

<b>APPLICATION NO.</b>	<a href="#">P21/S2860/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	16.7.2021
<b>PARISH</b>	LITTLE MILTON
<b>WARD MEMBER(S)</b>	Caroline Newton
<b>APPLICANT</b>	Mrs Niki Cook
<b>SITE</b>	Land between The Plough House and Frogmore, Stadhampton Road, Little Milton, Oxfordshire, OX44 7QD
<b>PROPOSAL</b>	Replacement access. (As amended by updated description on the 20th of October 2021 and amended plans on the 25 <sup>th</sup> of November 2021)
<b>OFFICER</b>	Nathaniel Bamsey

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to planning committee because the Parish Council objects to the development and officers are recommending that planning permission is granted.
- 1.2 The application site is a piece of land to the south of the village of Little Milton. The location plan is as **attached** as Appendix 1. The site is between The Plough House to the north, Frogmore to the south west and Stadhampton Road (the A329) to the east. The site currently has a single vehicular access in its south western corner. The site is within the Oxford Green Belt, the Little Milton Conservation Area and both Frogmore and The Plough House are Grade II listed buildings.
- 1.3 This application seeks approval for a replacement access. The plan for the proposals is **attached** as Appendix 2. The replacement access is further east than the existing access which will be stopped up.
- 1.4 The application has been amended twice. First, the description was amended to make clearer that a replacement access was sought and not a new access and secondly an amended block plan was submitted again making clearer that the existing access is to be closed up and showing the vision splays for the new access. A re-consultation with neighbours and the Parish was not considered necessary as the amendments only clarified the proposals which were unchanged.
- 1.5 There is an extensive planning history on the site. The current access was allowed on appeal in 2007 (P06/W0226). This decision followed three previous refusals, in 2004, 1993 (as part of an application for three houses) and 1982. Appeals against the 2004 and 1993 refusals were dismissed. These previous decisions are material to the assessment of this application.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Little Milton Parish Council**

*‘Little Milton Parish Council RESOLVED at its meeting on 8 September 2021 to object to this application for the following reasons.*

1. *Safety. The extant access is not particularly safe, the proposal moves the access further along the road, where traffic is travelling faster.*

2. *The previous access was put in for agricultural purposes but there is no evidence the field has ever been used for this purpose.*
3. *The application does not set out plans to mitigate the loss of wildlife habitat and biodiversity.*
4. *There does not appear to be any reason to move the access unless it is part of a plan for future development on the site.'*

### **County Archaeological Services (OCC)**

*'The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.'*

### **Highways Liaison Officer (Oxfordshire County Council)**

No objection, subject to condition

*'I suggest the following conditions:*

*New vehicular access hereby permitted the proposed means of access onto Stadhampton Road is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.*

*Reason: In the interest of highway.*

*Vision splay protection*

*The vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.*

*Reason: In the interest of highway safety in accordance with Policy T1 of the South Oxfordshire Local Plan 2011.*

*Close existing access before the proposed access is first used, the existing access onto Stadhampton Road shall be permanently stopped up by the means of reinstatement of the highway verge and proposed planting to the approval of the Local Planning Authority and in accordance with the local highway authority's specifications. Thereafter the closed access shall not be used by any vehicular traffic whatsoever.*

*Reason: In the interest of highway safety in accordance with Policy T1 of the South Oxfordshire Local Plan 2011.*

*Informative*

*Works within the Highway*

*If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of a legal agreement between the applicant and Oxfordshire County Council. Any utilities that need to be moved, or impacted on, will have to be moved to a new location which is in line with standards and this will be at the applicants expense.'*

## Conservation Officer

*'The proposals would cause a low level of less than substantial harm to the setting of Plough House and the character and appearance of Little Milton Conservation Area.*

*As recognised by the previous appeal decisions, providing an access from Stadhampton Road to the field is harmful to the conservation area, as it erodes the rural character and the sequence of views upon entering the village. The last appeal decision however considered the approved access justified on account of there being no less harmful options available.*

*The greatest harm is caused by the necessary change in landform to provide a sufficient visibility splay which was required for the approved access and is also required for the proposed access. As these works are approved by the last appeal decision the additional harm caused by this application to the rural setting of the Plough House and the character and appearance of the conservation area would be low, caused by the closer proximity to the Plough House and the increased length of development.'*

## Neighbours

Objections (5)

- Loss of biodiversity
- Loss of orchids protected by the Wildlife and Countryside Act 1981
- Current access has never been used
- The applicant intends to build a house on the land (this is not a material consideration)
- Loss of landscaping planted as part of the permission for the existing access
- Increase to flooding risk
- Harm to setting of listed buildings and conservation areas
- Harm to highway safety
- Additional access is not necessary (a replacement access is sought, as clarified by amendments)

### 3.0 RELEVANT PLANNING HISTORY

#### 3.1 [P13/S3125/FUL](#) - Refused (02/12/2013)

The erection of a new residential dwelling and access.

