

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Mr John Mullen

Proposal: Variation of condition 2 (plans) of 19/01740/HYBRID - reword condition to reflect the updated revisions to drawings as well as the inclusion of new ones

Expiry Date: 14 June 2022

Extension of Time: 14 June 2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 15.8ha of former agricultural land to the southwest of Bicester and was comprised of mainly flat grassland. The application site is bound by Wendlebury Road to the west and Bicester Avenue Garden Centre to the north. The site is bound to the east by an existing watercourse with railway track beyond. To the south is the Alchester Roman site Scheduled Ancient Monument and to the southwest of the site is an operating chicken farm comprising a series of poultry sheds.
- 1.2. The site is bound by mature trees and hedgerow with open countryside to the south. Wendlebury Road also has a rural character defined by hedge lined verges containing mature trees and vegetation.
- 1.3. The application site is allocated for employment development as part of Policy Bicester 10 (Bicester Gateway) of the Cherwell Local Plan (Part 1) (2011-2031).
- 1.4. The allocation has been brought forward in two parts. The frontage of the site, comprising two parcels to the west of Wendlebury Road, has outline planning permission for B1 employment development and a hotel. Reserved matters consent has been granted for a hotel, which is now currently under construction. This permission also included a small area of unallocated land to the south, outside of the Policy Bicester 10 allocation. The remainder of the Bicester 10 allocation, comprising the parcel to the east of Wendlebury Road, is the subject of this current application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Application 19/01740/HYBRID was a Hybrid application seeking Outline planning consent for 16,800sqm of B1 development with all matters reserved except access and Full detailed planning consent for a health and racquets club with associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace.
- 2.2. This application relates only to the part of the site (health and racquets club) that was covered by the full detailed planning consent and all of the proposed changes are contained within the David Llyod health club, which is nearing completion.
- 2.3. The application seeks to amend condition 2 (plans condition) and the changes sought include:
 - Inclusion of paddle tennis courts

- Changes to the entrance of the club and internal alterations
- Consequential loss of a single parking space

2.4. The application seeks to change/add the following drawings:

- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Proposed Roof Plan
- Proposed GA Elevations
- Proposed Sauna Elevations
- Proposed GA Sections
- Proposed Site Sections
- Proposed Site Plan
- Proposed Bike Shelter Detail
- Proposed Surfacing and Landscaping Plan
- Proposed Boundary Treatment
- Proposed Paddle Court Elevations
- Proposed Signage Details

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>
19/01740/HYBRID	'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping. APPROVED
17/02557/REM	Reserved matters to 16/02586/OUT – Erection of hotel and associated works. APPROVED
16/02586/OUT	Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972sqm (Gross External Area) of B1 employment-based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards. APPROVED

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **26 November 2021**, by advertisement in the local newspaper expiring **4**

November 2021 and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **25 April 2022**.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. CHESTERTON PARISH COUNCIL: No comments received.

NON-STATUTORY CONSULTEES

6.3. ENVIRONMENT AGENCY: Initial Objection - In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance on flood risk and coastal change as having a high and medium probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

RE-CONSULTATION: (The Environment Agency were re-consulted following the submission of additional information including a revised FRA): No response received.

6.4. OCC HIGHWAYS: No objection - Application seeks to vary the agreed plans of the original Hybrid permission. The changes relate only to the smaller part of the site, introducing a new racquet sport area and minor changes to the entrance of the club.

The changes would result in loss of a single car parking space. The impact of the revisions above are not deemed likely to be significant to highway safety and/or traffic flow.

Oxfordshire County Council do not wish to object to the proposed changes. However, if approved, the permission must be subject to the same obligations and conditions as agreed on the outline permission.

