

**LITTLE MILTON NEIGHBOURHOOD DEVELOPMENT PLAN  
BACKGROUND EVIDENCE STUDIES  
PART 2**

**PLANNING FACTORS**

**April 2017**

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## INTRODUCTION

Three major planning factors influence any new development proposals in the Little Milton Neighbourhood Development Plan area:

1. Oxford City **Green Belt** which covers all land west of the main A329 and effectively cuts the village in half in planning terms
2. **Conservation Area** which covers the historic core of the village and all the listed buildings and those of historic interest
3. **Flood risk areas** – areas of medium to high risk of flooding in the southern and western parts of the parish

Three other important factors also need to be considered:

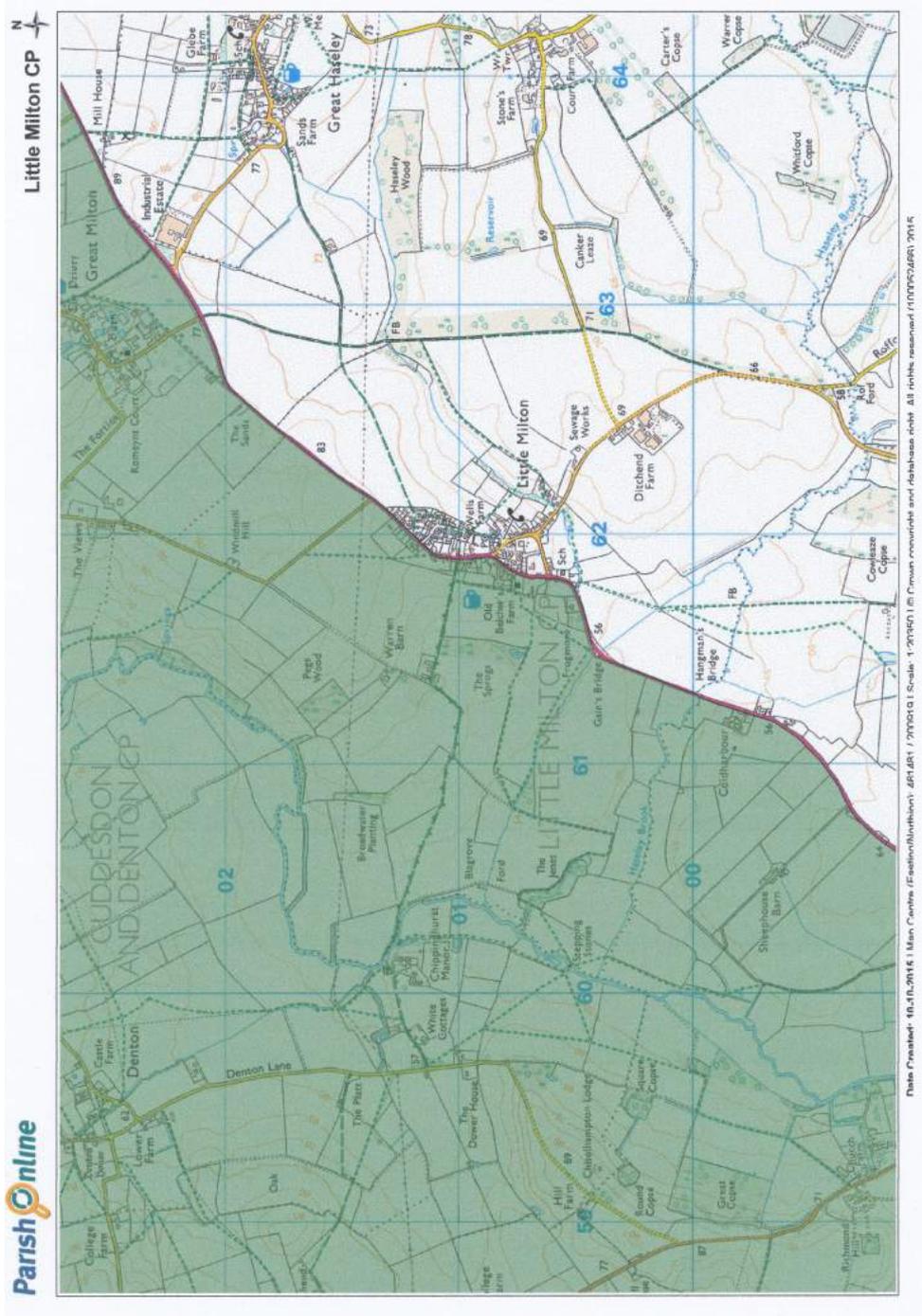
4. **High grade agricultural land** – Grade 1 or 2 agricultural land surrounds much of the village. See *Part 4 Environmental Factors* for details
5. **BBOWT Nature Reserve** – whilst not a planning factor per se, the terms under which BBOWT holds the land which forms the Nature Reserve prohibits development on that land. See *Part 4 Environmental Factors* for details
6. **Safe Access to Main Roads** – a factor to be considered in many parts of the village

