

Ashgrove Farm  
Middleton Stoney Road  
Ardley  
Bicester  
OX27 7PH

16/01617/F

**Case Officer:** Stuart Howden **Contact Tel:** 01295 221815

**Applicant:** Mr & Mrs J Pickford

**Proposal:** Conversion of 3 no. redundant farm buildings into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions

**Expiry Date:** 8<sup>th</sup> November 2016 **Extension of Time:** N/A

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**Ward:** Fringfords and Heyfords **Committee Date:** 27 October 2016

**Ward Councillors:** Cllrs Corkin, Macnamara and Wood

**Reason for Referral:** Site Area over 1ha

**Recommendation:** Approval

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## 1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the south of Ardley and to the west of the B430 and consists of a traditional farm complex made up of the main farm house, a Grade II listed barn, pig sties, stables and more modern farm buildings. The farm holding still functions as an arable and livestock enterprise.
- 1.2 It is stated within the Architectural Design Statement submitted along with the application that the existing farm buildings are no longer suitable for modern farming practices, particularly with regard to the access for machinery, vehicles and storage and this has meant that the buildings on the site have become redundant and are falling into disrepair. The farm also rents storage facilities off site, which are more suitable for accessing vehicles.
- 1.3 As noted above, one of the barns is Grade II listed. The site is within a Mineral Consultation Area. The site is on potentially contaminated land (due to the historic uses on the site) and is in an area of medium archaeological interest. The site has some ecological potential being within 2KM of the Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal seeks renewed consent to covert 3 traditional agricultural buildings into residential properties. Consent was first granted in 2008, and was renewed in 2011. 5 residential units are proposed in total:

- Barn to north of the site (Units 1 & 2): This stone barn with a corrugated roof has a first floor section over part of it. This has been extended over time with a large open sided modern portal frame structure to the south as well as a smaller open sided lean-to structure to the north. There is also a stone boundary wall of approximately 2.5 metres in height which runs from the traditional building eastwards. The barn is proposed to be converted into two residential units, with the existing external structure of the barn and the stone wall to be retained. Unit 1 is proposed to accommodate 3 bedrooms, whilst unit 2 is proposed to accommodate 4 bedrooms. The stone wall is proposed to form part of a flat roof single storey extension to increase the footprint of Unit 1.
- Listed barn (Unit 3): This is a double height building constructed from stone under a corrugated roof. It is designed in a traditional plan with central full height openings. A row of pig sties built in stone and brickwork is connected to this barn as well as a single storey barn. It is proposed to remove lean to structures from this building and the barn is proposed to be converted into one residential unit and is proposed to accommodate 5 bedrooms. An intermediate floor is proposed to be inserted within the height of the existing building and the existing openings are proposed to be retained and infilled with full height glazed screens.
- Barn to south of the site (Units 4 & 5): The original building is a long single storey structure constructed from stone. The building is roofed on the north side with corrugated metal sheeting and to the south with natural slates. There are window and door openings along the northern elevation and the south elevation is simply constructed in stonework. The barn is proposed to be converted into two residential units and each unit is proposed to accommodate 3 bedrooms. It is proposed to separate this building from the adjoining two storey outbuilding belonging to the farmhouse, and this gap would form a narrow passage between the two entities. The building is also proposed to be extended with two single storey north projections, one serving Unit 4 and the other serving Unit 5.

2.2 It is proposed to install slate roofs throughout where roofs are pitched, and lead work on flat roofs. Where fabric of the existing buildings to be retained have been damaged these are to be removed and repaired to match. The materials proposed include stone to match the existing buildings and horizontal timber feather edged weatherboarding.

2.3 A new build element is also proposed for vehicular parking. The single storey garage element would be sited adjacent to a modern agricultural building which is proposed to be retained. The garage is proposed to be open sided facing the courtyard (west facing). It would be constructed from natural slate and timber posts under a natural slate roof.