6.5. LOCAL LEAD FLOOD AUTHORITY: No objection to the variation of condition 2 based on the revised FRA.

6.6. CDC ENVIRONMENTAL PROTECTION OFFICER: No comments.

6.7. CDC LANDSCAPE OFFICER:

Proposed Surfacing and Landscape Plan: A substantial amount of native structural vegetation has been removed from the frontage of Wendlebury Road for the benefit of highway vis play, roundabout and road realignment and widening. This has

exposed the site where visual receptors experience harmful construction impacts, operational and physical impacts of large car park and buildings where once there was an attractive country lane. The proposed *Fagus sylvatica* hedge is too formal and does not have the species (flora and fauna) diversity and visual richness of a native mixed hedgerow, which is required here - not forgetting an improved BREEAM score for the overall development. The mixed native hedgerow will require a 1 m wide wildflower verges on both north and south sides; against the pedestrian route and the car park to allow for the growth of the hedgerow. The regimented row of trees is too formal and irregular spaced native trees in groups are required. The hedgerow should be implemented at the earliest opportunity during the current planting season with appropriate landscape maintenance to aid its establishment and facilitate growth, whilst site clearance and construction proceeds. This will provide some visual benefit, but also reassurances that the construction/operational and visual impacts are being addressed at the earliest opportunity.

The potential 'heat island' effect and the harmful visual impact of such a large car park must be addressed for the benefit of onsite users. Additional, climate enhancing, trees should be planted in the car park where space, services and parking bay numbers allow. It has been established that groups of trees sharing the same larger volume tree pit establish and perform better than single trees in isolated tree pits. I would prefer to see larger treed areas protected by knee rail and understory planting. All trees are to be supplied, handling, planted and established in accordance with the current British Standard BS 8545: 2014 The *Pyrus calleryana* 'Chanticleer' are generally ubiquitous; they are prone to ugly, wound healing deformations to the main stem. Therefore, replace this cultivar with *Ginkgo biloba* trees with the more attractive bark. Tree pit details are going to be necessary. Root barriers should be considered, and their positions indicated on the landscape proposals.

Proposed Tree Strategy: The proposed trees for open space and street should be appropriate in terms of 'Right Tree Right Place' and I therefore recommend that the landscape consultant to consider TDAG's tree species selection for green infrastructure at the earliest opportunity. The revised layout should accommodate more street trees to be adopted and maintained by OCC.

Planting – general: The planting distances are incorrect and planting density should be increased for most species. Good ground coverage is required after 2-3 growing seasons. For example, the *Potentilla fruticosa* 'Abbotswood' is proposed to be planted at 0.71 m apart which is far too open. I recommend 3 P.f 'Abottswood' plants per sq. m to achieve the desired effect. All plant densities should be looked at again and the nos./sqm rule imposed.

There is no instruction to plant in species groups or drifts of 3, 5 or 7. This appears to be left to the landscape contractor during site operations. There is even no instruction to ensure the species are not planted too close to the edge of borders. This may happen, whereas species grow over the path they will be unsympathetically pruned.

Plant bed C border between the car park the dome is too narrow for effective establishment of plant species and will be overshadowed by the dome. There will be insufficient topsoil and drainage because the concrete haunching to retain the edge of the paving and playing surface will be very substantial. Delete this border and replace with free-draining gravel surface. The dome and the adjoining car park are visually onerous and tree planting in the car parking is appropriate to visually mitigate these elements.

The maintenance proposals should be clarified with current British Standards – refer enclosed crib sheet.

Landscape Management: The Landscape Management notes on the drawing are limited in their explanations and are confused with the more detailed LEMP. These notes should therefore be deleted off the drawing. Shrubs should be pruned at the correct times to enhance flowering and the production of fruits for visual appeal and food source for birds. For the proposed trees there should be inspections, hand weeding, mulching, stake and tie adjustment, formative pruning and ground moisture monitoring and watering at appropriate times, all in accordance with BS 8545. It should also mention that dead, dying and diseased trees are to be replaced.

6.8. CDC CONSERVATION OFFICER: No comments.

6.9. BICESTER BIKE USER'S GROUP: Our comments are related to the proposed cycle storage provision, which appears to consist of 30 covered 'Sheffield' stand type places.

The current guidance in Local Transport Note 1/20 recommends at Table 11-1 that leisure facilities provide:

- Short stay, obvious, easily accessed, and close to the destination of 1 place per 50m² capacity; and
- Long stay, secure and covered, of 1 per 5 employees.

In addition, the provision should consist of at least 5% of the places for non-standard and adapted bicycles for the disabled.

