

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th November 2019

Report of Additional Representations



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DISTRICT COUNCIL**

Report of Additional Representations

Application Number	19/01878/FUL
Site Address	Chimney Farm Barns Chimney Bampton Oxfordshire OX18 2EH
Date	30th October 2019
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	435749 E 200889 N
Committee Date	11th November 2019

Application Details:

Building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (use class B8) to a self-contained residential dwelling (use class C3) by prior notification 19/01114/PN56.

Applicant Details:

Mr Fergus Mitchell
C/O Agent

Additional Representations:

The agent has submitted an amended plan in response to the Biodiversity Officer comments.

In response to the amended plan the Biodiversity Officer has stated in writing that Condition 9 is to remain but is to be amended to refer to the amended plan. Conditions 10 & 11 can be removed when further amendments are received.

Full comments from the Biodiversity Officer;

Generally, the drawing is sufficient, but the notes on the drawing should refer to the need to ensure that there are cut outs through the cladding so that bats can access the box behind. I'm not sure how the bat access slate will fit into a metal roof or where the bats would be able to access from this? Is the incorporation of a bat access slate actually going to work or should this be additional bat boxes?

The location of the barn owl box should be shown if possible.

Condition (a) should remain and this should be amended to refer to the amended drawing number showing the details of the bat and bird mitigation.

Conditions (b) and (c) can be removed once the above amendments are provided.

In response to the above comments the agent has submitted a further amended plan and has asked if an additional barn owl box can be dealt with by an appropriately worded condition.

In response to the further amended plan the Biodiversity Officer has stated in writing that conditions 10 and 11 can be removed and has proposed a further condition and informative regarding the barn owl box.

Full comments from the Biodiversity Officer;

Yes, I am satisfied with the amended drawing showing the bat boxes and swallow ledges tucked under eaves. I am also satisfied that the barn owl box location can be approved by the LPA as a condition of planning consent.

Ideally, the barn owl box should be located on a suitable tree, but they can also be installed within or externally onto a building in a relatively undisturbed part of the site (if possible). However, they can also be mounted on a pole in a suitable location if there are no suitable trees or buildings. I would therefore amend the condition as follows.

Condition: *Before occupation, full details of a barn owl box and its location shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full.*

Reason: To provide a nesting site for barn owls as a biodiversity enhancement in accordance with Policy EH3 of the Local Plan and paragraphs 170-175 of the NPPF.

This leaves it open to the applicant to decide where to put the box. An informative could also be attached to provide them with some guidance on this – as follows.

Informative: *A barn owl box would be a significant enhancement of the site and the applicant is advised to obtain guidance from the Barn Owl Trust website on the design and location of such a box <https://www.barnowltrust.org.uk/barn-owl-nestbox/barn-owl-pole-nest-box/>. The options include a box within a suitable agricultural building, on a relatively undisturbed elevation of the converted building or a stand-alone pole-mounted box.*

Monitoring of barn owl nests in West Oxfordshire is carried out by volunteers and there is currently an active scheme in place. The applicant is encouraged to seek further advice and support from the Oxfordshire Ornithological Society – contact Dr Alan Larkman, Conservation Officer for more information by email: conservation@oos.org.uk or visit the website <http://www.oos.org.uk/committee.php>

The barn owl is on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended); therefore the birds, their nests, eggs and young are fully protected throughout the UK. Penalties, involving a fine of up to £5,000 and/or a custodial sentence, apply to offences against barn owls. Barn Owls do not intentionally 'build' a nest. However, their nest-places are characterised by a compacted layer of nest debris that is considered to be their nest. Removing whatever supports, surrounds or shelters, the nest would be nest damage or destruction. It is also an offence to intentionally or recklessly disturb barn owls at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young. This is not normally a problem on working farms and farmers are often in the best position to ensure freedom from disturbance. The Act caters for incidental disturbance, which could not reasonably be avoided.