2.4 Extensive landscaping works are proposed on the site. Units 1, 2 and 3 are proposed to have private gardens to the north of the buildings. These would be bounded to the sides and rear with post and rail fencing. Units 4 and 5 are proposed to have private amenity space within the courtyard area and formed by the use of stone walls extending off the proposed projections.

2.5 The existing access off the B430 is proposed to be utilised, but some alterations are proposed to the junction that meets the highway including the dropping of a kerb at the highway edge and the adjustment of a hedge line for visibility reasons. In addition it is proposed to include a passing place within the site along the access drive to ensure adequate movement and

passing of vehicles. It is proposed to make good the access where appropriate with a new finish provided to the garaging area. 15 on-site parking spaces are proposed, with 10 of these in the proposed garage building.

- 2.6 The demolition relates to mainly the larger more modern farm buildings, this being the agricultural barn and covered store attached to the barn to the north that is proposed to accommodate Units 1 & 2, as well as a modern portal framed storage building to the north of this barn.
- 2.7 An application for listed building consent has been submitted alongside this application for planning permission (ref: 16/01618/LB).

### **3. RELEVANT PLANNING HISTORY**

- 3.1 11/00955/LB and 11/00954/F – *‘Extension of time limit to 08/01520/F & 08/01521/LB – Conversion of 3 no. redundant into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions’* – APPROVED 24<sup>th</sup> August 2011. The current scheme is very similar to this approved scheme in 2011. A number of conditions were discharged for this application (ref: 14/00173/DISC and 15/00456/DISC) including a landscaping scheme, details of openings and samples of construction materials, but not all of the pre-commencement conditions were discharged and the permissions have since expired, hence the submission of this application.

### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 No pre-application discussions have taken place with regard to this application.

### **5. RESPONSE TO PUBLICITY**

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 No comments have been raised by third parties.

### **6. RESPONSE TO CONSULTATION**

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

#### PARISH/TOWN COUNCIL

- 6.2 Ardley with Fewcott Parish Council: **No comments received.**

#### STATUTORY CONSULTEES

- 6.3 Environment Agency: **No comments received.**
- 6.4 OCC Highways Authority: **No objections.**
- 6.5 OCC Minerals and Waste: **No objections.**

- 6.6 Thames Water: **No objections** in relation to water infrastructure capacity and sewage infrastructure capacity.

#### NON-STATUTORY CONSULTEES

- 6.7 Arboricultural Officer: *"The applicant needs to submit a BS5837 survey, an AMS (Arboricultural Method Statement) and a TPP (Tree Protection Plan), pre-determination."*
- 6.8 Archaeology Officer: **No objections.**
- 6.9 Building Control: **No comments received.**
- 6.10 Business Support Unit: *"It is estimated that this development has the potential to attract New Homes Bonus of approximately £39,713.76 over 6 years under current arrangements for the Council."*
- 6.11 Conservation Officer: **No comments received.**
- 6.12 Ecology Officer: **No comments received.**
- 6.13 Environmental Protection Officer: **No objections.**
- 6.14 Landscape Officer: **No objections** have been raised. This is subject to the retention of the hedgerow on the western boundary of the site and an Arboricultural Method Statement, as well as a landscaping scheme.
- 6.15 Planning Policy: **No objections.**
- 6.16 Recreation and Leisure: **No comments received.**
- 6.17 Thames Valley Policy Design Adviser: **No comments received.**
- 6.18 Urban Design: **No comments received.**
- 6.19 Waste & Recycling: **No comments received.**

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density

- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of buildings in the countryside
- H20 – Conversion of farmstead buildings
- C21 – Proposals for re-use of a listed building
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

#### 7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Design Guide for the Conversion of Farm Buildings (Cherwell District Council 2002)
- The Conversion of Traditional Farm Buildings: A guide to good practice (Historic England 2006)

### **8 APPRAISAL**

#### 8.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the Development;
- Design, Layout and Appearance;
- Impact upon the Significance and Setting of the Grade II Listed Building;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Contaminated Land.