As a result, the current proposed provision does not appear to meet with the guidance. We therefore would object to the application unless it were to be revised to include:

- Sufficient short stay provision;
- Sufficient long stay provision with adequate security; and
- For both, minimum of 5% provision for non-standard and adapted bicycles.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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)

- SLE1 – Employment Development
- SLE2 – Securing Dynamic Town Centres
- SLE3 – Supporting Tourism Growth
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy
- ESD3 – Sustainable Construction

- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- BICESTER 10 – Bicester Gateway
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- SPD Developer Contributions (2018)
- EU Habitats Directive
- Natural England and Rural Communities Act 2006
- Conservation and Habitats Species Regulations 2017
- Environmental Impact Assessment Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Transport and highway impacts
- Design and impact on the character of the area
- Amenity and neighbouring land uses
- Ecology Impact
- Flood Risk and Drainage
- Planning Obligations
- Other Matters

Principle of development

8.2. The principle of the development was considered and established by the granting of application 19/01740/HYBRID, which has been implemented. This application seeks to make amendments to that application, but it does not seek to change the type or quantum of development that is being proposed. Therefore, the principle of the development has not changed.

Transport and highway impacts

8.3. This application seeks amendments that would result in the loss of one parking space overall. The access arrangements remain as previously agreed. The Local

Highway Authority has raised no objections to the amended proposals and advised the impact of the revisions above are not deemed likely to be significant to highway safety and/or traffic flow.

- 8.4. The comments of Bicester Bike User's Group in relation to cycle parking provision have been noted, however, the application does not propose any change to the level of cycle parking provision previously agreed under application 19/01740/HYBRID. The permission is still extant and was implemented to develop the scheme to date. There has been no material change of circumstances that could justify requesting additional cycle parking provision at this stage.

Design and impact on the character of the area

- 8.5. This application does not seek to change the design of the proposed development. The inclusion of the paddle tennis courts would not appear out of keeping with the wider development and would not impact on the overall visual impact on the area.
- 8.6. Application 19/01740/HYBRID considered the wider landscape and visual impacts and deemed the proposal to be acceptable. As this application does not significantly alter the proposed development, that conclusion remains sound.

Amenity and neighbouring land uses

- 8.7. This application is not proposing any changes to the consented use or the general location of the building/facilities. Therefore, the relationship with neighbouring sites will remain as previously assessed. This application does not raise any additional concerns in terms of amenity and neighbouring land uses.

Ecology Impact

- 8.8. The ecological impacts of the scheme were assessed under application 19/01740/HYBRID. The current proposals do not change this position. The scheme has been implemented under the extant consent and is nearing completion. Therefore, there is no requirement to re-submit ecology information because the scheme is already being constructed in accordance with the agreed details. The conditions previously imposed will be re-imposed on this application.

Flood risk and drainage

- 8.9. The Environment Agency has objected on the grounds that part of the site is within Flood Zones 2 and 3 and they are requesting up to date Flood Risk Assessments. It is noted that only a small fraction of the health club site falls within the flood zones and the building has already been constructed in accordance with the agreed drainage and flood risk information submitted with application 19/01740/HYBRID.
- 8.10. The applicant has provided an amended Flood Risk Assessment in response to the comments made by the Environment Agency and the Lead Local Flood Authority. The Environment Agency has failed to respond to repeated re-consultation requests and have raised no further objection to the proposal. The Local Lead Flood Authority are content with the information provided and have removed their objection.
- 8.11. On this basis, the proposed changes are supported and are not considered to have a detrimental impact on flood risk and drainage.

Planning Obligations

- 8.12. Application 19/01740/HYBRID subject to a Section 106 agreement. This Section 106 agreement includes a clause ensuring it applies to all subsequent applications.

This Section 73 application is a 'subsequent' planning application and therefore there is no requirement for a linking agreement. The original Section 106 agreement will still be applicable to the development.

Other Matters

- 8.13. The application seeks amendments to condition 2 (plans) only. All other conditions will be carried over from the previous consent and amended where details have already been agreed via a discharge of condition application. Because this application (and its redline) are limited to the health club site, only the conditions relating to the full application will be re-imposed.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The application proposes changes to an extant and implemented consent. The proposed changes do not significantly alter the type or quantum of development on the site. The changes are considered to be acceptable subject to the re-imposition of the previous planning conditions.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development hereby permitted shall be begun before 24th September 2023.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans:

A-PL-04-010 P03 – Proposed Ground Floor Plan
A-PL-04-011 P02 – Proposed First Floor Plan
A-PL-04-012 P02 – Proposed Roof Plan