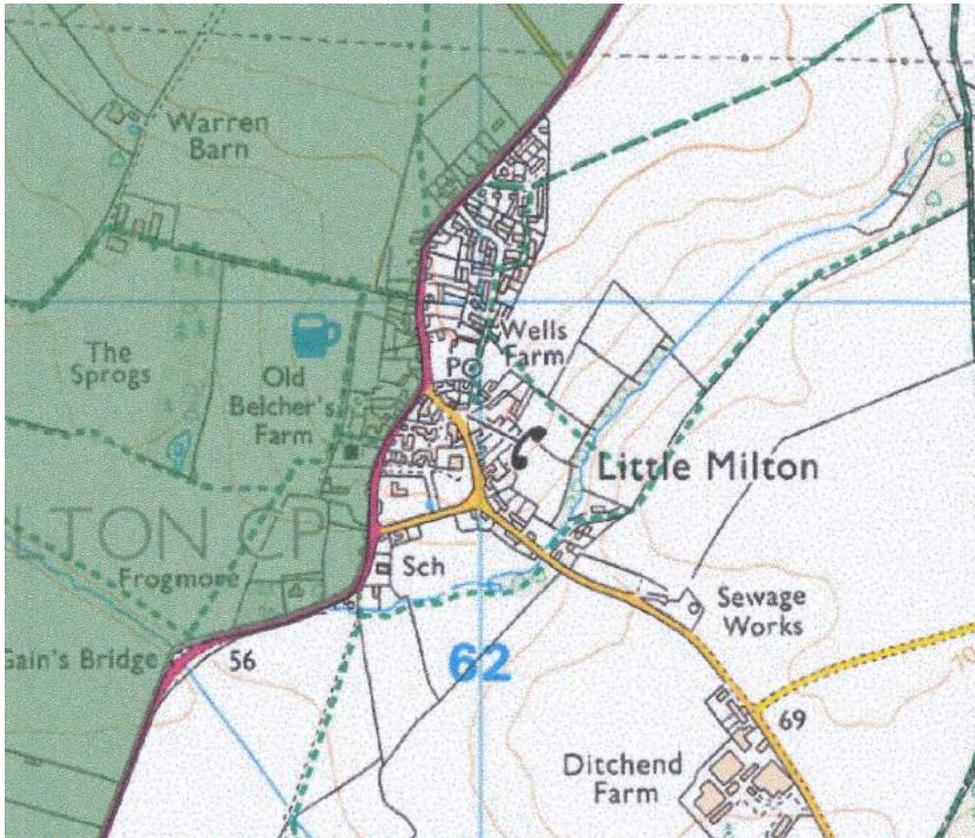
There are many other planning national or local planning policies which may need to be taken into account when considering individual development proposals in Little Milton. The above have been identified as being of particular importance in shaping appropriate and sustainable development in our village. They are therefore worthy of consideration in some detail so that the key evidence against which to consider future development proposals is available in a single source.

*Part 3 – Planning History* contains details of the planning history of locations in the village which have previously been offered for development but where development has not progressed for various reasons.

# GREEN BELT

All land in the parish which lies to the west of the A329 is within the Oxford Green Belt as shown on the following maps:





National Policy as of May 2017 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt<sup>1</sup>. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which 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.

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1 NPPF 89

This national policy is supported by SODC's policies on the Green Belt which were stated originally in their *Core Strategy 2012* as follows:

**Policy CSEN2 Green Belt**

The special character and landscape setting of Oxford will be protected by the Oxford Green Belt...

Policy CSR1 allows for limited amounts of new housing through infilling in some Green Belt villages; however planning permission will not be granted for development within the Oxford Green Belt that is contrary to national policy guidance in the NPPF and the purposes of including land within the Green Belt.

**Policy CSR1**, as applied to Little Milton, stated:

Infill allowed – 5-6 houses on sites up to 0.2ha (approx 45m x 45m)
Affordable housing may be built on small rural exception sites, but only for those people with a local connection and if a need is identified

CSR1 also stated that rural exception sites are small sites for affordable housing within or adjacent to villages where housing would not normally be permitted.

*SODC's Local Plan 2<sup>nd</sup> Preferred Options March 2017<sup>2</sup>* states:

In 1992 the Central Oxfordshire Local Plan defined the boundaries of the Green Belt within South Oxfordshire. This Local Plan proposes to alter these Green Belt boundaries to accommodate development.....

The five purposes of the Green Belt are to:

- Check the unrestricted sprawl of large built-up areas
- Prevent neighbouring towns merging into one another
- Assist in safeguarding the countryside from encroachment
- Preserve the setting and special character of historic towns (such as Oxford)
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land

We will give great weight to protecting the Green Belt when considering any planning application. Only appropriate development will be permitted in the Green Belt; inappropriate development will only be permitted in very special circumstances.

Appropriate development within or adjacent to the Green Belt should be carefully designed and sited to protect the positive characteristics of the Green Belt and landscape.

SODC has carried out a recent review of the local Green Belt<sup>3</sup>. That report concluded, amongst other things, that:

- The Local Green Belt Study confirms the generally very high level to which the Green Belt, as designated between 1955 and 1992, still retains its openness and meets the five criteria set out in the NPPF. This demonstrates the success of the Green Belt policies in establishing a level of permanence to the Green Belt over these years.
- However the Green Belt was approved to prevent damage to the rural setting of City of Oxford and the neighbouring towns through indiscriminate development in the light of a

2 SODC's Local Plan 2<sup>nd</sup> Preferred Options March 2017 – paras 8.10-8.13

3 LOCAL GREEN BELT STUDY for SODC - FINAL REPORT 14 SEPTEMBER 2015

high demand for new housing at the time. This situation has now again arisen with a huge demand for housing within Oxfordshire and in particular to serve Oxford City.

