

DP4819/PT/JMP  
16<sup>th</sup> January 2024

DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

Registered No. 05092507

0207 004 1700

[www.dp9.co.uk](http://www.dp9.co.uk)

Katherine Daniels  
Place and Growth Directorate  
Cherwell District Council  
Bodicote House  
Bodicote, Banbury  
Oxfordshire  
OX15 4AA

Dear Ms Daniels,

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT  
UNDER SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**PROPOSED GREAT WOLF LODGE, LAND TO THE EAST OF M40 AND SOUTH OF 14095,  
CHESTERTON, BICESTER.**

On behalf of the Applicant, Great Lakes UK Ltd., we hereby enclose an application to Cherwell District Council for a Certificate of Lawfulness of Existing Use or Development ('CLEUD') at the Site referenced above in relation to the development which is proposed to be undertaken pursuant to planning permission number 21/04158/F ("the Planning Permission").

**Overview**

The Planning Permission, a copy of which is enclosed, was granted by Cherwell District Council ('CDC') on the 29<sup>th</sup> March 2022 for the following description of development:

*'Variation of condition 2 (plans) of 19/02550/F - 1. Alterations to the Family Entertainment Centre including adjustments to the number and type of leisure attractions. 2. Reconfiguration of the Conference Centre orientation and floor plan to consolidate the guest experience and improve internal circulation. 3. General internal spatial co-ordination in line with operational requirements. Generally, this is local to internal layouts but do affect a small number of external door and window positions. 4. Updates to the landscape design proposal as a result of the building footprint changes and reconfiguration of the Conference Centre and fire tender access to the site. 5. Extension of the Porte cochere as a result of shifting the building southwards 3.6m to allow for a larger drop off / set down point for arriving guest vehicles/buses. 6. Waterpark updates including slide and external terrace paving area modifications. The overall height of the waterslide is maintained below the height of the turret which*



*remains as per the consented scheme. 7. Relocation of Great Wolf entrance statue. 8. Roof updates in line with revised roof access strategy. 9. Minor MEP and utility updates across the site. 10. Waste yard ramp dimensions updated with wider radius ramp and integrated vehicular protection zones.'*

Condition 1 of the 'original planning permission', dated 11<sup>th</sup> May 2021 (LPA ref. 19/02550/F) requires the development to begin within three years of the date of the original permission (i.e. prior to the 11<sup>th</sup> May 2024). This CLEUD application seeks certification that the works undertaken and described in this letter constitute implementation of the Planning Permission, which can therefore be built out thereafter.

A number of conditions are attached to the Planning Permission requiring details to be discharged ahead of preparatory works, demolition, or commencement of work taking place. The relevant conditions are noted below:

#### **GWR Bicester, Pre-Commencement Condition Summary**

<b>Condition</b>	<b>Summary</b>	<b>LPA Ref.</b>	<b>Discharge Date</b>
3	Finished Floor Levels	22/00967/DISC	29 <sup>th</sup> July 2022
6	Colours and materials of any external built feature beyond the main building	22/01599/DISC	4 <sup>th</sup> November 2022
8	Servicing details	22/01533/DISC	12 <sup>th</sup> September 2022
9	Landscaping along north-eastern boundary	22/00106/DISC 22/00967/DISC	21 <sup>st</sup> November 2022 29 <sup>th</sup> July 2022
11	Arboricultural Method Statement	22/00106/DISC	21 <sup>st</sup> November 2022
12	Landscape and Ecological Management Plan	22/00175/DSIC	17 <sup>th</sup> June 2022
16	Surface Water Drainage	Partially Discharged (prior to commencement) 22/01815/DISC	1 <sup>st</sup> November 2022
20	Soundproofing of buildings	22/00967/DISC	29 <sup>th</sup> July 2022
23	Location and Design of Alternative Ponds/Habitats	22/00106/DISC	22 <sup>nd</sup> November 2022



25	Construction Traffic Management Plan	22/01599/DISC	4 <sup>th</sup> November 2022
28	Great Crested Newts	22/00771/DISC	15 <sup>th</sup> June 2022
30	Bus Facilities	22/00967/DISC	29 <sup>th</sup> July 2022
33	Green Roof Details	22/00967/DISC	29 <sup>th</sup> July 2022

An agreement was entered into under Section 106 of the TCPA on the 24<sup>th</sup> March 2021 ('the S106 Agreement') in connection with the original planning permission. Outlined below are the key definitions within the S106 agreement.

