

APPLICATION NO.	P17/S4413/FUL & P17/S4414/LB
APPLICATION TYPE	FULL APPLICATION
REGISTERED	4.1.2018
PARISH	CUDDESDON
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Magdalen College
SITE	Dove House Farm, Cuddesdon, OX44 9HG
PROPOSAL	The conversion of the traditional barns into four residential conversions and erection of five new build residential units, together with access, parking, landscaping and any other associated infrastructure. (As clarified by Agent's email dated 7 February 2018).
OFFICER	Sharon Crawford

1.0 INTRODUCTION

- 1.1 The planning application has been referred to the Planning Committee because the recommendation to grant planning permission conflicts with the views of the Cuddesdon Parish Council. The associated listed building consent application has also been included for committee consideration.
- 1.2 Dovehouse Farm lies on the edge of the village of Cuddesdon on a hillside. It is a farmyard with some modern and some old buildings. One of the barns is a grade II listed building as is the adjacent All Saints Church (grade I); also listed as are four headstones within the grave yard (all grade II). The Green Belt washes over the whole of Cuddesdon.
- 1.3 Planning permission and listed building consent were granted in June 2014 for the conversion of the listed barn into office accommodation, the conversion of another barn range into three residential units, and five new build residential units (refs P10/W0093 and P10/W0094/LB). Works have been commenced on the access to implement the scheme and the planning permission and the listed building consent remain extant.
- 1.4 A legal agreement in relation to application P10/W0093 has been signed and secures affordable housing and contributions to the county council for infrastructure improvements. The legal agreement also includes enabling development to secure the stabilisation and repair of the listed tithe barn.
- 1.5 Having secured planning permission for the scheme in June 2014, the site was unsuccessfully marketed for sale. The delays associated with this meant that it was not possible to comply with a number of 'prior to commencement of development' conditions, particularly those relating to the completion of ecology survey work before the application expired in June 2017.
- 1.6 A new planning permission (Ref: P16/S3997/FUL) and listed building consent (Ref: P16/S3998/LB) were granted in February 2017 for:
- the variation of conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 16, and removal of condition 19 of planning permission Ref: P10/W0093; and
 - the variation of conditions 4, 5 and 6 of the listed building consent Ref: P10/W0094/LB.

The amendments to the conditions on the planning permission and listed building consent allowed for works to the accesses to be completed to allow the commencement of development to be triggered.

- 1.7 Planning permission (Ref: P16/S3997/FUL) included three 'prior to the commencement of works to construct the site accesses' conditions (Conditions 5b, 6 and 11). In April 2017, the Council confirmed the discharge of these conditions as part of planning applications Ref: P17/S0977/DIS and Ref: P17/S1415/DIS respectively.
- 1.8 Subsequently, works were undertaken to the site access prior to the 6th June 2017. The Council granted a Certificate of Lawful Development in September 2017 to confirm that the works undertaken are lawful development and are demonstrable of planning permission Ref: P16/S3997/FUL having been implemented and, therefore, remaining extant.
- 1.9 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission to convert the main listed barn on this site into one, 4 bed dwelling, to convert three curtilage listed barns for residential use (all 3 to 4 beds (study option available), and to create five new build residential units, 2 one bed flats (plots 7 and 8) 1 no two bed house (plot 6) and 2 no three bed houses (plots 4 and 5)
Part of the development will enable important repairs to the listed barn which is currently on the buildings at risk register.
All the modern buildings would be removed from the farmyard
Drawing no 209296/106_P6 includes works/improvements to the highway outside the site to provide for a new pavement to link the site to the rest of the village.
- 2.2 Parking facilities and garden areas are provided for each unit.
- 2.3 A corresponding application for listed building consent has been submitted for the conversion of the listed and curtilage listed buildings ref P17/S4414/LB.
- 2.4 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Full responses can be found on the Council's website

- 3.1 Cuddesdon Parish Council Refuse.

1 AFFORDABLE HOUSING

The amount of gross floor space in the development will be greater than 1000 sqm, requiring affordable housing to be included (as stated in the national Planning Practice Guidance).

Policy CSH3 of the adopted Core Strategy allows affordable housing not to be included if this renders the development unviable. However, there is no demonstration in the application that inclusion of affordable housing would make the development unviable.

