally accord with the relevant policies.

4.1.26 Conditions should secure precise details of both external and internal joinery (including staircases), external materials, landscaping, and features to be removed and stored pending reinstatement. They should also require recording of the existing buildings to Historic England's 'Level 2' standard, and specify Conservation-type roof lights and metal rainwater goods.

4.2 **Public comments**

4.2.1 Nine separate households, the Bishop's Castle Civic Society and the Campaign for Real Ale (CAMRA) have objected on the following grounds:

- Loss of what was until recently, and still could be, a successful business, local employer and important community/visitor facility.
- Applicant's reasons for closure are personal rather than commercial.
- Property initially marketed at grossly inflated price, subsequently reduced but still too high for area, and with conflicting figures and particulars. Since withdrawn from market altogether.
- Little or no consideration given to CAMRA's 'Public House Viability Test'.
- Greater scope for business diversification. Previous permission to convert former post office in pub's rear rooms into additional visitor accommodation remains unimplemented.
- Increased opening hours, new management and/or better marketing could increase business' viability. Pub closed during recent real ale trail event, and often closed at lunch times, alienating customers.
- Applicant's claims of competition from other pubs and holiday accommodation in Bishop's Castle are exaggerated. Two of the other pubs mentioned do not serve food, while some of the bed-and-breakfast businesses listed have now closed. Boars Head also offers different beers, a venue for live bands and good accessibility. In fact maintaining a choice of six unique pubs gives town a 'critical mass' for ale fans and tourists, and closure of any one would threaten the commercial centre's vitality and viability.
- Subdivision and change of use would harm listed building's historic layout, fabric and significance, and deprive general public of opportunity to appreciate it.
- Density of development too high.
- Adverse impact on conservation area.
- Archaeological features likely to be disturbed.
- Proposed dwellings and their gardens too small.
- Overlooking of neighbouring properties.
- Insufficient parking provision.
- One of proposed parking spaces shown on highway land.
- Increased traffic on already busy road junction.
- Residents' and local business' access to adjacent yard could be blocked.
- Insufficient drainage details.

4.2.2 Two individuals support the application for the following reasons:

- Town would still offer a wide selection of places for people to eat, drink and stay.
- If business no longer viable, securing a new use for the historic building would be beneficial.
- Pub's historic frontage would remain unchanged, whilst proposed alterations at rear well designed and in-keeping.

5.0 THE MAIN ISSUES

- Procedural matters
- Impact on listed buildings
- Ecology

6.0 OFFICER APPRAISAL

6.1 Procedural matters

6.1.1 Since the relevant issues here are largely confined to the physical effects on the listed buildings themselves, other matters such as economic and social impacts of closing the pub, the principle of new housing in this location, plus archaeology, the wider conservation area, highway safety, residential amenity and drainage, need to be considered separately under the associated planning application. It is therefore conceivable that members of the planning committee could reach different decisions on the two applications.

6.2 Impact on listed buildings

6.2.1 The NPPF at section 12 places an emphasis on achieving good design in development schemes. Its themes are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 seeks to ensure that developments respond positively to local design aspirations set out in Neighbourhood Plans, with the protection, conservation and enhancement of the historic context and character of heritage assets, their significance and setting, being sought by policy MD13.

6.2.2 Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. At paragraph 185 the NPPF advises that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

6.2.1 It is acknowledged that the proposals would spell the end of the principal listed building's centuries-old use as a public house, and clearly this would change its commercial and communal character and restrict public access. However the NPPF recognises that keeping heritage assets in viable long-term use often helps to ensure their continued conservation, and some weight can be given to this, especially as the building's first floor is already underutilised, and unsuitable as guest accommodation on account of its layout. Furthermore, both Historic England and the Council's Conservation Officer are satisfied that the revised proposals would not harm any key elements of either the main building's or the Curley Tail's historic fabric, physical character or outward appearance, subject to certain conditions as set out below (including one controlling fenestration, for which only partial details have been

provided upfront). This follows the submission of a more detailed Heritage Impact Statement and plans and sections for the pub, plus the omission of solar panels and dormer windows on the Curley Tail. Although new boundaries between the plots would still utilise 1.8-metre fencing to ensure adequate privacy, again landscaping and its impact on the listed buildings' setting are matters to be considered separately under the planning application.

6.2.2 Given the above it is considered that the relevant statutory provisions and planning policies, as referenced in Historic England's initial comments, are satisfied.

