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01 February 2019

Dear Sir/Madam,

**REQUEST FOR PRE-APPLICATION ADVICE
BANBURY MAGISTRATES COURT, WARWICK ROAD, BANBURY, OX16 2AW**

We write to request pre-application advice on behalf of Her Majesty's Courts and Tribunals Service (HMCTS) in relation to Banbury Magistrates Court, Warwick Road, Banbury, OX16 2AW.

HMCTS is currently undergoing a review of court provision nationally. As part of the review, Banbury Magistrates Court has been identified as surplus to requirements.

During 2016/17, 41% of court and tribunal buildings were used for less than half of their available time so it is important that the Court portfolio is rationalised to ensure HMCTS can continue to deliver a modern and reformed justice system. Banbury has been identified as one of the under-utilised buildings and it is confirmed that there is capacity within the remaining estate to absorb the workloads provided at this site.

Another commitment of the Ministry of Justice (MOJ) is to assist the provision of land for housing. There is a government wide scheme which MOJ partakes in, the Public Land for Housing Programme 2015-20. This programme has a target to identify and release surplus central Government land for 160,000 homes by the end of March 2020. The MOJ is obligated to identify sites and contribute units towards the programme.

HMCTS has undertaken consultation with the relevant Councils nationally where Courts may be affected and it is understood a letter was sent to Yvonne Rees at Cherwell District Council and the local MP, Victoria Prentis, on 24th July 2018 to advise of the intention to close Banbury Magistrates Court.

Consequently, HMCTS has appointed a consultant team to consider alternative development on the site. These consultants have looked at alternative land uses and potential massing and height. This is within the context of local amenity, townscape, heritage, planning policy and technical assessment.

The Pre-Application Proposal

This letter requests pre-application advice on a proposal to develop the site through the retention of the existing façade, alongside a number of extensions to the west and rear of the building. The proposal puts forward 37 new residential units.



In accordance with this request, please find included:

- Pre-Application Document (Adventure in Architecture);
- This Covering Letter (JLL);
- Heritage Assessment (JLL); and
- Pre-Application fee of £ £2,886 (Fee category C: 37units x £78)

Site Description

The Site is located on Warwick Road located approximately 100m from the Banbury Town Centre boundary. It was originally built as a police station and has since been converted into a Magistrates Court.

The Site is situated approximately 0.7 miles from Banbury Station, which is a 14 minute walk away, providing services to London Marylebone, Reading, Bournemouth, Kidderminster, Manchester and Newcastle. The nearest bus stop is located outside Banbury Police Station providing services to Stratford-upon-Avon, Ruscote and Hardwick.

The immediate surrounding area comprises a police station and a three-storey residential block. Within the wider area, there are a number of 3 and 4-storey housing developments, alongside a number of two-storey terraced residential properties.

The property is locally listed, however it is not statutorily listed, nor is it located within a Conservation Area. The site is located within close proximity to Banbury Conservation Area and there are a number of statutorily and locally listed buildings within a 100m radius. It is important to note that the Council are currently reviewing the local list of non-designated heritage assets and the creation of a new boundary for Banbury Conservation Area which does include the site. However, this has not yet been adopted and therefore carries limited weight.

According to the Environment Agency's Flood Map, the Property is within Flood Zone 1 meaning a low risk of flooding. The risk of surface water at present ranges from very low to high towards the south of the site.

In accordance with Cherwell District Council's Proposals Map, the site does not have any designations.

Planning History

An online history search of the planning register has been undertaken and the following applications have been found:

- 11/00032/F Retrospective- Galvanised barriers on roof. Approved 7 March 2011.
- 02/02128/OCC Alterations and extensions to existing Magistrates Court, demolition of existing garage and alterations to car park layout OCC ref: C.17/02. Approved 4 November 2002.

Planning Overview

The Development Plan has been fully considered in relation to the proposals to identify key planning policies. The Development Plan includes:

- Cherwell Local Plan 2011-2013 Part 1 (adopted 2016); and
- Saved Policies of Cherwell Local Plan (adopted 1996).



Cherwell District Council is currently reviewing its Local Plan. It has prepared Local Plan (Part 1): Partial Review-Oxford's unmet housing need. For this, a preliminary hearing took place on 28th September 2018. The Inspector will resume the hearing sessions on 5th February 2019.

A further review of the Local Plan (Part 1) is due to take place in 2019, this process will replace the creation of Part 2 of the Local Plan.