The Parish Council regards it as essential that affordable housing is included, to be available for local people in perpetuity, for the long term good of the community. This will prevent future generations being driven away from the village because of the high housing cost.

2 LIMITATION TO FURTHER DEVELOPMENT

The planning application does not include development of the area to the east of the site. The Parish Council considers it essential that a covenant is placed on this area to prevent any possible future development.

It is beyond the capacity of the village and its infrastructure to sustain any further development.

Although this is green belt land, the Parish Council does not consider that this alone is sufficient protection against future development, and that a covenant is required.

- 3.2 OCC
(Highways) No objection subject to conditions.
A deed of variation will likely be required following the change of office accommodation into residential.
- 3.3 OCC
(Archaeology) The area concerned lies within an area of some archaeological interest related to the medieval development of the settlement. The area of the application is likely to have had more medieval and early post medieval settlement within it and although the site has seen a fairly large amount of modern disturbance it is likely that archaeological deposits related to these periods could survive within the site. No objection subject to conditions to investigate for archaeology and provide adequate mitigation.
- 3.5 Conservation Officer The repair of the tithe barn is much welcomed and I agree that the building needs to be converted to a viable long term use. Evidence has been provided to suggest that this use should be residential. Residential conversion usually requires subdivision of internal volumes and more physical interventions which can conflict with significance.
- This scheme does require the subdivision of the open space within the tithe barn but the contained pod concept overcomes the need to upgrade the shell of the historic building to meet building regulations. I accept the justification for the rooflights based on the need to light the internal spaces proposed and the fall-back position posed by the rooflights which existed on this building previously. On balance I consider that the low level of harm caused by the subdivision of the space and other alterations would be outweighed by the benefits associated with the long term viability of the historic buildings.
- I recommend approval of this application, subject to conditions, on the basis that the harm arising from this scheme to the listed building and the conservation area would be outweighed by both public benefits and other issues relating to the ongoing conservation and viability of heritage assets in accordance with paragraph 134 of the NPPF.
- 3.6 Countryside Officer The site and all buildings have been subject to ecological surveys during 2017 including a series of bat surveys. The surveys have revealed the presence of low numbers of roosting common and soprano pipistrelle bats using two of the buildings. The proposals would cause impacts on the existing bat roosting sites and the works to these buildings will need to be conducted under an appropriate form of European Protected Species licence.
- The Bat Survey Report contains details of proposed mitigation and enhancement measures which, if fully implemented under licence should ensure that the long term future of the local bat population at

the site is assured.

If planning permission is to be granted then a condition should be used to ensure that the appropriate licencing is in place.

3.7 Waste Management Officer

Standing advice about the provision of bins and waste provision.

3.8 Neighbours Objecting (4)

This application represents a regrettable step backwards in respect of the restoration and future state of the Grade II listed Barn. In the previous application the opportunity would have been taken to reinforce, restore and effectively use this fabric. Under this curious and so-called innovative solution that opportunity would be lost in favour of a plan under which it is hard to understand the degree of restorative work that would be applied to the seriously ailing fabric of the barn.

2. The pods once installed would hamper future full restoration of that fabric.

3. The term 'light touch' appears to be a euphemism for minimal patching up of that Barn and looks more like a steel scaffolding support solution at low cost, inappropriate to a Grade II listed building.

4. The engineers' report details the state of the Barn and the work required. This application represents a way to skirt around that need to the detriment of the fabric and to any potential occupier of such an unsuitable dwelling.

5. I support the need for proper restoration of this Tithe Barn, for which this application singly fails to provide
The application lacks sufficient clarity.
Disappointing that there is no longer any affordable/ social housing, given the need identified in the Parish Plan.
The land to the east of the site should be protected from further development beyond the capacity of the village by means of a covenant such as applies to the land behind the houses at The Green, Cuddesdon.
To maintain the character of the listed building the stone walls on both sides of the road past Dovehouse Farm should be repaired.
The sunk cost of the pods inside the barn will make it more difficult to give the barn the heavy touch restoration that it so desperately needs because no one will remove them once they have been installed.
Unfortunately, the innovative solution proposed sacrifices the one real chance for full restoration and effectively prevents this happening. The carrying out of substantial restoration work in the future with the pods in place is hard to imagine. The Barn will remain at risk.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2644/LDE](#) - Approved (05/09/2017)

To confirm that the P16/S3997/FUL planning permission has been lawfully commenced at Dovehouse Farm.