6.3 **Ecology**

6.3.1 Notwithstanding Paragraph 6.1.1, the Council is legally obliged to have regard to biodiversity when exercising *any* of its statutory functions, including determining applications for listed building consent.

6.3.2 Here, as summarised above, the Ecology Team accepts that conditions and informatives would offer adequate mitigation for protected and priority species, although restricting external lighting may in fact be unreasonable given the site's established use without any such restriction in place. It also accepts that using the mains sewerage system (which has phosphate-stripping equipment) would avoid any significant impact on the River Clun SAC. In that respect the full HRA can be viewed on the 'Planning' pages of the Council website, appended to the Ecology Team's latest comments.

7.0 **CONCLUSION**

7.1 The scheme would secure the listed buildings in viable long-term use, and the amended plans would not harm their intrinsic significance. There are no undue concerns regarding ecology, whilst other issues will be addressed under the associated planning application. This application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 **Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 **Equalities**

8.3.1 The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications if the decision and/or imposition of conditions are challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Relevant Planning History:

SS/1988/24/P/ & SS/1988/24/L/ – Conversion of disused bar and toilets into holiday bedroom accommodation (permitted March 1988)

SS/1/2434/P & SS/1/2435/L/ – Erection of extension to public house (permitted May 1992)

SS/1/7405/P/ & SS/1/7406/L – Erection of additional guest accommodation and demolition of boundary wall (permitted October 1997)

SS/1/00/11091/LB – Demolition of upper section of chimney (permitted June 2000)

10/01227/LBC – Replacement of window with door in north elevation, and blocking of internal doorway (permitted May 2010)

17/00726/FUL & 17/00727/LBC – Alterations to former post office to form hotel accommodation; alterations to existing porch and installation of gates to car park (permitted May 2017)

19/03996/FUL – Conversion of and alterations to public house/inn to form two dwellings (including demolition of rear extensions); conversion of and alterations to holiday accommodation block to form one dwelling (including demolition of rear extension); erection of one new dwelling PDE

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PXF8U7TDHMT00>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr Gwilym. Butler</p>
<p>Local Member: Cllr Ruth Houghton</p>
<p>Appendices: Appendix 1 – Conditions and Informatives</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF THE DEVELOPMENT

3. No works in connection with the conversion of the existing buildings (including stripping of internal or external fixtures or features, and/or demolition works) shall commence until there has been submitted to and approved in writing by the local planning authority a record of those buildings and their fabric as existing, to accord with 'Level 2' standards as defined in the Historic England document 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016).

Reason: To provide an adequate record of the listed buildings' existing form and fabric, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policy MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

4. No works to the existing buildings shall commence until there has been submitted to and approved in writing by the local planning authority:
 - a schedule of existing features and fabric of potential architectural or historic interest (including windows, doors, ornamental plaster, joinery, staircases, fireplaces etc.) which are to be removed, altered, repositioned or replaced; and
 - a method statement for these works.

The works shall thereafter be undertaken and completed in strict accordance with the approved details.

Reason: To safeguard the architectural and historic interest, character and fabric of the listed buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. Prior to their use/application, samples/precise details of all external materials/finishes, including those for any repair works, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To safeguard the character and appearance of the listed buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No new or replacement windows or doors, or new/altered internal joinery (including staircases), shall be installed until precise details of their/its form and style (including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter retained.

Reason: To safeguard the fabric, character and appearance of the listed buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. All roof lights included in the development hereby permitted shall be of the traditional flush-fitting 'Conservation' type, in accordance with precise product details which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. They shall be retained thereafter for the lifetime of the development.

Reason: To safeguard the character and appearance of the listed buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

8. Prior to the first use/occupation of any part of the development hereby permitted, artificial nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. These shall include a minimum of three nesting boxes or integrated 'bricks' suitable for sparrows (32mm hole, terrace design) and small birds (32mm hole, standard design), which shall be retained for the lifetime of the development.

Reason: To maintain and enhance nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. All new/replacement gutters, down pipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the character and appearance of the listed buildings in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. Requests to discharge these

conditions are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before work commences, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This listed building consent should be read in conjunction with planning permission No. 19/03996/FUL, to which further/alternative conditions are attached.
3. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
4. Ideally, in order to minimise disturbance to bats (which are European protected species), any external lighting at the site should be designed to take into account the advice set out in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.