- The Local Green Belt Study seeks to assist in identify land either on the south-eastern fringes of Oxford and around the main settlements of South Oxfordshire or on previously developed land which might be considered as potentially suitable for future development without harm to the purposes of the Green Belt.

The report also noted that:

The Oxford Green Belt within South Oxfordshire washes over\*\* several smaller settlements with only the town of Wheatley inset\*\*\* into the Green Belt. A list of 22 settlements [which includes Little Milton] have been reviewed and tested against the purposes of the Green Belt. These settlements have been assessed as to whether they have (1) an open character; and (2) whether that open character makes an important contribution to the openness of the Green Belt.

\*\* Washes over = Villages within a designated green belt which are not subject to specific proposals to extend the village boundary for development<sup>4</sup>.

\*\*\* Inset = A village that is 'inset' from the Green Belt or other countryside protection policies on the proposals map, sometimes allowing appropriate development<sup>5</sup>

The study considered the land which forms the eastern edge of the Green Belt and noted that 'The parcel [05a] is largely undeveloped and important vale landscape west of the Chilterns.... In the south, the parcel separates Great Milton from Little Milton. Great Milton and Little Milton form part of an historic settlement pattern that contributes to the character on the landscape setting of Oxford City.'

Overall, Little Milton was assessed in the study as follows:

Landscape Character	North part: Undulating clay vales landscape type within The Clay Vale; South part: Undulating semi-enclosed landscape type within Clay Vale
Presence of Open Character	Western part of village in the Green Belt only; Fragmented nuclear settlement; Low density with some backland development; Open space and gardens with trees break up the bulk form; Contrast with very open landscape around village
Contribution to openness of the Green Belt	Small scale and generally rural in character; Soft open curtilages of the built form contribute to the local character; Not typical of the surrounding landscape; Sense of remoteness away from urban influences
Recommend	Consider revised boundary to Green Belt to include or exclude whole village; Continue as washed over settlement
Comment	Not clear why village split in half by Green Belt boundary

SODC re-affirmed their policy towards the Green Belt in the *Local Plan 2032 Preferred Options June 2016* which stated:

4 Planning Portal definitions

5 Planning Portal definitions

Through careful management of the Oxford Green Belt we will have protected the important setting of Oxford whilst also making appropriate provision for housing, business growth and both urban and rural regeneration.

[An objective is to] Protect and enhance the natural environment, including biodiversity, the landscape, green infrastructure and our waterways, placing particular importance on the value of the Oxford Green Belt

In refusing planning applications in the Green Belt, SODC has stated as follows:

That the site lies within the Oxford Green Belt, where there is a general presumption against new development in order to conserve the special and historic character of the City and to preserve the countryside outside it. The National Planning Policy Framework (NPPF) directs that the construction of new buildings in the Green Belt should be regarded as inappropriate development, save for a number of exceptions... The proposal therefore represents inappropriate development within the Green Belt which is harmful by definition and no very special circumstances exist that would outweigh the harm to the openness and visual amenity of the Green Belt. The development is therefore contrary to Policy GB4 of the South Oxfordshire Local Plan, Policy CSEN2 of the South Oxfordshire Core Strategy and to the principles of the National Planning Policy Framework.

### **New development which is permitted in the Green Belt in Little Milton**

Little Milton is a 'washed over' village and Green Belt policies apply to all land in the parish which lies west of the main A329. Thus new development is only permitted for the exceptional reasons given.

Within that Green Belt land, as outlined above, national policy allows limited infilling, and limited affordable housing for local community needs under policies set out in the Local Plan.

Infill development is defined in the District Council's *Core Strategy 2012* as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. Such sites are defined as not exceeding 0.2 Ha. The *Local Plan 2033 2<sup>nd</sup> Preferred Options* confirms this definition<sup>6</sup> but is silent on the matter of infill site size. Policy is stated as follows:

#### Policy H18 – Infill Development

Proposals for housing on sites within the built-up areas of the towns and villages will be permitted provided that:

- i) An important open space of public, environmental or ecological value is not lost, nor an important public view spoilt
- ii) If the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement
- iii) It does not conflict with other policies in the Development plan.

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6 SODC Local Plan 2033 2<sup>nd</sup> Preferred Options March 2017 - Glossary

