

Case Officer: Rebekah Morgan

Recommendation: Refuse

Applicant: Mr Stephen Quinn

Proposal: Discharge of conditions 4 (archaeological written scheme of investigation) and 5 (archaeological archive report) of 23/01997/F

Expiry Date: 1 January 2024

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. Consent was granted for the erection of a detached garage with one bedroom annexe in the roof space. The garage would be location within the residential curtilage of the existing dwelling adjacent to some existing outbuildings.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. Condition 4 states:

No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

2.2. Condition 5 states:

Within six months of the completion of the archaeological work, carried out in accordance with the written scheme of investigation approved pursuant to condition 4, the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval, an archaeological archive report comprising a post-excavation assessment and analysis.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

06/01979/F: Resubmission of 06/01416/F - Demolition of existing dwelling and front boundary wall and erection of 1 no. new dwelling, garage block and detached swimming pool building, and new front boundary wall (as amended by revised plans received 24.04.07). APPROVED.

07/02000/F: Retrospective - Erection of new house and swimming pool enclosure (Amendments to 06/01979/F). APPROVED.

08/00816/F: Reconfiguration of rear fenestration and resitting of pool room approved under 06/01979/F & retention of front boundary wall. (as amended by drawing numbers: 0804/100A, 101A and 103A received 20/06/2008 and in accordance with drawing number 0804/102 received 26/03/2008). APPROVED.

08/02026/F: Rear extension to existing dwelling. REFUSED.

09/00508/CLUP: Certificate of Lawful Use Proposed – Conservatory to rear. APPROVED.

10/01576/F: Variation of Condition 9 of Planning Permission 08/00816/F – to keep the front wall the same. APPROVED.

11/00291/F: Side and rear extension. APPROVED.

11/00292/F: Changes to design of pool building approved under 08/00816/F and adjustment of position. APPROVED.

12/00011/NMA: Non Material Amendment to 11/00292/F – Re-siting of plant room and high level glazing of north west and south east gable. APPROVED.

23/01997/F: Detached garage with one bedroom Annexe in roof space for the incidental use of the property owner. APPROVED

4. RESPONSE TO CONSULTATION

- 4.1 OCC ARCHAEOLOGY: These conditions require the submission of an agreed Written Scheme of Investigation, and then once the archaeological watching brief has been carried out, an agreed report on the work will need to be submitted for the discharge of the final archaeological condition. These conditions cannot be discharged at this time.

5. APPRAISAL

- 5.1. Condition 4 – Oxfordshire County Council's archaeologist has advised that the condition cannot be discharged. The condition requires the submission of a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The submitted Written Scheme of Investigation is not sufficient.

The applicant should contact Oxfordshire County Council's Archaeologist to for further advice. They will outline the required procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

- 5.2. Condition 5 – The wording of the condition requires the applicant to submit an archaeological archive report after the completion of the archaeological work agreed in Condition 4. Condition 4 has not yet been discharged; therefore, the archaeological works cannot be completed.

The applicant has not complied with the requirements of the condition because the archaeological works have not been carried out and an archaeological archive report has not been submitted.

6. RECOMMENDATION

That Planning Condition(s) 4 and 5 of 23/01997/F be refused for the following reasons:

Condition 4

The submitted Written Scheme of Investigation does not contain the required information and is therefore insufficient to discharge the condition. The applicant is required to contact Oxfordshire County Council's Archaeologist to agree a design brief before commissioning an appropriate qualified archaeologist to produce the Written Scheme of Investigation, including a timetable for the works.

In the absence of the required information, it has not been demonstrated that sufficient archaeological investigation has been provided, and the development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Condition 5

The requirements of the condition cannot be met until the investigation set out in a Written Scheme of Investigation (required by condition 4), once one has been agreed and submitted, has been completed and the reporting, archiving and publication secured.

In the absence of the required information, it has not been demonstrated that sufficient archaeological investigation has been provided, and the development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Rebekah Morgan

DATE: 14 December 2023

Checked By: Nathanael Stock

DATE: 28.12.2023