[P16/S3998/LB](#) - Approved (13/02/2017)

Variation of conditions 4,5 and 6 of P10W0094/LB to allow construction of the site access before agreement of pre commencement conditions.

[P16/S3997/FUL](#) - Approved (13/02/2017)

Variation of conditions 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16 of P10W0093 to allow construction of the site access before agreement of pre commencement conditions. And the removal of condition 19.

[P10/W0094/LB](#) - Approved (06/06/2014)

Conversion of traditional buildings into office accommodation and three residential conversions.

[P10/W0093](#) - Approved (06/06/2014)

Conversion of traditional buildings into office accommodation and three residential conversions, and five new build residential units.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSEN2 - Green Belt protection
CSEN3 - Historic environment
CSH3 - Affordable housing
CSQ2 - Sustainable design and construction
CSQ3 - Design
CSR1 - Housing in villages
CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements
C8 - Adverse affect on protected species
C9 - Loss of landscape features
CON2 - Extensions to listed buildings
CON3 - Alteration to listed building
CON5 - Setting of listed building
CON7 - Proposals in a conservation area
D1 - Principles of good design
D10 - Waste Management
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
D7 - Access for all
E5 - Business, industrial, warehousing and storage proposals
EP1 - Adverse affect on people and environment
EP6 - Sustainable drainage
EP7 - Impact on ground water resources
G2 - Protect district from adverse development
G4 - Protection of Countryside
GB4 - Openness of Green Belt maintained
H4 - Housing sites in towns and larger villages outside Green Belt
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

5.3 Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Emerging South Oxfordshire Local Plan 2032. Policy H16 and Appendix 7

The Local Plan and supporting documents is being prepared for submission to the Secretary of State after which, a Planning Inspector will then be appointed to carry out an Independent Examination of the Local Plan. The Local Plan does not allocate sites for development in villages and instead devolves delivery of new houses in these locations to the Neighbourhood Plan process. In the emerging Local Plan Cuddesdon is classified as an “other” village. It is not generally expected that those settlements classified as “other villages” will be a significant source of housing supply, However, it is possible that some development proposals may come forward over the Plan period in these villages, such as single dwellings, infilling and conversions from other uses. Such proposals will be considered against the relevant policies in this Local Plan. The emerging Local Plan has limited weight at this stage

5.4 Neighbourhood Plan policies;

Cuddesdon and Denton Parish Council are working towards the adoption of a neighbourhood plan. The neighbourhood plan has limited weight at this stage.

Cuddesdon and Denton Parish Plan May 2010. The parish plan does not constitute a neighbourhood plan and has limited weight as a material consideration.

5.5 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.6 National Planning Policy Framework (NPPF)

Paragraph 14	Presumption in favour of sustainable development
Paragraph 17	Core planning principles
Paragraphs 47 and 49	Delivering a wide choice of high quality homes
Paragraphs 56, 57 and 61 to 66	Requiring good design
Section 9	Protecting Green Belt Land
Paragraph 95	Meeting the challenge of climate change
Paragraphs 128 to 134	Conserving the historic environment
Paragraphs 186 to 187	Decision taking
Paragraphs 203 to 206	Planning conditions

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.7 Planning (Listed Buildings and Conservation Areas) Act 1990: Section 66 and 72