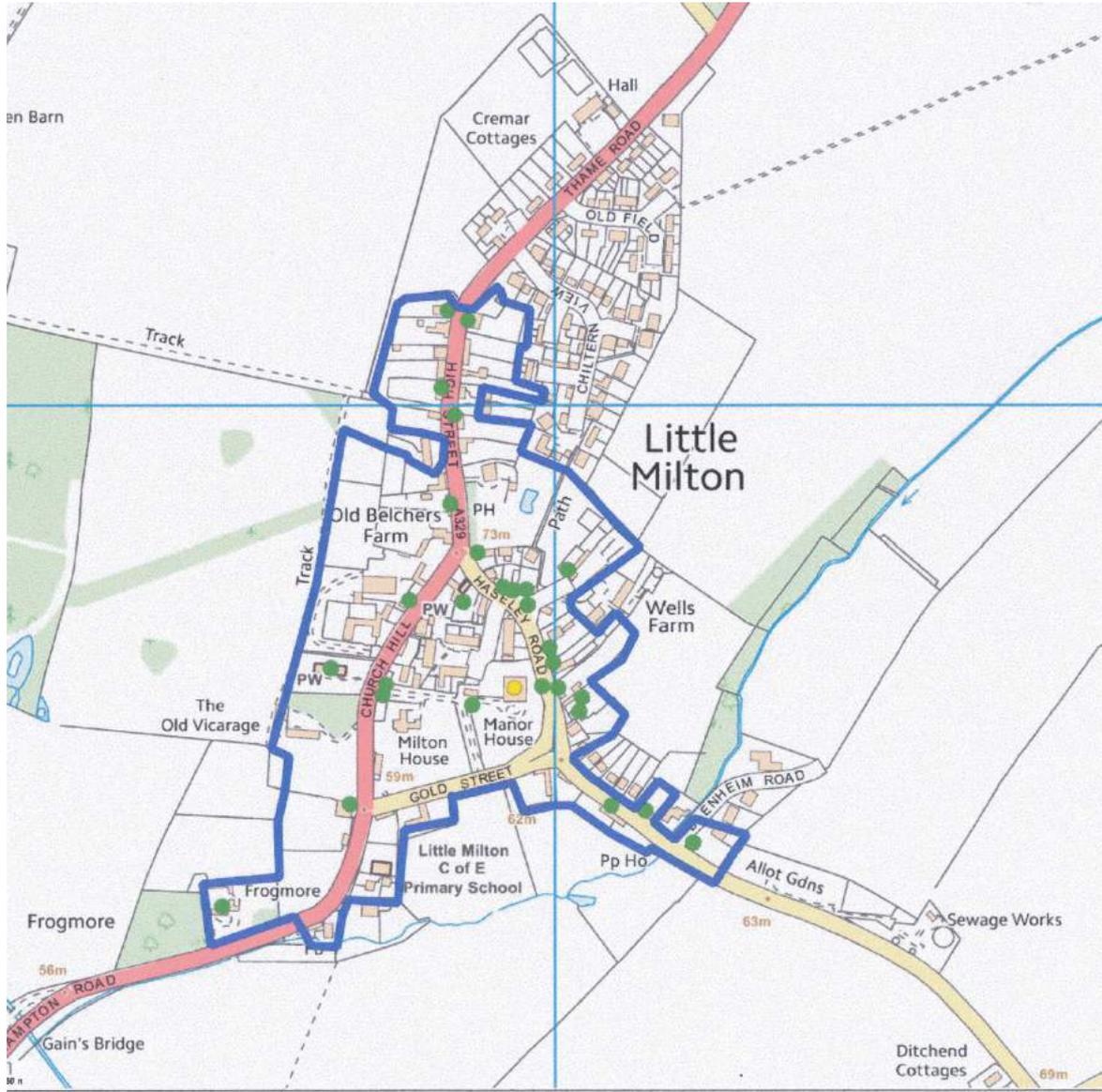
Affordable housing may be built on small rural exception sites within the Green Belt, but only for those people with a local connection and if a need is identified. A local connection is defined by the Local Authority<sup>7</sup> as follows:

- current and permanent residence of choice, for at least six months
- previous residence of choice for either six months out of the last twelve or three years out of the last five
- current, permanent employment that is more than 15 hours per week
- current residence of choice of close family member for at least five
- years. Family members are defined as parent, adult children and siblings.

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<sup>7</sup> South Oxfordshire District Council Housing Allocations Policy 2013

## CONSERVATION AREA



The historic core of the village is a conservation area<sup>8</sup>, outlined in blue on the above map. The green dots show the listed buildings. Note that all listed buildings and buildings of historic interest lie within the conservation area.

National policy<sup>9</sup> states:

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

<sup>8</sup> Little Milton Conservation Area Designated 11 December 1984

<sup>9</sup> NPPF Section 126

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Also<sup>10</sup>:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

SODC's information on Conservation Areas<sup>11</sup> states as follows:

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Section 69 of The 1990 Planning (Listed Buildings and Conservation Areas) Act).

The main attributes that define the special character of an area are its physical appearance and history, i.e. the form and features of buildings and the spaces between them, their former uses and historical development. Where there are a number of periods of historical development, the character of individual parts of the conservation area may differ. Contrasts between the appearance of areas and the combination of buildings of various ages, materials and styles may contribute to its special character.

In some instances, areas that either contribute little, or are even detrimental to the character of the conservation area, are included within the boundary because of their potential for enhancement. It is important that the council carefully balances the benefits of potential enhancement against the possibility that the inclusion of such areas may be perceived as devaluing the status of the conservation area as a whole.

#### **The effects of conservation area status**

The main purpose of conservation area designation is to acknowledge the special character of an area. This influences the way in which the council, as the local planning authority, deals with planning applications that may affect the area. Within conservation areas, permitted development rights are restricted. This means that applications for planning permission are required for certain types of work that would not normally need consent.

The principal way in which the local planning authority tries to influence change in a conservation area is through the planning process. Certain categories of work need planning permission when they affect buildings or structures in a conservation area.

Listed below are examples of types of development that require applications for planning permission or conservation area consent. Please bear in mind that the list is not exhaustive.

