

**Land Adj To Bullmarsh Close Off Middleton Park  
Middleton Stoney**

**20/00624/DISC**

**Case Officer:** James Kirkham

**Applicant:** David Scrimgeour on behalf of Cherwell District Council

**Proposal:** Discharge of Conditions 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) of 19/01709/CDC

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin, Cllr James Macnamara and Cllr Barry Wood

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 5 May 2020

**Committee Date:** 21 May 2020

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**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is an area of undeveloped land in a small grouping of bungalows located in Bullmarsh Close, which is situated at the western edge of Middleton Stoney. The site is relatively flat and is currently laid to grass with some young trees situated on it. It is accessed from a private road from Heyford Road to the north of the site.

**2. CONSTRAINTS**

2.1. The application site is located adjacent to Middleton Park which is a Grade II listed Registered Park and Garden. The site is also located in the Mid-Cherwell Neighbourhood Plan Area and within an archaeological notification area.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. Planning permission for 3 bungalows and associated parking was granted at the site by Planning Committee in 2019 (19/01709/CDC refers).

3.2. The current application seeks to agree the details relating to Condition 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) attached to that permission.

**4. RELEVANT PLANNING HISTORY**

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

19/01709/CDC – Erection of 3no wheelchair adaptable bungalows for affordable housing - Permitted

**5. PRE-APPLICATION DISCUSSIONS**

5.1 N/A

## **6. RESPONSE TO PUBLICITY**

- 6.1. No public consultation is undertaken on discharge of condition application. Full details of the submission are, however, available on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

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

### CONSULTEE RESPONSES

- 7.2. OCC ARCHEOLOGY: **No objections.** The WSI is acceptable and meets the requirements of condition 3. The condition can therefore be discharged.
- 7.3. CDC ARBORIST: **No objections.** The arboricultural method statement is acceptable.

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

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

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

- ED10 – Protection of the natural environment.
- ESD15 - The Character of the Built and Historic Environment

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **9. APPRAISAL**

- 9.1. The key issue for consideration in this case is whether the details submitted are adequate to discharge the condition.
- 9.2. Condition 3 of the planning consent requires that a Written Scheme of Investigation for archaeology be submitted and approved in writing by the Local Planning Authority as the site lies within an area of potential archaeological interest.
- 9.3. The applicant has submitted a scheme of investigation and the County Council's Archaeologist is satisfied with the scope and details of this to allow the below ground heritage to be investigated and subsequently recorded (if required). The details submitted in relation to this condition are therefore considered to be acceptable.

9.4. Condition 4 of the consent requires the works to be undertaken in accordance with the approved scheme and for a full report into the investigation to be submitted within 2 years of the commencement of development.

9.5. Condition 5 of the planning consent relates to the protection of the hedgerows on the site and states:

*No development shall take place until an Arboricultural Impact Assessment and Method Statement, undertaken in accordance with latest British Standard has been submitted to and approved in writing by the Local Planning Authority. This shall include details of hedge protection measures during construction. Thereafter, all works on site shall be carried out in accordance with the approved details.*

*Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.*

9.6. The applicant has submitted an Arboricultural report, which indicates where protective fencing will be provided to protect the hedges to the south western and south eastern boundary of the site during construction. The Council's Tree Officer is satisfied with these details. The proposed details are considered to be acceptable and will protect the hedges during construction.

## **10. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO APPROVE THE DETAILS SUBMITTED IN ORDER TO SATISFY THE CONDITION.**

### **Condition 3 – Written Scheme of Investigation**

The submitted Oxford Archaeology report titled 'Bullmarsh Close, Middleton Stoney, Oxfordshire – Written Scheme of Investigation Archaeological Evaluation Feb 2020 (Issue 2, OA Reference: CRGAFA19, NGR: SP 55778 35141)

### **Condition 5 – Hedgerow Protection**

The details outlined in the Sylva Consultancy – Arboricultural Method Statement (Ref: 20025/AMS, Issued: 27.2.2020) submitted with this application, subject to the proviso that prior to commencement of development the hedgerow protection shall be put in place and retained for the length of the construction period.