Further to this, the six Oxfordshire Councils and Oxfordshire Local Enterprise Partnership have committed to produce an Oxfordshire Joint Statutory Spatial Plan (JSSP) due to be examined by 31 March 2020.

In addition to the Development Plan, the following guidance are material considerations to this assessment:

- National Planning Policy Framework (2018);
- National Planning Practice Guidance (online); and
- Local Supplementary Planning Documents and Guidance.

This letter highlights the main policies relevant to the proposal. The policies are included in detail at *Appendix 1*.

Planning Policy Overview

Land Use

The scheme proposes the retention of the existing façade alongside external alterations. This includes the replacement of existing extensions and creation of a new west wing and erection of three new blocks to the rear of the site. This will provide a total of 37 new residential units. As the site is not designated, residential use is acceptable in principle. In the Local Plan, the Borough is aiming to provide for at least 22,840 additional dwellings in the plan period between 1 April 2011 and 31 March 2031. Therefore the addition of housing would assist in delivering these projections and meeting specific policies BSC 1 and BSC 2. This is also in line with government targets which seek to increase housing levels.

In addition, the re-use of the site as a brownfield edge of town centre site presents sustainable development in line with the NPPF and local plan policy PSD1. It promotes use of an under-utilised building and makes efficient use of land bringing forward much needed housing.

With regard to the loss of a community facility, Local Plan Policy BSC 12 '*Indoor sport, recreation and community facilities*' states that the Council will "protect and enhance the quality of existing facilities". Whilst Her Majesty's Courts and Tribunals Services ('HMCTS') court buildings are usually classified as a community type use, they are a unique type of facility – in this case for which there is no longer need in this location. The building is surplus to operational requirements and will no longer be required to operate as a Magistrates court. The replacement option will meet an identified need for housing, providing a much needed land use in this location.

Design

The scheme presents an opportunity through which the design has been explored to make the best use of the site whilst ensuring the proposal does not appear overbearing or out of context with the surrounding area. The

existing façade will be retained alongside a number of extensions to the rear of the site and erection of new blocks with an additional extension to the western end of the building. The same materials will be used throughout taking on a more modern form. This is in line with NPPF paragraphs 127 and 130, Local Plan Policy ESD 15 'The Character of Built and Historic Environment' and Saved Policies C28 'Layout, design and external appearance of new development' and C30 'Design of New Residential Development'.

Height, Massing and Quantum

The existing massing of the site includes two storeys primarily with a pitched roof creating additional height above the 2nd storey. It is proposed to open up the roof space to utilise the existing loft space and therefore mirror the massing of the existing building.

The extension to the west of the building will extend across at 2 storeys with an additional floor incorporated into the pitched roof space. This will extend the existing building line of the front façade across the site to the west, where there is a current gap.

To the rear, the later extensions which are not identified to be of significance (see Heritage Statement) will be removed to enable three new blocks which will be better designed to respond to the architecture of the main building and better utilise the site. The rear extensions will be as tall as the existing building but will use a flat roof to minimize views from the road towards the site. The east rear block is limited to two storeys to further prevent any impact to the front elevation.

The proposed development aims to meet the highest standards of design to help create attractive and distinctive places whilst protecting amenity. Height and design is appropriate to context, taking into consideration surrounding buildings, heights, form, massing and materials. The design has been informed by Heritage advice as set out within JLL's Heritage Assessment. This is in line with local plan policies ESD15, C28, C30 and C31.

Residential Mix

Local Plan Policy BC4 'Housing Mix' states that new residential development is required to provide a range of housing. The proposed unit mix will respond to this policy and aim to provide a range of market and affordable housing as well as a mixture of unit sizes. The proposed development will aim to provide 10no. 2 bedroom and 27no. 3 bedroom residential units.

Affordable Housing

Local Plan Policy BSC 3 'Affordable Housing' and Saved Policy H5 'Affordable Housing' states that the Council will expect at least 30% of new housing on all proposed developments that include 11 or more dwellings (gross). The proposed scheme will aim to provide the appropriate number of affordable housing units in line with local policy, subject to viability testing.

Transport



As the site is located within close proximity to the town centre and public transport, a reduced level of car parking is proposed. A total of 15 spaces are included towards the front of the site. Cycle parking to meet required standards will be included as part of any future detailed planning application.

Energy

The development is designed in accordance with sustainability and accessibility considerations. Any future planning application would be supported by a Sustainability/ Energy Statement and Design & Access Statement to show how the development will seek to achieve carbon emission reductions and sustainable measures. This would be in compliance with local plan policies ESD1, ESD2 and ESD3.