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10 NPPF Section 129

11 SODC website – what is a conservation area?

- Demolition of all, and in some cases part, of any building or structure.
- An extension that extends beyond the side wall of the building.
- Any two storey extension.
- Cladding any part of the outside of a building with materials such as stone, artificial stone, timber, plastic or tile.
- Any enlargement or extension to a roof, such as the addition of a dormer window.
- An extension or alteration to any structure within the grounds of a building, if it is to the side of the house.
- The installation of a flue, chimney or soil and vent pipe if it would face a road and is on the side or front of the building.
- Positioning a satellite dish on a wall, roof or chimney that faces a road or public space.
- Solar panels on a wall that faces the road.
- Tighter controls over advertisements.
- Trees within conservation areas with stem diameters of 75mm or greater, measured at 1.5m above ground are protected. Anyone wishing to work on these trees must normally give six weeks written notice to the Local Authority. Replacement planting duties may apply.

SODC's *Local Plan 2033 2<sup>nd</sup> Preferred Options March 2017*<sup>12</sup> states:

Permission will only be granted for development which preserves or enhances the special character or appearance of the Conservation Area or its setting. The special characteristics of the Conservation Area (such as existing walls, buildings, trees, hedges, open spaces and important views, burgage plots, traditional shop fronts and signs, farm groups, medieval town scapes, archaeological features, etc.) should be preserved. Where harm to significance is caused, a balanced judgement will be made with regard to the level of harm against demonstrable benefits. In addition, new development must be designed in scale and sympathy either using traditional materials or contemporary materials appropriate to the Conservation Area. Development should be in accordance with South Oxfordshire's Design Guide.

There is a history of new development proposals in Little Milton being assessed against the requirements of the conservation area. The refusal of a proposal which lay with the conservation area stated:

The site lies within the Little Milton Conservation area and is an important open space between the listed [adjacent] buildings as often happens in low-density rural villages and the openness contributes to the character of the conservation area. Development on the site would harm the character of the conservation area, the landscape setting of the village and the setting of the adjacent listed buildings<sup>13</sup>.

There has been one new house built in the conservation area since the area was designated in 1984, namely Holly Cottage in the High Street. This cottage was built of materials which matched adjacent properties. The planning application and consent<sup>14</sup> were silent on the matter of the conservation area.

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12SODC's *Local Plan 2033 2<sup>nd</sup> Preferred Options March 2017* Policy ENV9

13 P13/S3125/FUL

14 P87/N0098

## Conservation Area Buffer Zone

The refusals of new development proposals for two sites immediately adjacent to the conservation area stated:

The proposal would also detract from the setting of the two listed buildings referred to above and neither preserve nor enhance the character and appearance of the Conservation Area<sup>15</sup>.

The site adjoins the Little Milton Conservation Area. It is an open agricultural field and contributes to the rural character and appearance of the entrance to the village and provides for a setting to the conservation area. The development of the field with the erection of a two storey house and associated domestic paraphernalia will significantly alter the character of the area and detract from the setting of the Little Milton Conservation Area contrary to Policy CSEN3<sup>16</sup>.

In addition<sup>17</sup>:

It is considered that the proposal will result in the loss of an important gap that acts as a buffer between the older part of the village and the more modern housing to the north east. This open rural gap is essential to preserving the setting and character of Little Milton village and the Conservation Area generally.

The Conservation Area 'Buffer Zone' therefore consists of a band of land adjacent to the Conservation Area where inappropriate development would:

- Harm the character of the Conservation Area and/or
- Harm the landscape setting of the village and/or
- Harm the setting, where applicable, of adjacent listed buildings

This buffer zone cannot be defined in terms of being so many metres deep but is rather a strip of land which runs around the boundary of the Conservation Area whose depth at any one point will depend upon:

- the nature of the development proposed
- the character of the Conservation Area in the vicinity of the proposed development
- the proximity and nature of any listed buildings
- the landscape setting of the area

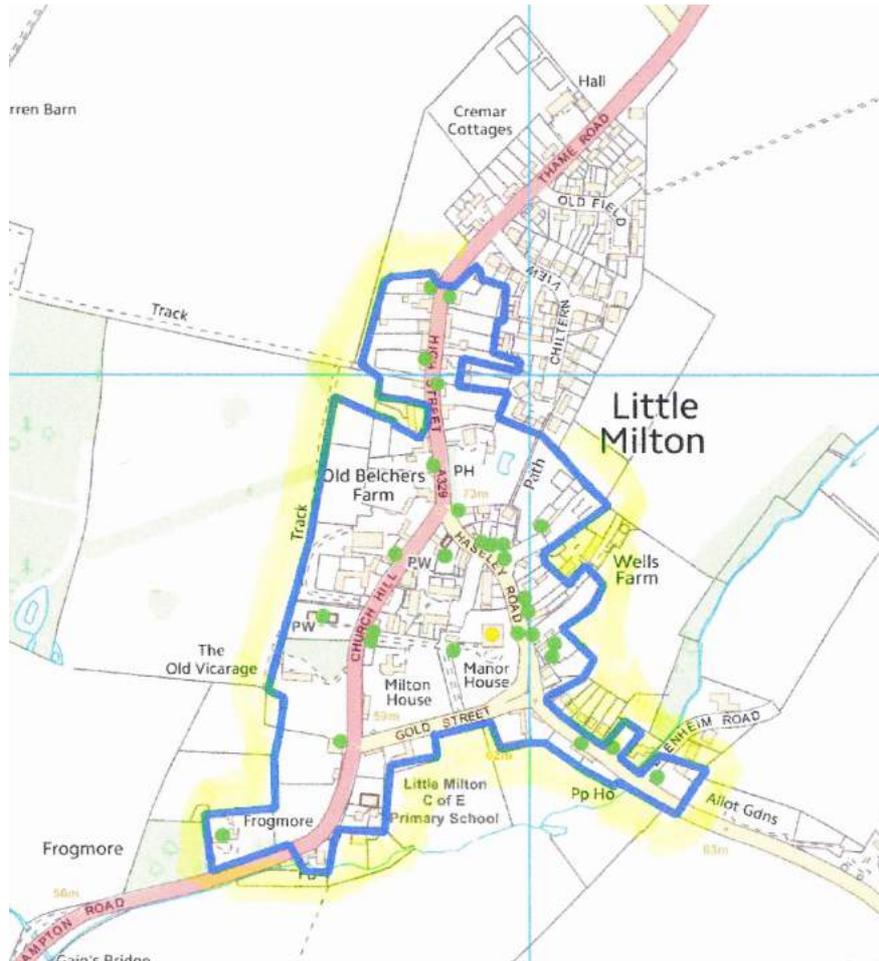
The yellow-shaded area on the map below shows an approximation of where buffer zone considerations will impact on development proposals.