#### Principle of the Development

- 8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

- 8.5 The Council, as Local Planning Authority, has previously accepted the principle of development in granting planning permission (reference 08/01520/F) and listed building consent (reference 08/01521/LB) for the same development in 2008. In 2011 the time limits for these permissions were extended (11/00954/F and 11/00955/LB). The latest consent has now expired and the proposed development in this application has not altered from these previous permissions at the site.
- 8.6 When considering the principle of the development in the original 2008 application, saved Policies H19 and H20 of the Cherwell Local Plan 1996 formed significant material considerations. Saved Policy H19 is generally supportive of the conversion of rural buildings into residential accommodation, but it only relates to the provision of one dwelling. Saved Policy H20 relates more specifically to the provision of two or more dwellings on a farmstead, but its preference is for the conversion of buildings into employment generating uses. It was concluded in 2008 that the conversion of the buildings into residential uses is appropriate as the buildings were not deemed appropriate for employment generating uses due to their scale, location and general lack of demand for such units and therefore it was considered that saved Policy H20 was complied with.
- 8.7 These two key policies which formed a significant material consideration when the Council accepted the principle of the development in 2008 remain part of the Development Plan and there has been no significant change in policy in the intervening period which would lead the officers to form a different opinion now. There has also been no material change to site circumstances that would now warrant the application unacceptable in principle.
- 8.8 The principle of the conversion of these barns into residential uses is therefore considered acceptable, but the principle of the development is also dependent on other material considerations which will be discussed below.

#### Design, Layout and Appearance

- 8.9 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.10 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, new development should be designed to improve the quality and appearance of an area and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.11 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.12 Saved Policies H19 and H20 of the Cherwell Local Plan 1996 seek to ensure that only buildings that can be converted without significant rebuilding and extension are permitted to be converted into residential accommodation.
- 8.13 The Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"The character of a barn is derived from its original function as a working agricultural building, and therefore every effort should be made to retain the original simplicity of scale and form and to alter it as little as possible externally and internally."*

- 8.14 Regarding, extensions to farm buildings 'The Conversion of Traditional Farm Buildings: a guide to good practice' (English Heritage (now Historic England)), states that: *"Overtly domestic extensions such as porches and usually conservatories are alien in character and can rarely work successfully within the context of historic farm buildings"*. In addition this notes that: *"New extensions, be they a contemporary design or one based on an existing outbuilding, should be subordinate in scale and relate to the character of the farmstead group. They should not compromise the setting, so careful thought needs to be given to their siting."*
- 8.15 In addition to this, the Council's design guidance ('Design Guide for the Conversion of Farm Buildings'), states that: *"Most barns are large compared to the size of an average house. In order to preserve the integrity character and features, accommodation should aim to be contained wholly within the existing buildings. In the rare cases where extensions are proposed they should be of traditional form such as simple lean-to outshots, continuing the downward slope of the main roof. Domestic features such as porches will not be considered favourably and alternative solutions such as the provision of internal draught lobbies should be considered."*
- 8.16 Both guidance documents referred to above emphasise the point that extensions should be minor and subordinate in scale. A flat roofed extension is proposed on the east elevation of the barn proposed to accommodate Units 1 and 2. Whilst a relatively long extension, it is considered that the contemporarily designed addition would provide a deferential contrast to the barn given that it would follow the linear form of this barn, would be lightweight due the use of glazing, and would appear subservient in height to the barn so as not to over dominate it. As a result the barn would maintain its simplistic appearance and linear form. Furthermore, it is worth highlighting that a steel framed portal building is currently attached to this barn and this structure currently dominates this traditional farm building. In this respect, it is considered the proposal would result in the enhancement of the setting of this barn.
- 8.17 In relation to Unit 3, the fabric of the building is remaining largely unaltered and unaffected. That said, a covered store is proposed on the north elevation and works are proposed to the pig sties so that they are incorporated into the dwelling. This covered store is considered to be an enhancement to the barn given that this would replace an existing covered store of a similar scale constructed from blockwork under an asbestos roof. The modifications to the pig stys are relatively minor and are considered to have a neutral impact upon the appearance and character of the agricultural building.
- 8.18 Units 4 and 5 would be created from converting the stables along with extensions to the stables. It is unfortunate that these extensions would disrupt the original and simple linear form of the stable building. However, they would be in keeping with the scale of the building and the form of these extensions is also simple. These extensions have also gained consent on previous occasions in 2008 and 2011 and are therefore considered acceptable.
- 8.19 In relation to windows the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"Barns rarely have windows, and so new means of admitting light have to be carefully considered in order not to affect the character of the building. Existing openings should be retained and re-used as a priority. New openings should be kept to a minimum and should be of a scale, form and type compatible with the character of the building and its existing openings...If rooflights are needed they should relate to the scale of the existing building and to the pitch of the roof, avoiding disruption of the roofline."*
- 8.20 New openings on the existing farm buildings would be kept to a minimum and existing openings would be utilised so as to prevent these buildings appearing overly domestic. Whilst the first floor of the barn proposed to accommodate Units 1 and 2 currently has no first floor windows and the introduction of windows at first floor level would erode some of the agricultural character of this building, there is evidence of original openings at first floor level