6.0 PLANNING CONSIDERATIONS

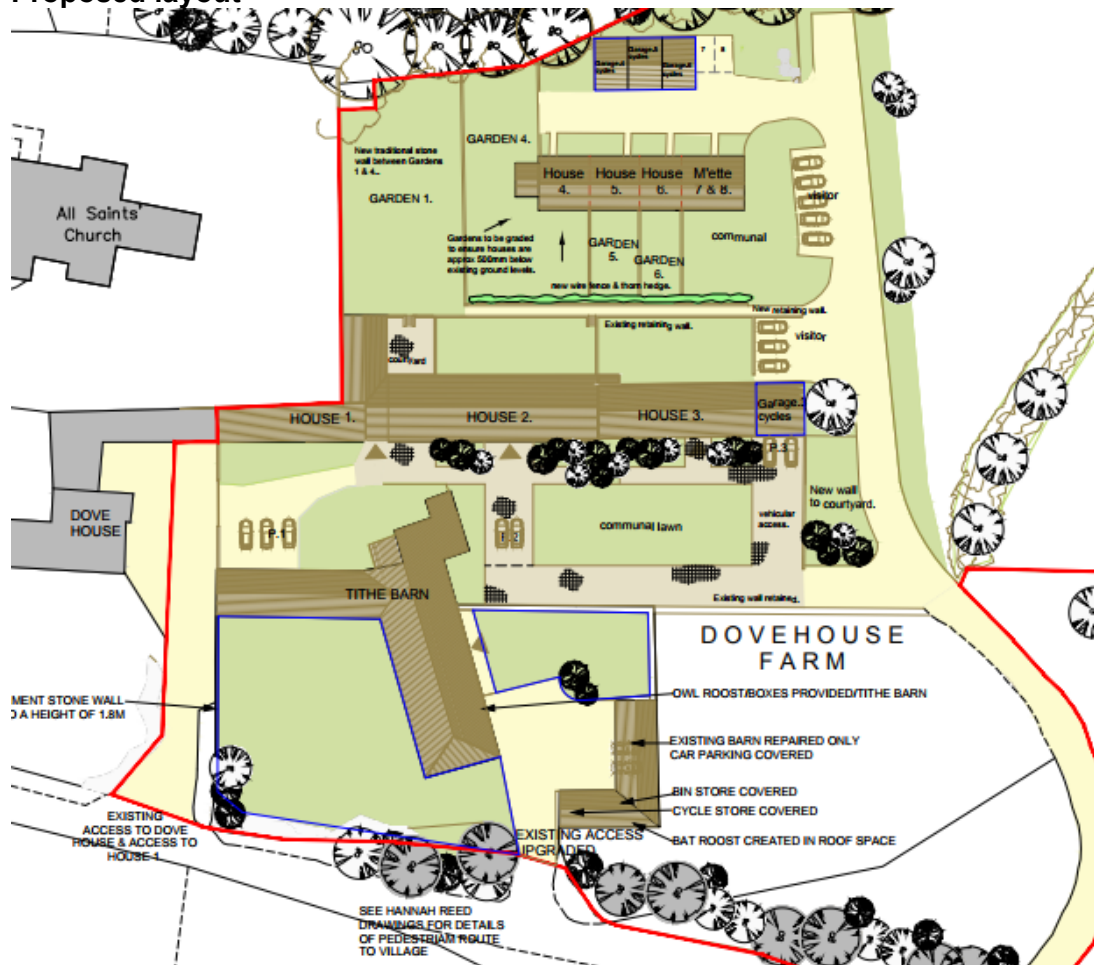
6.1 The main issues in this case are;

- Background
- Whether the principle of development is acceptable
- Green Belt impact
- H4 criteria
- Provision of gardens
- Mix of units
- Impact on setting of surrounding listed buildings
- Affordable housing
- CIL
- Other issues

- 6.2 **Background.** The history of the current planning permission and listed building consent has been complicated and this is reflected by the fact that the original planning permission and listed building consent took some four years to negotiate and bring forward an acceptable scheme. The approved layout is attached at **Appendix 3.**
- 6.3 Since the original planning permission and listed building consent were granted there has been a change in the threshold for small scale development schemes in respect of affordable housing and more detailed work has been carried out on the costings for the conversion of the tithe barn.
- 6.4 The proposed development is very similar to the extant planning permission, although the following amendments are proposed to support the viability of the scheme:
 a) The conversion of the Grade II Listed Tithe Barn to residential use instead of office use; and
 b) The provision of all new dwellings as ‘open market’.
- 6.5 **Principle.** In this case, but for the change set out above, the scheme is exactly the same as the previous planning permission which remains extant. The scheme now proposed reduces the amount of hard surfacing surrounding the tithe barn changing parking areas into garden. As such the principle of development has already been established in my view.
- 6.5 **Approved layout from P10/W0093**



6.6 Proposed layout



6.7 **Development in the Green Belt.** The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open – the most important attribute of Green Belts is their openness.

6.8 The requirement in the NPPF is that any redevelopment of existing sites would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In this case, but for the conversion of the Tithe barn to a residential use rather than for the approved offices, the scheme is exactly the same as the previous planning permission which remains extant. The scheme now proposed reduces the amount of hard surfacing surrounding the tithe barn changing parking areas into garden. The impact on the openness of the Green Belt is the same as the extant planning permission and is acceptable in my view.