Amenity

In line with NPPF paragraph 127, Local Plan Policy ESD 15 '*The Character of Built and Historic Environment*' and Saved Policy C30 '*Design of New Residential Development*', each flat within the proposed development will have access to a ground floor communal garden space and an external courtyard to the rear of the building.

With regard to the daylight and sunlight levels of the surrounding buildings, a daylight and sunlight report will accompany any future planning application to provide evidence that the building will not unacceptably impact surrounding properties.

In terms of privacy and overlooking, the flats have been designed to face the courtyard formed to the rear of the existing building, to the east or towards the road at the front. In turn, this will prevent any privacy issues with the neighbouring houses to the north. Therefore, the massing of the proposed building would not impact on the amenity of the surrounding buildings or future occupants.

Feedback

We look forward to arranging a meeting date to discuss the future of Banbury Magistrates Court. We consider that the proposed scheme presents a high quality, exciting option which has fully considered the relevant planning policies.

In the meantime, if you have any queries please do not hesitate to contact me at 0207 852 4583.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Pippa Nisbet'.

Pippa Nisbet

Associate Director - Planning

JLL

30 Warwick Street | London W1B 5NH

Appendix 1- Key Planning Policies

National Planning Policy Framework (2018)

Policy Reference	Policy
Paragraph 122	<p><i>Planning policies and decisions should support development that makes efficient use of land, taking into account:</i></p> <ul style="list-style-type: none"> <i>a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;</i> <i>b) local market conditions and viability;</i> <i>c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;</i> <i>d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and</i> <i>e) the importance of securing well-designed, attractive and healthy places.</i>
Paragraph 127	<p><i>Planning decisions in terms of their design should ensure that developments:</i></p> <ul style="list-style-type: none"> <i>• Will function well and add to the overall quality of the area</i> <i>• Are visually attractive as a result of good architecture, layout and appropriate landscaping</i> <i>• Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change</i> <i>• Establish a strong sense of place</i> <i>• Optimise the potential of the site to accommodate and sustain an appropriate amount of development</i> <i>• Create high quality place taking account of a number of factors such as safe, inclusive and accessible with a high standard of amenity</i>
Paragraph 130	<p><i>Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides or plans or supplementary planning documents.</i></p>

Paragraph 131	<i>In determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings</i>
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Cherwell Local Plan (2016)

Policy Reference	Policy
PSD 1 Presumption in Favour of Sustainable Development	<i>"When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development... Planning applications that accord with the policies in this Local Plan will be approved without delay unless material considerations indicate otherwise".</i>
SLE 4 Improved Transport and Connections	<p><i>"New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.</i></p> <p><i>All development where reasonable to do so should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported".</i></p>
BSC 1 District Wide Housing Distribution	<p><i>"Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2014 and 2031. Housing will be delivered in accordance with the requirements set out below:</i></p> <p><i>Banbury</i></p> <p><i>Completions- 213</i></p> <p><i>Permissions(10+)- 2,346</i></p> <p><i>Allocations- 2,350</i></p> <p><i>Windfalls (<10)- 416</i></p> <p><i>Totals- 7,319</i></p>

BSC 2 The Effective and Efficient Use of Land- Brownfield Land and Housing Density	<p><i>"Housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development."</i></p>
BSC 3 Affordable Housing	<p><i>"At Banbury and Bicester, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross) will be expected to provide at least 30% of new housing as affordable homes on site."</i></p> <p><i>Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances."</i></p> <p><i>All qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes."</i></p>
BSC 4 Housing Mix	<p><i>"New residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities."</i></p> <p><i>The mix of housing will be negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on local market conditions."</i></p>
BSC 11 Local Standards of Provision- Outdoor Recreation	<p><i>"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and community needs likely to be generated by it. Provision should usually be made on site in accordance with the minimum standards set out in the policy"</i></p>
BSC 12 Indoor Sport, Recreation and Community Facilities	<p><i>" The Council will encourage the provision of community facilities to enhance the sustainability of communities, and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards of provision by the following means:</i></p> <ul style="list-style-type: none"> <i>- Protecting and enhancing the quality of existing facilities</i> <i>- Improving access to existing facilities</i>