and these are proposed to be reopened therefore this is considered to be acceptable. Furthermore, barn door openings on the barns accommodating Units 1 and 2 and Units 3 would be retained through the use of glazing and would be incorporated in the design scheme. The retention of these architectural features would contribute in preserving the agricultural character of these buildings.

- 8.21 In relation to the setting of these barns the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"The most sensitive conversion can be spoilt by inappropriate changes to the setting of the building. A comprehensive approach should be adopted when preparing an application for conversion in order to cover details such as the layout of drives, gardens, garaging, walls and fences, etc. The design and materials of ancillary buildings should be of traditional materials and form and should aim to harmonise with the existing building."*
- 8.22 Units 1 and 2 and Unit 3 will have their gardens to the north resulting in their front elevations facing the front yard. Units 4 and 5 would be created from converting the stables along with extensions to the stables and the extensions are considered to create more of a farm yard environment and more easily defined curtilages. The car port building will keep all the cars contained in one area. A total of 15 spaces will be provided for the new units, resulting in three spaces per unit. This arrangement will help to ensure that the courtyard is retained as a semi-communal and open area as residents access their properties by foot. This building will both complete the farm yard complex and also screen the remaining large farm building to the east. It is considered that the scheme has been designed so as to retain the farm yard as an open, semi-communal area. It would not be desirable to see the farm yard excessively divided by enclosures which would not be true to the character of the traditional farmyard.
- 8.23 A private courtyard is proposed to the front (south) of the barn proposed to accommodate Unit 3 to create a screen between the farmhouse and Unit 3 for privacy reasons, but it is considered that this would have a limited impact upon the agricultural appearance of the barn and the character and appearance of the wider farmyard.
- 8.24 In terms of materials it is considered that appropriate materials are to be used for the extensions to the buildings and where repairs are needed to the existing fabric. A stone sample panel and slate sample were available to view during the case officer's site visit and these are considered to be acceptable. Details of the windows, rooflights, doors and boarding have also been provided and are considered to be acceptable.
- 8.25 The dropping of the kerb at the access and the creation of a passing place are considered to have a limited impact upon the character and appearance of the countryside.
- 8.26 In relation to landscaping, a landscape plan has been submitted, and this has once been approved as part of the discharge of conditions application regarding the previous planning application at the site in 2011 (Condition 9 requested a landscaping scheme and this was discharged under 14/00173/DISC). Thus, whilst it is noted that the landscape officer has requested a revised landscaping scheme, this would be unreasonable given the submitted landscaping scheme has already been considered acceptable in relation to this scheme.
- 8.27 The Council's Arboricultural Officer has requested a tree survey, arboricultural method statement and tree protection plan. Such reports were not requested in the previous applications at the site in 2008 and 2011 and it is considered that there are no trees of high amenity value on the site that are likely to be affected by the proposal, therefore it is not considered necessary to attach a condition requesting the above.
- 8.28 It is also worth highlighting again that the same proposal has been considered acceptable in 2008 and 2011 and this is a significant material consideration in this case.