6.9 Whilst the site is not a CSR1 site, the scheme has been assessed in terms of Policy H4 to ensure that the details are acceptable.

i. **That an important open space of public, environmental or ecological value is not lost;**

In my view the site is not an important open space of public value. Overall, the site is no longer required for agriculture; some of the buildings are in a poor state of repair and there are opportunities to enhance the character of the conservation area and setting of listed buildings.

- 6.10 **Ecology.** The site and all buildings have been subject to ecological surveys during 2017 including a series of bat surveys. The surveys have revealed the presence of low numbers of roosting common and soprano pipistrelle bats using two of the buildings. The proposals would cause impacts on the existing bat roosting sites and the works to these buildings will need to be conducted under an appropriate form of European Protected Species licence.
The Bat Survey Report contains details of proposed mitigation and enhancement measures which, if fully implemented under licence should ensure that the long term future of the local bat population at the site is assured.
A condition is recommended to ensure that the appropriate licencing is in place.
- 6.11 ii **Design, height and bulk in keeping with the surroundings;**
The character of the area is varied in terms of the layout, size and design of properties. The office and residential conversions of the barns is acceptable. The design of the new dwellings reflects design guide advice and result in traditional cottage style dwellings and is acceptable. The layout and design proposed would not be at odds with the varied character of the area.
- 6.12 iii **That the character of the area is not adversely affected;**
The overall built form on the site will be considerably reduced with the reduction of utilitarian farm buildings and the setting of the listed buildings (barn and church) and the character of the conservation area will be considerably enhanced.
- 6.13 iv **Amenity, environmental or highway/ parking objections;**
Highway issues. The access and parking arrangements are exactly the same as the extant planning permission but for the conversion of the Tithe barn to a residential use rather than for the approved offices. The scheme now proposed reduces the amount of hard surfacing surrounding the tithe barn changing parking areas into garden area. In terms of highway impact and parking the scheme remains acceptable and accords with the council's minimum standards. The proposal also includes works/improvements to the highway outside the site to provide for a new pavement to link the site to the rest of the village.
- 6.14 **Neighbour impact.** The neighbour impact of the proposed scheme is similar to the approved scheme. The main neighbours affected by the development is The Wall House, which will be adjacent to one of the barn conversions (house 1) which is largely single storey other than a rear wing which sides on to the graveyard. Given the orientation of buildings the residential conversion will have very little impact on the residential amenity of the Wall House. The tithe barn conversion will also have little impact because the building will effectively screen the access and parking area which are in a courtyard area away from the Wall House.
The back to back relationship between the new dwellings and the barns to be converted to residential is just below 25 metres. I do not however, consider that there will be unneighbourly overlooking because the barns (house 2 and 3) are single storey only with only 2 high level rooflights to light ground floor rooms. In addition, there is a drop in levels such that ground floor from the dwellings will be screened by fencing and first floor windows would look on to the barn roof. The privacy of the barn gardens would be secured by the higher fencing to the rear of the houses.
- 6.15 V) **Backland development issues.** The new dwellings would create backland development but this is no different from the extant scheme. The traffic associated with the proposed dwellings where they would be travelling at low speeds is unlikely to create unneighbourly levels of noise and disturbance and would be considerably less than the agricultural traffic.