[P06/W0226](#) - Refused (24/05/2006) - Appeal allowed (19/03/2007)

Creation of a new agricultural vehicular access.

[P04/W0766](#) - Refused (24/08/2004) - Appeal dismissed (29/04/2005)

Creation of new agricultural vehicular access. (As amplified by Agent's e-mail dated 20 August 2004).

[P93/N0511](#) - Refused (25/10/1993) - Appeal dismissed (20/07/1994)

3 detached houses with garage accommodation. Access.

[P82/N0338](#) - Refused (20/10/1982)

NEW ACCESS ONTO A329 WALLINGFORD TO THAME ROAD.

**4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

**5.0 POLICY & GUIDANCE**

**5.1 Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV6 - Historic Environment

ENV7 - Listed Buildings

ENV8 - Conservation Areas

ENV9 - Archaeology and Scheduled Monuments

EP4 - Flood Risk

STRAT6 - Green Belt

TRANS5 - Consideration of Development Proposals

**5.2 Little Milton Neighbourhood Plan**

LM1 - Spatial Strategy and Development Pattern

LM2 - Mitigation of Flood Risk

LM4 - Conservation of Heritage Assets

LM5 - Design and Character

LM6 - Biodiversity and Wildlife Corridors

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

**5.4 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

**5.5 Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)  
(P(LBCA)A)

In determining this application, the council has regard to its obligation to preserve the listed building or its setting or any features of special architectural and historic interest and/or to preserve or enhance the character and appearance of the conservation area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Green Belt**
- **Principle of the development**
- **Design, character, and heritage impacts**
- **Residential amenity**
- **Access and parking**
- **Other material planning considerations**

6.2 **Green Belt**

**Policy**

Policy STRAT6 requires protection of the Green Belt and its key functions from harmful development. Development is restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

**Discussion**

The NPPF outlines certain forms of development that will not be inappropriate development within the Green Belt. This includes engineering operations. S.336(1) of the Town and Country Planning Act 1990 (as amended) states that “engineering operations” includes the formation or laying out of means of access to highways’. Engineering operations are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

**Impact on openness**

The development proposes a one-for-one replacement of an existing access. The nature of the works would prevent any harm to openness as there is little impact both visually and spatially from moving the existing access and gate to the east and no other built development is proposed. There is no intensification of the use of the site so there will be no harm to openness from increased activity.

**Conflict with including land within Green Belt**

The NPPF outlines the purposes of including land within the Green Belt as:

- (a) to check the unrestricted sprawl of large built-up areas;
  - the development will not result in sprawl as no buildings are proposed
- (b) to prevent neighbouring towns merging into one another;
  - the development will not cause neighbouring towns to merge
- (c) to assist in safeguarding the countryside from encroachment.

the development is not considered to constitute an encroachment into the countryside as it is a replacement field access. This type of access is common in the countryside where agriculture dominates and there will not be urbanising effect.

(d) to preserve the setting and special character of historic towns; and

the development will have no impact on the setting or special character of a historic town

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

there will be no impact on urban regeneration

As outlined above, officers consider the proposed development would not conflict with any of the purposes of including land within the Green Belt.

The development will not harm the openness of the Green Belt nor conflict with the purposes of including land within. On this basis the replacement access is not inappropriate development in the Green Belt and it accords with policy STRAT6.

### 6.3 Principle of the development

This application seeks permission to replace the existing access. As a one-for-one replacement, officers consider the principle of the development to be acceptable subject to compliance with other relevant development plan policies.

### 6.4 Design, character, and heritage impacts

#### Policy

Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.

Policy ENV1 seeks to protect South Oxfordshire's landscape, countryside, and rural areas against harmful development by requiring development to protect and, where possible enhance, features that contribute to the nature and quality of South Oxfordshire's landscapes.

Policy ENV7 requires proposals for development affecting the setting of a listed building to conserve, enhance or better reveal those elements which contribute to the heritage significance. Policy ENV8 relates to development within conservation areas and requires development to preserve or enhance the area's special interest, character, setting and appearance.

Policy LM4 of the Neighbourhood Plan supports development that conserves and enhances Little Milton's heritage assets. Development within the Historic Core as identified by the Plan should maintain the variety of styles, design, materials, and layout

characteristic of the historic core area including the subdued colour scheme and informal layout of roads, lanes, and paths.