- 8.29 Overall the removal of the relatively modern redundant farm buildings and the repair of the traditional buildings is welcomed, and it is considered that proposed alterations and extensions to these buildings and the associated works as a result of the conversion of these barns to residential units would not unduly affect the agricultural appearance and character of these barns and would not result in significant and demonstrable harm to the character and appearance of the area.
- 8.30 It is considered necessary to remove permitted development rights for extensions to the proposed dwellings as well as new openings in order to retain the character and appearance of the agricultural buildings and this has therefore been conditioned.

#### Impact upon the Significance and Setting of the Grade II Listed Building

- 8.31 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting. In this case it is the impact on the setting and significance of the Grade II listed barn that is to be considered. The applicant has submitted a Heritage Statement.
- 8.32 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Proposals that preserve those elements should be treated favourably.
- 8.33 Paragraph 132 of the NPPF states that: *"Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
- 8.34 Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: *"Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG"*
- 8.35 As discussed above, it is considered that the alterations to the listed building will be minimal. Openings that are proposed would be kept to a minimum with existing openings being utilised to their full potential. Appropriate materials are to be used for the extensions to the building and where repairs are needed to the existing fabric. The repairs proposed are considered to enhance the significance of this barn building. Whilst a private courtyard is proposed to the front of the barn, it is considered that this would not cause undue harm to the significance and setting of this building, and any harm would be outweighed by the benefit of securing a long-term future and use for the building.
- 8.36 The other proposed changes on the site are not considered to cause harm to the significance and setting of this building as the historic farm yard plan and setting would largely be retained as a result of the development as discussed above.

### Accessibility, Highway Safety and Parking

- 8.37 The Local Highways Authority has raised no objections to the proposal which includes the dropping of the kerb at the access from the highway, the introduction of a passing place on the access lane and the introduction of a parking area for 15 vehicles. The case officer sees no reason to disagree with this assessment and it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network.

### Effect on Neighbouring Amenity

- 8.38 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.39 In relation to proposed Unit 3, this would be within close proximity to the main farm house. The southern elevation has a full height glazed screen and a double door serving the kitchen. Whilst the screen is full height there is no first floor in this element of the building. Thus, it is considered that overlooking would not be a significant issue in relation to Unit 3. That said, a private courtyard is proposed to the front (south) of the barn to create a screen between the two units for privacy reasons to further reduce the levels of overlooking. Overall, the relationship between each of the units and the existing farmhouse is considered to be acceptable so as to prevent undue harm in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing impact.
- 8.40 The site is within a working farmyard therefore there are potential compatibility issues with the residential development in this location with the possibility of the farm giving rise to noise pollution and odour pollution. However given the low number of agricultural buildings proposed to remain on the site as a result of this development (this being 2), the clear separation between the uses, and that the proposal has been accepted on two previous occasions, it is considered that levels of noise and odour resulting from the existing agricultural use are unlikely to cause undue harm to the proposed residential units.

### Ecological Implications

- 8.41 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 8.42 Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."*
- 8.43 A Bat Survey Report by a qualified ecologist has been submitted alongside the application, but comments have not been received from the Ecology Officer within the consultation period.

The survey provides an update to previous surveys undertaken for the previous applications at the site in 2008 and 2011. During the surveys in 2008, a brown long-eared bat feeding roost was identified in Barn 4 to the western end of the building. In addition, some smaller bat droppings were also found below a section of torn felt to the western end of Barn 4. No bats or fresh evidence of bats were found during the surveys in 2011 and no bats were seen to emerge from the barns during the bat activity surveys undertaken in 2008 and 2011.

- 8.44 The update report concludes that no bats or evidence of bats were observed within the barns in 2016 and that there is no indication that bats are using the buildings for shelter. The report also notes that the previously identified feeding roost in Barn 4 appears to have become disused and roosting bats are considered to be absent from the barns. It is then stated in the report that the conversion of the barns will not result in any significant impacts on bats or the places that they use for breeding, shelter and/or protection (roosts) and no specific compensation measures are considered necessary.
- 8.45 In the absence of evidence to the contrary, including any comment from the Council's Ecology Officer, officers have no reason to doubt the findings and recommendations of the Survey. As such, it considered that the proposed development is unlikely to cause undue harm to protected species subject to a condition that the recommendations as set out in the Bat Survey Report are accorded with.