- 6.16 **Provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in Policy D3 of the Local Plan. A minimum of 50 square metres of garden space is required for 2 bed properties and 100 square metres for three, four bed dwellings or above is required. Communal gardens for 1 bed units can be provided at 35 square metres per unit. All the gardens comply with the standards.
- 6.17 **Mix of units.** Policy CSH4 of the Adopted Core Strategy aims to provide a satisfactory mix of units to meet the requirements of the district's Housing Needs Survey. In this case three of the units are small with 2 no 1 bed flats and 1 no two bed dwelling the other new build units are 3 bedroom houses (2 units). The approved conversions are all 3 to 4 beds (study option available) and this scheme proposes an additional four bedroom barn conversion. As such the scheme is acceptable in my view.
- 6.18 **Setting of listed buildings.** The farmyard is centred around the substantial grade II listed barn and the complex is located within the historic core of the village of Cuddesdon, immediately adjacent to the grade I parish church. There are a number of other historic buildings that are of local interest on site including former stables and outbuildings, and a considerable number of twentieth century agricultural buildings that are not of architectural or historic interest.
- 6.19 All the listed buildings are designated heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
Paragraph 132 of the NPPF reflects this requirement, stating that 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. CON5 of SOLP is the relevant local plan policy used to secure appropriate development within the setting of listed buildings.
- 6.20 The only difference between the extant and proposed scheme is the proposed conversion of the tithe barn to a residential rather than an office conversion. The repair of the tithe barn is much welcomed and I agree that the building needs to be converted to a viable long term use. Evidence has been provided to suggest that this use should be residential. Residential conversion usually requires subdivision of internal volumes and more physical interventions which can conflict with significance.
- 6.21 This scheme does require the subdivision of the open space within the tithe barn but the contained pod concept overcomes the need to upgrade the shell of the historic building to meet building regulations. I accept the justification for the rooflights based on the need to light the internal spaces proposed and the fall-back position posed by the rooflights which existed on this building previously. On balance I consider that the low level of harm caused by the subdivision of the space and other alterations would be outweighed by the benefits associated with the long term viability of the historic buildings.

- 6.22 In my view this scheme is acceptable on the basis that the harm arising from this scheme to the listed building would be outweighed by both public benefits and other issues relating to the ongoing conservation and viability of heritage assets in accordance with paragraph 134 of the NPPF.
- 6.23 **Affordable housing.** The previous application was considered under the Policy CSH3 of the core strategy which seeks to achieve 40% of affordable housing on sites where there is a net gain of 3 houses. Policy CSH3 does allow for some leeway in respect of affordable housing provision where the viability of the scheme is an issue.
- 6.24 The existing planning permission (Ref: P10/W0093) on the site was granted in June 2014, there was a requirement to deliver three units as affordable homes in accordance with CSH3 and this provision was secured with a legal agreement. The permission has been implemented as basic works to the access have been carried out.
- 6.25 The current application proposes that the barn conversion to office element from the original scheme changes to a residential conversion increasing the number of units on site from 8 to 9. The applicant has made a case that the current approved scheme is not viable and are requesting that the affordable units are no longer required and that the legal agreement be varied accordingly.
- 6.26 It is worth noting that the thresholds for affordable housing have changed since the original planning permission. In May 2016 the Court of Appeal effectively re-instated the Government’s ministerial statement on affordable housing from November 2014. This means that developments of no more than 10 homes or where the gross floorspace not is less than 1,000 sq. m would be exempted from levies for affordable housing and tariff-based contributions. In this case, the number of units, at 9, is below the threshold of 11 but the conversion of the Tithe Barn to residential use will result in the creation of more than a 1,000 sqm of gross residential floorspace across the development, meaning that affordable housing threshold is triggered.
- 6.27 However, the applicants are making a viability argument as Policy CSH3 does allow for schemes not to deliver affordable housing if this would render the development unviable. The applicants have submitted a detailed viability study which demonstrates that the affordable housing element would need to be removed to support the redevelopment of the Site.
The viability study analyses 3 scenarios assuming a developer profit of 20% of Gross Development Value in accordance with the “*minimum generally acceptable profit level*” as suggested by the CIL Viability Study

Scenario 1: Existing Planning Consent	5 no. market dwellings (3 no. barn conversion, 2 no. build) 3 no. affordable dwellings (new build) 1 no. commercial unit (tithe barn conversion)
Scenario 2: Replacement of Affordable Housing with Open Market Housing	8 no. market dwellings (3 no. barn conversion, 5 no. build) 1 no. commercial unit (tithe barn conversion)
Scenario 3: Replacement of Affordable Housing and Commercial Element with Open Market Housing	9 no. market dwellings (3 no. barn conversion, 5 no. build, 1 no. tithe barn conversion)

Scenario 1 and 2 are shown to be unviable with only scenario 3 marginally crossing the benchmark threshold, rendering it the only viable option.

As such, it is my view that there are grounds to remove the requirement to provide affordable housing on the grounds of viability.