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15 P03/N0060

16 P13/S194/FUL

17 P03/N0060



### **New development which is permitted in or adjacent to the Conservation Area in Little Milton**

A conservation area is designated in order to protect the existing historic environment. Development proposals are judged on their impact on that environment. In principle, new build is allowed in a conservation area but any proposal would need to demonstrate that there would be no harm to the character of the conservation area, the landscape setting of the village and the setting of the adjacent listed buildings.

Similar considerations apply to development proposals adjacent to the conservation area.

## FLOOD RISK

National Policy<sup>18</sup> states:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Also<sup>19</sup>:

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Planning Practice Guidance<sup>20</sup> states:

When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

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18 NPPF Section 100

19 NPPF Section 103

20 PPG – Flood Risk and Coastal Change

Flood Zones and Flood Risk are defined as follows<sup>21</sup>:

These Flood Zones refer to the probability of river and sea flooding, ignoring the presence of defences.

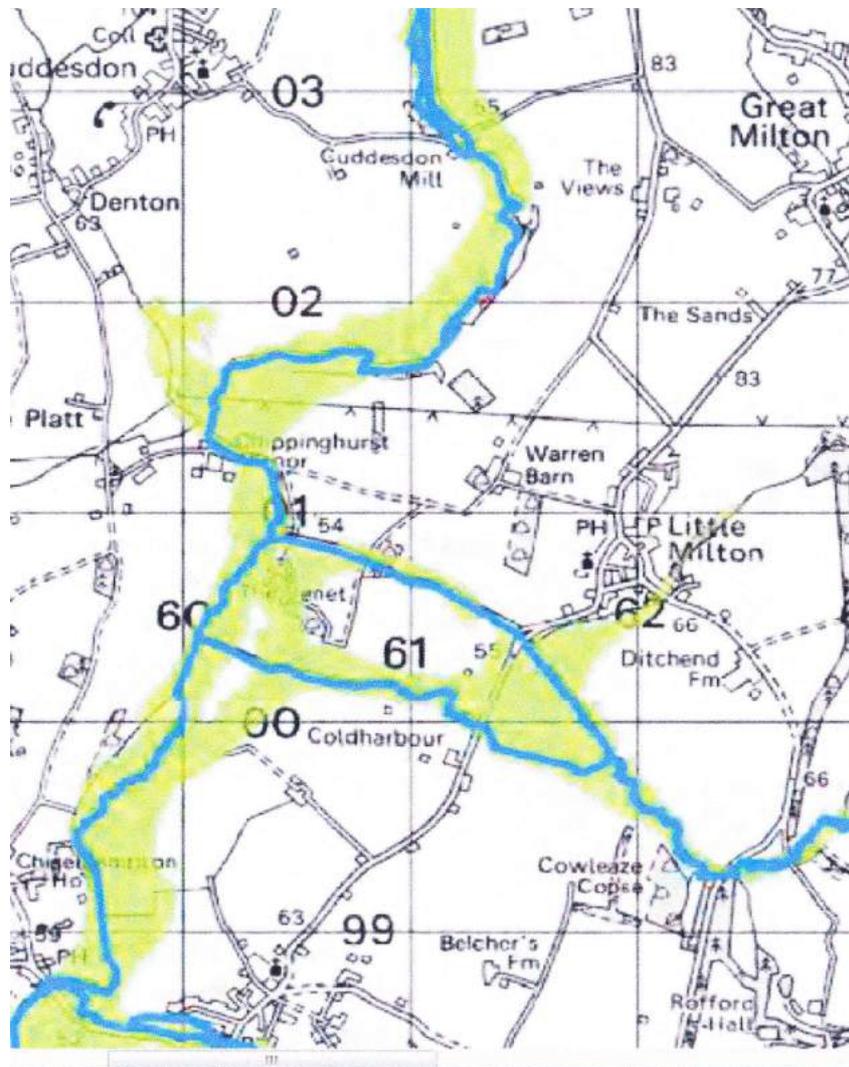
<b>Flood Zone</b>	<b>Definition</b>
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	<b>This zone comprises land where water has to flow or be stored in times of flood.</b> Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

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21 PPG Paragraph: 065 Reference ID: 7-065-20140306

## Functional Flood Plain

The functional flood plain in the vicinity of Little Milton is shown on the following map<sup>22</sup> (enlargement from area map):



This zone comprises land where water has to flow or be stored in times of flood. The fields either side of the River Thames in the western part of the map flood to some extent most winters, as do the fields immediately to the east of Coldharbour. The land immediately south of the village floods less frequently.