#### Potentially Contaminated Land

- 8.46 The site is on land that is deemed to be potentially contaminated (as a result of its historic land use), but the Environmental Protection Officer has raised no objections to the proposed development. Pre-commencement conditions were attached to the 2011 consent at the site, including a desk study walk over to identify all potential contaminative uses on site, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development could be carried out safely without unacceptable risks to workers, neighbours and other site receptors. A Geo-Environmental Site Investigation was conducted in October 2015 in order to discharge the conditions attached to the 2011 consent and the report advised that no contaminated risks had been identified and the conditions in relation to land contamination were discharged (ref: 15/00456/DISC). It is therefore considered that the proposal is unlikely to cause public health risks to future users, workers, neighbours and other site receptors.

## **9. CONCLUSION**

- 9.1 The development is considered to be acceptable in principle, having regard to the recent planning history for the site, and is of a design, scale and style that is sympathetic to the context of the development. The proposal would not unduly harm the significance and setting of the Grade II listed building and would not have a detrimental impact upon neighbour amenity, highway safety or any protected species. It is considered that the proposal is therefore in accordance with the Policies outlined in Section 4 of this report.

## **10. RECOMMENDATION**

That permission is **granted**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

- Application Form submitted with the application;
- Architectural Design & Access Statement dated May 2008 submitted with the application;
- Drawing Numbers: 1.06; P1.01; P1.02 Revision A; P1.03 Revision A; P2.01 Revision B; P2.02 Revision A; P2.03 Revision B; P2.04 Revision A; P2.05 Revision A; P2.06 Revision B; P2.07; P3.01 Revision B; P3.02 Revision B; P3.03 Revision B; P3.04 Revision B; P3.05 Revision B; P3.06 Revision A; P3.07 Revision B; P3.08 Revision A; P3.09; R3.01; R3.02; R3.03; R3.04 and OGD/152/001 Revision A submitted with the application;

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel inspected on site by the case officer on 26<sup>th</sup> August 2016.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The external roofs of the development shall be constructed in accordance with the slate sample inspected on site by the case officer on 26<sup>th</sup> August 2016.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The development shall be carried out in accordance with the Section 7 (recommendations) of the Bat Survey Report by Windrush Ecology dated August 2016 submitted with the application (except where affected by condition 11).

Reason - To ensure that the development does not cause harm to any protected species or

their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Should more than 12 months elapse from August 2016 (the time of the ecological survey referred to in condition 10) before works commence on Barn 4, a new ecological survey shall be submitted to and approved in writing by the Local Planning Authority before any works on Barn 4 commence. Thereafter the works to Barn 4 shall be carried out in accordance with the recommendations of the new ecological survey.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the dwellings hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the dwellings hereby approved the hedge line fronting the main road shall be cut back and undergrowth cleared to provide the vision splays either side of the access as shown on Drawing No. 1.06. The vision splays shall be maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural weathered limestone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building using lime mortar, unless otherwise approved in writing by the Local Planning Authority prior to the works commencing.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and

appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The rainwater goods to be used shall be cast iron/aluminium and permanently so retained thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing Number OGD/152/001 Revision A submitted with the application) shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of Classes A to G of Part 1, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) the approved dwelling(s) shall not be extended nor any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

To ensure and retain the satisfactory appearance of the completed development, to retain the agricultural character and appearance of the buildings and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roofs of the building(s) without the prior express planning consent of the Local Planning Authority.

To ensure and retain the satisfactory appearance of the completed development, to retain the agricultural character and appearance of the buildings, in order to safeguard the amenities of the occupants of the adjoining dwellings and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

1. With reference to condition 8, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.
2. The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
3. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

7. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.