	<ul style="list-style-type: none"> - Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision."
ESD 1 Mitigating and Adapting to Climate Change	<p>"Measures will be taken to mitigate the impact of development within the District on climate change.</p> <p>The incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts will include consideration of the following:</p> <ul style="list-style-type: none"> - Taking into account the known physical and environmental constraints when identifying locations for development - Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling - Minimising the risk of flooding and making use of sustainable drainage methods, and - Reducing the effects of development on the microclimate.
ESD 2 Energy Hierarchy and Allowable Solutions	<p>"In seeking to achieve carbon emissions reductions, we will promote an 'energy hierarchy' as follows:</p> <ul style="list-style-type: none"> - Reducing energy use, in particular by the use of sustainable design and construction measures - Supplying energy efficiently giving priority to decentralised energy supply - Making use of renewable energy - Making use of allowable solutions
ESD 3 Sustainable Communities	<p>"All new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.</p> <p>All development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to:</p> <ul style="list-style-type: none"> - Minimising both energy demands and energy loss - Maximising passive solar lighting and natural ventilation - Maximising resource efficiency - Incorporating the use of recycled and energy efficient materials - Incorporating the use of locally sourced building materials

	<ul style="list-style-type: none"> - Reducing waste and pollution and making adequate provision for the recycling of waste - Making use of sustainable drainage methods - Reducing the impact on the external environment and maximising opportunities for cooling and shading (by provision of open space and water, planting and green roofs, for example) and - Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.
ESD 7 Sustainable Drainage Systems (SuDS)	<p><i>"All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.</i></p> <p><i>Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.</i></p>
ESD 13 Local Landscape Protection and Enhancement	<p><i>"Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.</i></p> <p><i>Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:</i></p> <ul style="list-style-type: none"> - <i>Cause undue visual intrusion into the open countryside</i> - <i>Cause undue harm to important natural landscape features and topography</i> - <i>Be inconsistent with local character</i> - <i>Impact on areas judged to have a high level of tranquillity</i> - <i>Harm the setting of settlements, buildings, structures or other landmark features, or</i> - <i>Harm the historic value of the landscape</i>
ESD 15 The Character of the Built and Historic Environment	<p><i>"Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.</i></p>

	<p><i>New development proposals should:</i></p> <ul style="list-style-type: none"> - <i>Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in...</i> - <i>Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions</i> - <i>Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity.</i> - <i>Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features...</i> - <i>Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, into appropriate use will be encouraged</i> - <i>Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages</i> - <i>Reflect or in a contemporary design response, re-interpret local distinctiveness including elements of construction, elevational detailing , windows and doors, building and surfacing materials, mass, scale and colour palette</i> - <i>Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space</i> - <i>Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation</i>
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Saved Policies Cherwell 1996 Local Plan

Policy Reference	Policy
H5 Affordable Housing	<p><i>"Where there is demonstrable lack of affordable housing to meet local needs, the district council will negotiate with developers to secure an element of affordable housing in substantial new residential development schemes. The district council will need to be satisfied that such affordable housing</i></p> <ul style="list-style-type: none"> <i>i) Is economically viable in terms of its ability to meet the need identified</i> <i>ii) Will be available to meet local needs long term through secure arrangements being made to restrict the occupancy of the development</i> <i>iii) Is compatible with the other policies in this plan</i>
C10 Historic Landscapes, Parks and Gardens and historic battlefields	<p><i>"Development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings will normally be resisted".</i></p>
C28 Layout, design and external appearance of new development	<p><i>"Control will be exercised over all new development including conversions and extensions, to ensure that the standards of layout, design and external appearance including the choice of external finish materials are sympathetic to the character of the urban or rural context of that development. In sensitive areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required."</i></p>
C30 Design of new residential development	<p><i>"Design control will be exercised to ensure:</i></p> <ul style="list-style-type: none"> <i>i. That new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity</i> <i>ii. That any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene,</i> <i>iii. That new housing development of any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority</i>
C31 Compatibility of proposals in residential areas	<p><i>"In existing and proposed residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted."</i></p>

Transport for new developments parking standards for new residential developments (2011)

Table B1: Car parking provision in new developments for urban areas in Cherwell						
Number of bedrooms per dwelling	Maximum number of allocated spaces	Maximum number of spaces when two allocated space per dwelling is provided		Maximum number of spaces when one allocated space per dwelling is provided		Maximum number of unallocated spaces when no allocated spaces
		allocated spaces	unallocated spaces	allocated spaces	unallocated spaces	
1	1	N/A	N/A	1	0.4	1.2
2	2	2	0.3	1	0.6	1.4
2/3	2	2	0.3	1	0.7	1.5
3	2	2	0.3	1	0.8	1.7
3/4	2	2	0.4	1	1.0	1.9
4+	2	2	0.5	1	1.3	2.2