SODC's policy states<sup>23</sup>:

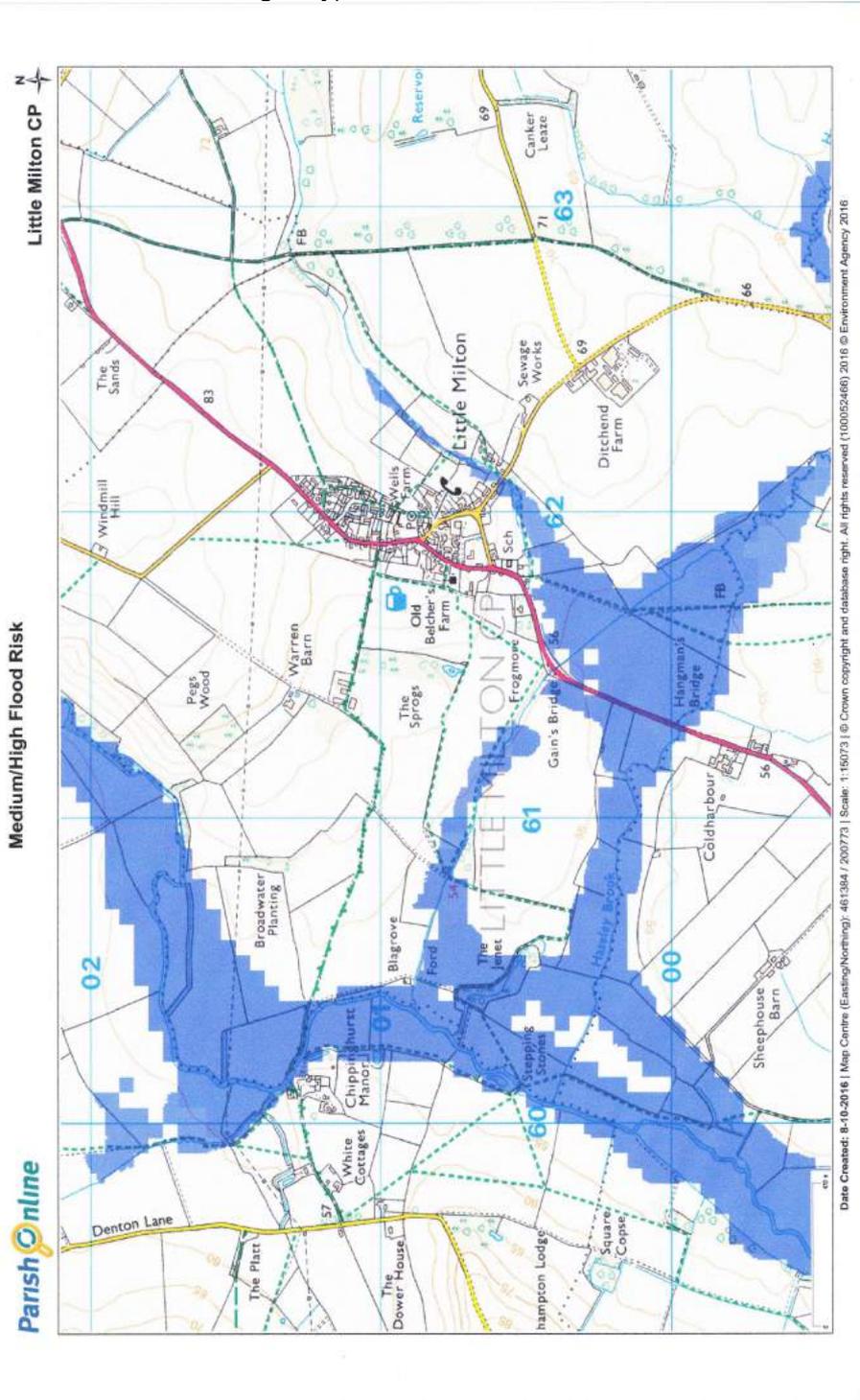
The council will uphold the sequential approach to flood risk. Neighbourhood planning groups considering proposing development within areas at risk of flooding should apply the Sequential Test to the whole neighbourhood area. If necessary, the Exception Test should also be applied. The Environment Agency provide standing advice where developments require a site-specific flood risk assessment. Should mitigation be required, we will expect those measures to be in the application proposals and part of the development.