Policy LM5 of the Neighbourhood Plan states that new development should reflect the character of Little Milton. Several criteria are given against which development will be judged including the form and scale of the buildings reflecting the near-by street scene, buildings being set back from the street to create visual interest and on-plot parking not detracting from the street scene.

### **Discussion**

The 2004 application for a new access was dismissed on appeal. That application proposed significant works to the bank to create 90m vision splays and the Inspector considered that this would introduce an alien feature into the conservation area that would harm its appearance. The Inspector found that 90m vision splays were not necessary in this location due to traffic calming measures in the vicinity.

Following this dismissed appeal, an amended application was submitted in 2006 which proposed 60m vision splays as opposed to 90m. The reduced vision splay length greatly reduced the extent of regrading of the bank that was required, and the length of straight fence was similarly reduced. This application was again refused by the Council. However, the Inspector allowed the appeal as they were satisfied that 'there are no other less intrusive options available' and the works were 'the minimum required to provide a vehicular access to the site'. They therefore concluded that the development would not harm visual amenity nor heritage assets.

Despite the fact the Inspector found that no other less intrusive access was possible, the conservation officer considers that as no additional works to the bank are proposed (save from re-grading the section where the access is proposed), the additional harm from these proposals is limited to the closer proximity to the Plough House and the increased length of development. They consider that this results in 'a low level of less than substantial harm' to the character and appearance of the conservation area and the setting of The Plough House.

Paragraph 202 of the NPPF and policies ENV7 & ENV8 state that when a development proposal would result in less than significant harm to the significance of a heritage asset 'this harm should be weighed against the public benefits of the proposal'. An assessment as to whether the public benefits outweigh the harm to heritage assets is considered in the planning balance at the end of this report.

The development will involve the loss of a section of hedgerow. This hedgerow contributes to local character, but the small size of the section lost is considered to prevent significant harm to visual amenity. A condition is recommended requiring a hedgerow to be planted across the existing access to mitigate for the loss of the section of hedgerow and to give enclosure to the street scene.

To sum up, the development will cause a low level of less than substantial harm to the setting of The Plough House and the character and appearance of the conservation area. As per paragraph 202 of the NPPF and policies ENV7 & ENV8, for the development to accord with these policies, this harm must be outweighed by public benefits of the development.

The PPG defines public benefits as follows:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

In officers' view, repositioning of the access can be viewed as a public benefit. The highway impacts of the development are assessed elsewhere in this report, but the authority considers the new access as safer, so the development contributes to achieving the social objective of sustainable development. The benefit is public as despite it being a private access, it affects the public highway and highway safety.

The safer access to the site could also bring it back into agricultural use for grazing. The Neighbourhood Plan shows the land is identified as Grade 2 (Very Good) by the Agricultural Land Classifications from Natural England. Paragraph 174 of the NPPF states that planning decisions should take account of 'the economic and other benefits of the best and most versatile agricultural land'. Therefore, bringing this land back into agricultural use is a public benefit as the benefits of the best agricultural land, economic or otherwise, are resurrected.

## 6.5 Residential amenity

### Policy

Policy DES6 requires development proposals to demonstrate that they will not significantly impact the amenity of neighbouring uses in relation to loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.

### Discussion

The distance to neighbouring properties from the proposed access will prevent harm to their amenity through increased noise and disturbance and moving the access away from Frogmore could reduce this. Therefore, the development is considered to accord with policy DES6.

## 6.6 Access and parking

### Policy

Policy TRANS5 requires development proposals to provide for a safe and convenient access for all users to the highway network, provide cycle parking where relevant, be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment, be designed to enable charging of plug-in and other lower emission vehicles, provide for loading, unloading, circulation and turning space and provide for the parking of vehicles in accordance with Oxfordshire County Council (OCC) parking standards, unless specific evidence is provided to justify otherwise.

## Discussion

The applicant submits that the current access does not offer sufficient vision splays and that the proposed location would be safer. It is suggested that this position has previously been agreed with a highways officer from OCC.

The highways liaison officer was consulted on this application and they agree that the current access does not accord with current standards and, subject to conditions requiring the new access to be built to OCC standards, vision splays being kept free of obstruction and the existing access being stopped up they have no objection. All three of these conditions are necessary and reasonable to ensure there will be no harm to highway safety from the development.

A telecommunications cabinet has recently been installed close to the proposed access. The applicant believes that this has been installed on their land in error without their consent. In any case, the highways officer is satisfied that provided it is made clear that it is the applicant's responsibility to move any obstructions in the proposed vision splays they have no objection. A condition is recommended requiring the cabinet to be moved prior to the first use of the access if it is within the vision splays.