- 6.28 In addition to the viability issue, vacant buildings credit (VBC) is a relevant consideration. The VBC is designed to encourage and speed up the redevelopment of previously developed land which is more costly to develop than greenfield land. National policy on this is expressed in the PPG. At Paragraph: 021 Reference ID: 23b-021- 20160519 it states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 6.29 Affordable housing contributions will only be required for any increase in floorspace. Thus although local policy would appear to require 40% of the gain in dwellings (3.6 units) actually affordable housing can only be considered on any gain in floor space. In this case there is a loss of redundant barn floorspace of 861 square metres and therefore there is no increase in floorspace. As such this would cancel out the requirement to provide any affordable housing even if viability were not a factor. In the circumstances it is reasonable to vary the existing legal agreement to remove the requirement to provide affordable housing.
- 6.30 **Community Infrastructure Levy (CIL).** The council's CIL charging schedule has recently been adopted and will apply to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.
- 6.31 In this case CIL is liable for the whole development because it involves the creation of new dwellings. However, the amount of floor space being removed exceeds that being replaced and it accords with the requirements regarding use, CIL will not be payable. However, payments towards infrastructure improvements have already been secured through the existing legal agreement – see paragraph 6.32.
- 6.32 **Other issues.** The existing legal agreement requires a number of payments in respect of infrastructure improvements as follows:

The County Council considers that the cumulative effect of the applications forming this development will place additional strain on its existing community infrastructure. In order that improvements can be made towards the anticipated growth in population caused by this development, it therefore requests the Planning authority to require the developer to make contributions towards the following services as detailed:

	£
Education	36,536
Library	1,572
Waste Management	787
Museum Resource Centre	112
Social & Health Care	1,734
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TOTAL (non highway/transport)	40,741 Index-linked
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These payments will continue to apply as will the requirement to implement road improvements and works to the listed building. The legal agreement will only need to be varied in respect of the provision of affordable housing.

7.0 CONCLUSION

- 7.1 I recommend that planning permission is granted because, but for the conversion of the Tithe barn to residential rather than commercial, the scheme is exactly the same as the previous planning permission which remains extant.

Cuddesdon is classified as a settlement where limited infill development and redevelopment of existing sites is permitted in principle.

The new dwellings would replace former buildings which were considerably greater in scale and massing. The proposed buildings are designed and sited in a way that conserves the setting of the surrounding listed buildings and enhances the character of the conservation area; it also reduces the impact on the openness of the Green Belt.

The design and materials reflects local vernacular and building materials and does not detract from the wider character of the area, the setting of the conservation area or the setting of listed buildings. The site affords for sufficient amenity space and parking and does not result in a materially harmful unneighbourly impact to adjacent properties. Conditions are proposed relating to highway matters and materials.

The development will also fund important and necessary repairs and will secure the continued use of the listed building. All of these factors are considerable benefits. In other respects the development accords with the Development Plan policies subject to the recommended conditions.

- 7.2 I also recommend that listed building consent is granted because the development will fund important and necessary repairs and will secure the continued use of the listed building. The works are sympathetic to the character, fabric and setting of the buildings. The proposal accords with the Development Plan Policies subject to the recommended conditions.

8.0 RECOMMENDATION

- 8.1 **That planning permission is granted subject to a deed of variation on the legal agreement and the following conditions:**

1. Commencement three years - full planning permission.
2. Approved plans.
3. Demolish specified buildings.
4. Phasing plan for whole site.
5. Sample materials required (all).
6. Details of tithe barn conversion.
7. Driveways and turning areas to be provided.
8. Accesses to road to be provided.
9. Construction traffic management in accordance with approved document.
10. Roads and footpaths prior to occupation.
11. Contamination - (investigation).
12. Surface and foul water drainage works (details required).
13. Archaeological watching brief.
14. Implementation of programme or archaeological work.
15. External ducts and flues (details required).
16. Joinery details.
17. Bat licence.
18. Landscaping (access/hard standings/fencing/walls).
19. Vision splay protection.
20. No surface water drainage to highway.
21. Withdrawal of permitted development rights (Part 1 Class A) - no extensions etc.
22. Withdrawal of permitted development rights (Part 1 Class E) - no buildings etc.

8.2 That listed building consent is granted subject to the following conditions:

1. Commencement listed building consent three years.
2. Approved plans – listed building.
3. Samples of materials – all.
4. Materials for making good to match.
5. Details of tithe barn conversion.
6. Rooflights to be conservation style.
7. Works to match existing.

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