A-PL-05-010 P03 – Proposed GA Elevations
A-PL-05-020 P01 – Proposed Air Dome Elevations
A-PL-05-030 P01 – Proposed Sauna Elevations

A-PL-06-001 P02 – Proposed GA Sections
A-PL-06-010 P0 – Proposed Site Sections

A-PL-09-000 – Existing Site Plan
A-PL-09-010 P02 – Proposed Site Plan
A-PL-09-020 P04 – Proposed Site Tracking
A-PL-09-100 – Tree Pit Detail
A-PL-09-101 – Entrance Barrier Detail
A-PL-09-102 P0 – Proposed Bike Shelter Detail

A-PL-95-010 P0 – Proposed Surfacing Plan
A-PL-97-010 P0 – Proposed Boundary Treatment

A-PL-05-211-P0 – Proposed Paddle Court Elevations
A-PL-97-020-P0 – Proposed Signage Details

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

4. The development hereby permitted shall be implemented in accordance with the DLL Bicester Energy Strategy (ref. 41602/JT dated December 2019) and shall be constructed to at least a BREEAM 'Very Good' standard.

Reason: To ensure exemplary energy and resource efficiency practices are incorporated into the development in accordance with Policy Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

5. The development hereby permitted shall be implemented and operated in accordance with the David Lloyd Leisure Ltd Health and Racquets Club Travel Plan (ref SKP/RJM/19539-08a dated 22nd July 2019).

Reason: In the interests of highway safety and to promote sustainable transport, to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF.

6. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details: • Finished floor levels shall be set no lower than 64.49m above Ordnance Datum (AOD); and • 7878m³ of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the

building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

9. The development hereby approved shall be carried out in accordance with the approved Phasing Plan numbers 18022-SK-123D and 18022-SK-128A (submitted with application 20/02648/DISC) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

10. The development hereby approved shall be carried out in accordance with the approved Construction Management Plan (Issue 2 – November 2020) (submitted with application 20/02648/DISC) unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. The development hereby approved shall be carried out in accordance with the approved Construction Environmental Management Plan (Issue 2 – November 2020) (Submitted with application 20/02648/DISC) unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. The development hereby approved shall be carried out in accordance with drawing number DLBI 01 C (submitted with application 20/03630/DISC) unless otherwise agreed in writing by the Local Planning Authority.

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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. The development hereby approved shall be carried out in accordance with approved drawing number 11920_P03A (submitted with application 20/02648/DISC) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. The development hereby approved shall be carried out in accordance with the Report on Ground Investigation Ref. AG2875A-20-AK72 (September 2020) (submitted with application 20/02648/DISC) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. If contamination is found by undertaking the work carried out under condition 14, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. The development hereby approved shall be carried out in accordance with the Cotswold Archaeology 'Written Scheme of Investigation for an Archaeological Excavation' (CA Project: MK0254) dated July 2020 (submitted with application 20/02649/DISC) unless other agreed in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16 and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. The development hereby approved shall be carried out in accordance with the 'Drainage Strategy incorporating SuDs Design Statement' (ref. R01 dated 30/11/2020), drawing number D100 P2 and drawing number D200 P1 (submitted with application 20/03630/DISC) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and so this condition is necessary to protect that infrastructure, in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.

20. The development hereby approved shall be carried out in accordance with the 'Landscape and Ecological Management Plan' (dated December 2020 ref. 9511.LEMP.vf2) (submitted with application 20/03630/DISC) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

21. The development hereby approved shall be carried out in accordance with drawing number NXXX-E-200 (submitted with application 20/03630/DISC) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

22. The development hereby approved shall be carried out in accordance drawing number 41602(62)101 rev P1 and 'Car Charging Report (dated February 2021) (submitted with application 20/03630/DISC) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

23. If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Planning Notes

1. This application seeks to amend only part of the site (the health club site) approved under application 19/01740/HYBRID. Therefore, the above conditions only relate to the amended scheme that was granted full planning permission by application 19/01740/HYBRID. This application does not amend the outline element of the consent and any reserved matters should be submitted against application 19/01740/HYBRID.
2. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Assessment) (Regulations) 2017 (as amended).
3. The applicant's attention is drawn to the requirement to comply with the Section Legal Agreement attached to application 19/01740/HYBRID.

Case Officer: Rebekah Morgan

DATE: 14/06/2022

Checked By: Andy Bateson

DATE: 14th June 2022