Subject to the recommended conditions, officers consider that there will be no harm to highway safety and the application complies with policy TRANS5.

## 6.7 Other material planning considerations

### Biodiversity

#### Policy

Policy ENV2 states that development likely to result, either directly or indirectly to the loss, deterioration or harm to legally protected species or important or ancient hedges or hedgerows will only be permitted if the need for, and benefits of the development in the proposed location outweighs the adverse effect on the interests; it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the interests; and measures are provided that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development.

Policy ENV3 supports development that will conserve, restore and enhance biodiversity in the district. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

Policy LM6 of the Neighbourhood Plan states that development proposals should maintain and enhance existing on-site biodiversity assets, delivering biodiversity 'net gain' in line with the Development Plan and provide for wildlife needs on site where possible. Where appropriate, on site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.

### Discussion

Several residents have raised concerns about the impact of the development on some orchids that are growing in the highway verge. The council's ecology officer has confirmed that whilst all wildflowers benefit from some level of protection under Section 13 the Wildlife and Countryside Act 1981 (WCA) none of the species identified on the

road verge are in Schedule 8 of the WCA, which gives additional legal protection. It is not an offence for the landowner, or their contractors, to destroy those flowers. Therefore, it would not be reasonable to refuse the application on this basis.

The loss of the section of hedgerow will result in a loss of biodiversity as hedgerows provide a habitat and food that support a number of species. This loss will be mitigated through requiring a hedge to be planted across the existing access which will ensure there is no net loss of biodiversity from the development. As there is no net loss of biodiversity and no protected species or habitats will be harmed, officers consider that the application complies with policies ENV2, ENV3 & LM6 of the development plan.

## **Flooding**

### **Policy**

Policy EP4 seeks to minimise the risk and impact of flooding by directing new development to areas with the lowest probability of flooding, ensuring that all new development addresses the effective management of all sources of flood risk and ensuring that development does not increase the risk of flooding elsewhere. A Site-Specific Flood Risk Assessment (SSFRA) should be provided for all development in Flood Zones 2 and 3. Development will be required to provide a drainage strategy that should include sustainable drainage systems.

Policy LM2 of the Neighbourhood Plan seeks to minimise the risk and impact of flooding through directing new development to areas with the lowest probability of flooding, ensuring that all new development addresses the effective management of all sources of flood risk, and ensuring that development does not increase the risk of flooding elsewhere.

### **Discussion**

Stadhampton Road is identified as an area at increased risk of surface water flooding. As the proposed development is for a replacement access and no other development or change of use is proposed, there will be no increased risk from flooding. The new access will not increase the risk of flooding elsewhere as the condition requiring the new access to meet OCC standards will include management of run-off.

As the development will not be at risk from flooding nor increase the risk elsewhere it is held that the application complies with policies EP4 & LM2.

#### **6.8 Community Infrastructure Levy (CIL)**

The development is not CIL liable.

#### **6.9 Pre-commencement conditions**

No pre-commencement conditions are recommended so the agreement of the applicant/agent is not required.

#### **6.10 Planning balance**

For the reasons outlined above, the development is considered to cause a low level of less than substantial harm to the setting of The Plough House and the character and appearance of the conservation area. Paragraph 202 of the NPPF and policies ENV7 & ENV8 requires this harm to be weighed against the public benefits of the proposals.

The lack of harm to neighbours, biodiversity and flooding are neutral factors that attract limited weight. However, in officers view, the public benefits of increasing highway safety and bringing the site back into agricultural use are, when taken together, considered to outweigh the low level of less than substantial harm to heritage assets. Therefore, on balance, the development is considered to accord with policies ENV7 & 8 and the NPPF.

**7.0 CONCLUSION**

7.1 Your officers recommend that planning permission is granted because the development is acceptable in principle and it is not inappropriate development in the Green Belt. There will be no harm to neighbours, flooding nor biodiversity but it is considered there will be a low level of less than substantial harm to the significance of heritage assets. officers consider that this harm is outweighed by the public benefits of the proposals, namely the improvement in highway safety and the bringing back into use high grade agricultural land. Therefore, on balance the development is considered to accord with the relevant policies of the adopted development plan and the NPPF.

**8.0 RECOMMENDATION to grant planning permission subject to the following conditions:**

**8.1 Planning Permission**

- 1 : Commencement three years - Full Planning Permission**
- 2 : Approved plans**
- 3 : New vehicular access**
- 4 : New hedge required**
- 5 : Close existing access**
- 6 : Access and Vision Splays**
- 7 : Vision splay protection**

**Informative re Works within the Highway**

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