***“Commencement of the Development”** occurs on and means the carrying out of any material operation (as defined in Section 56(4) of the Act) forming part of the Development (whether or not such operation is a lawful commencement of the Development) other than (for the purposes of this Deed and for no other purpose) operations consisting of:*

- Site clearance;
- Demolition work;
- Archaeological investigations;
- Investigations for the purpose of assessing ground conditions;
- Remedial work in respect of any contaminations or other adverse ground conditions;
- Erection of any temporary means of enclosure;
- The temporary display of site notices or advertisements;

*and “Commence” “Commenced” and “Commencing” or any other derivation of this term shall be construed accordingly.*

The S106 agreement requires the discharge of the following specific obligations prior to commencement, which have now been satisfied.

#### **GWR Bicester, Pre-Commencement S106 Obligation Summary**

<b>S106 Ref.</b>	<b>Summary</b>	<b>Discharge Date</b>
Second Schedule, Para 2.1, 2.3	Training and Employment Plan	25 <sup>th</sup> November 2022
Second Schedule, Para 3.1 & 3.2	Golf Course Scheme	29 <sup>th</sup> March 2022
Second Schedule, Para 6.1 & 6.2	Shuttle Bus Services	21 <sup>st</sup> April 2023
Third Schedule, Para 3.1.1,	Highway Works	6th March 2023



3.1.2 and 3.1.3		
Fourth Schedule, Para 2.2, 2.3, 2.4	Financial Contributions	All payments made on 31 <sup>st</sup> October 2023
Clause 12.1.1	Notice of Commencement	21 <sup>st</sup> December 2023

### **Summary of Evidence and Conclusion**

The following works completed to date are set out below:

1. All pre-construction ecology works have been completed, including newt mitigation to the satisfaction (annual reporting is now in progress);
2. The s278 Highway works, including new vehicular access to the Site, widening of the A4095 and footway/cycle paths are now substantially complete, pending OCC sign off;
3. The mains utilities to connect the Site started in early 2023 and are expected to complete mid 2024;
4. The Public Right of Way (PROW) has been diverted to the satisfaction of OCC and pending conclusion of the S257 paperwork;
5. The Site has been substantially cleared of trees and vegetation and the earthworks have commenced;
6. Surface water drainage works have commenced;
7. The southern bund and drainage swale at the boundary with Bicester Hotel has commenced and will conclude in Spring 2024.

Submitted alongside this letter is a document containing regular progress photographs which clearly demonstrate that the development has been implemented.

Under section 56(2) of the TCPA, development shall be taken to be begun on the earliest date on which *'any material operation comprised in the development'* authorised by the planning permission begins to be carried out.

Section 56(4) of the TCPA sets out a non-exhaustive list of operations that would comprise a 'material operation' for this purpose. These comprise:

- '(a) any work of construction in the course of the erection of a building;*
- (aa) any work of demolition of a building;*
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
- (d) any operation in the course of laying out or constructing a road or part of a road;*
- (e) any change in the use of any land which constitutes material development.'*

It is clear from the above evidence that the works undertaken to date at the GWR Bicester Lodge comprise the implementation of planning permission 21/04158/F.



We therefore trust you have sufficient information to issue a Certificate of Lawful Use or Development, but should you have any queries then please do not hesitate to contact Jack Playford of Peter Twemlow of this office.

Yours faithfully



**DP9 Ltd.**