<sup>22</sup> SODC Map 3.1 Functional Flood Plain

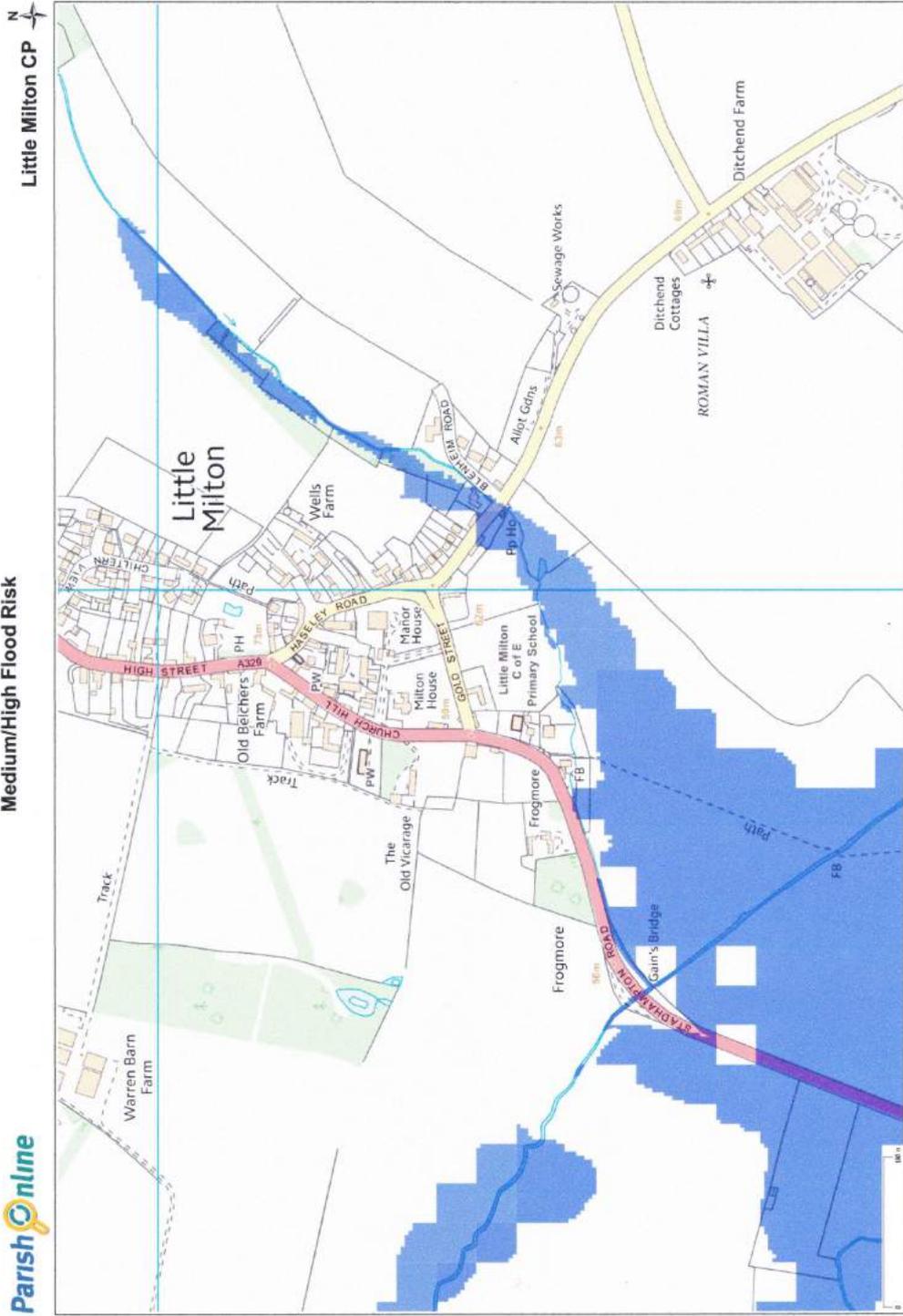
<sup>23</sup> SODC Local Plan 2033 2<sup>nd</sup> Preferred Options March 2017 para 8.53

## Implications for New Development in Little Milton

Zones 2 and 3 (Medium to flood high risk) land should not be considered for development in Little Milton. The areas thus precluded from development are shaded blue on the following maps (Source: Parish Online/Environment Agency)



Medium/High Flood Risk



## Gainsbridge Brook

The Gainsbridge Brook is assessed as being at medium to high risk of flooding. The stream regularly floods in winter where it crosses BBOWT land. This helps hold the water back and reduce risks further downstream. Historically, this stream has caused only very minor flooding in the vicinity of houses but in recent years, it has been very close to overflowing its banks after periods of heavy winter rainfall. The stretch where it runs alongside the A329 at Frogmore is also an area of flood risk.

National Policy<sup>24</sup> and Guidance<sup>25</sup> indicates that measures should be taken to manage and mitigate flood risk. In the context of the Gainsbridge Brook:

1. No development should be permitted which will have the effect of restricting the water flow between the point where the stream exits BBOWT land and passes under the A329 at Gainsbridge – section marked in blue on the map. Particular risk areas are in the vicinity of the Haseley Road bridge and along the A329 opposite Frogmore
2. No development should be permitted which will increase the volume of water in the stream at any point upstream of Gainsbridge.

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24 NPPF 100-104

25 NPPG – Planning and Flood Risk

# Gainsbridge Brook



## **SAFE ACCESS TO MAIN ROADS**

Both the principal A329 road through the village and the Haseley Road have a number of blind corners. Safe access onto the main village roads is therefore a vital consideration for any development proposals. One planning application at the lower end of the village<sup>26</sup> dealt purely with the desire of the owner to create a safe access point for agricultural vehicles onto the A329.

The Highways Authority advises on such matters. The reference publication Part 6 of TD 42/95 considers the visibility distance (the so-called Y distance) criteria. The approach taken is to determine at what distance an on-coming vehicle should be visible from a side road or entrance so as to ensure safety, depending on the speed of the on-coming vehicle. For a design speed of 50kph (30mph) that distance is 70m, rising to 90m at 60kph.

The speed limit throughout the village is 30mph, although some vehicles exceed that speed<sup>27</sup>.

As a minimum, any development proposal should ensure that the visibility distance to any blind corner is at least 70m.

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26 P06/W0226

27 Little Milton Speedwatch Group traffic speed data 2015-16