



**Banbury Oil
Depot**

**Heritage
Assessment**

Prepared by:
**The Environmental
Dimension
Partnership Ltd**

On behalf of:
**Motor Fuel Group
Ltd**

September 2021
Report Reference
edp6595_r001c

Contents

Section 1	Introduction.....	1
Section 2	Legislation and Planning Guidance.....	3
Section 3	Methodology.....	11
Section 4	Existing Information.....	15
Section 5	Proposed Development and Impact Assessment.....	33
Section 6	Conclusion.....	35
Section 7	References.....	37

Images

Image EDP 1 - 11

Plan

Plan EDP 1 Heritage Assets
 (edp6595_d001a 09 December 2020 RB/MM)

This version is intended for electronic viewing only

	Report Ref: edp6595_r001			
	Author	Formatted	Peer Review	Proofed by/Date
r001_DRAFT	MM	CL	-	-
r001a	MM	-	EO	JM 081220 LL 240221
r001b	MM	-	-	CL 150321
r001c	MM	-	-	-

Section 1 Introduction

- 1.1 This report has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Motor Fuel Group Ltd and presents the results of a heritage assessment of Banbury Oil Depot (hereafter referred to as ‘the Site’). This document has been produced to support an outline planning application for the residential development of the Site. The *Cherwell District Local Plan 2011-2031* includes the Site as an allocation for the delivery of housing and mixed-use development under Policy Banbury 1.
- 1.2 The aim of this assessment is to identify and assess potential effects on heritage assets, either directly or through changes within their settings, as a result of the development of the Site, and to determine whether and to what extent those changes will affect their heritage significance. Non-designated archaeological remains fall outside of the scope of this report.
- 1.3 In accordance with best practice guidance, desktop sources have been augmented through the completion of a site walkover survey, which was undertaken in September 2020.

Location, Boundaries and Topography

- 1.4 The Site comprises an oil storage depot and grassed wasteland that totals c. 0.8 hectare (ha) of land (see **Image EDP 1**). It is located immediately to the east of Banbury town centre and immediately to the west of Banbury train station. It is centred on National Grid Reference (NGR) 446138,240309 and is broadly flat at c. 90m above Ordnance Datum (aOD).
- 1.5 The Site is surrounded by security fencing and is bounded to the west by the River Cherwell, to the north and south by light industry, and to the east by Tramway Road. The current built form of the Site includes oil storage tanks and associated paraphernalia, along with hardstanding and small area of grass.

Proposed Development

- 1.6 The Site forms part of the Banbury Canalside redevelopment site, which is included in the Local Plan for a mix of uses including up to 700 homes, retail, 15,000sqm of town centre/commercial uses, public open space and multi storey car parks. The wider allocation comprises 26 hectares (ha) of land predominantly containing modern industrial units, with some earlier industrial-related buildings and a modern football ground. The allocation also contains part of the Oxford Canal Conservation Area and the Grade II listed Old Town Hall (Chapmans) (**1199858**), as well as several local heritage assets.
- 1.7 The outline planning application for the redevelopment of the Banbury Oil Depot includes the demolition/removal of buildings and other structures associated with the oil depot use

and the construction of up to 110 apartments, and up to 166m² of community/retail/commercial space, with all matters (relating to appearance landscaping, scale and layout) reserved except for access off Tramway Road.

Section 2 Legislation and Planning Guidance

- 2.1 This section summarises the key legislative and planning policy context, relating to the proposed development of the site, at both national and local levels.

Legislation

Scheduled Monuments

- 2.2 The relevant legislation concerning the treatment of scheduled monuments is the *Ancient Monuments and Archaeological Areas Act 1979* (HMSO 1979). This act details the designation, care and management of scheduled monuments, as well as detailing the procedures needed to obtain permission for works that would directly impact upon their preservation. The act does not confer any statutory protection on the setting of scheduled monuments, although this is considered as a policy matter in paragraph 200 of the National Planning Policy Framework (NPPF).

Listed Buildings and Conservation Areas

- 2.3 Sections 66(1) and 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* set out the duties of Local Planning Authorities (LPAs), in respect of the treatment of listed buildings and conservation areas through the planning process.
- 2.4 Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* sets out the statutory duty of the decision-maker, where proposed development would affect a listed building or its setting. It sets out the statutory duty as follows:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 2.5 This “special regard” duty has been tested in the Court of Appeal and confirmed to require that “considerable importance and weight” should be afforded by the decision maker to the desirability of preserving a listed building along with its setting. The relevant Court judgement is referenced as *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage and National Trust [2014] EWCA Civ 137*.
- 2.6 However, it must be recognised that s66(1) of the 1990 Act does not identify that the local authority or the Secretary of State *must* preserve a listed building or its setting. Neither is it the case that a proposed development that does not *preserve* is unacceptable and should be refused. It is for the decision maker to evaluate and determine.

- 2.7 The discussion of ‘harm’ is of relevance in the judgement in respect of *R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)* also makes this clear at Paragraph 49 when it states that:

“This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to [the character or appearance of] a conservation area is other than a matter for its own planning judgement. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasised in Barnwell, that a finding of harm to the setting of a listed building or to [the character or appearance] of a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.”

- 2.8 This key point is also made in Paragraph 54 of *Forest of Dean DC v Secretary of State for Communities and Local Government [2013] EWHC 4052*; i.e.:

“...Section 66 (1) did not oblige the inspector to reject the proposal because he found it would cause some harm to the setting of the listed buildings. The duty is directed to ‘the desirability of preserving’ the setting of listed buildings. One sees there the basic purpose of the ‘special regard’ duty. It does not rule out acceptable change. It gives the decision-maker an extra task to perform, which is to judge whether the change proposed is acceptable. But it does not prescribe the outcome. It does not dictate the refusal of planning permission if the proposed development is found likely to alter or even to harm the setting of a listed building.”

- 2.9 In other words, it is up to the decision maker (such as a local authority) to assess whether the proposal which is before them would result in ‘acceptable change’.

- 2.10 Furthermore, insofar as conservation areas are concerned, Section 72(1) of the 1990 Act identifies the following: *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

- 2.11 In addition to the case law discussed above, it must be recognised that, as established by the Courts (*South Lakeland DC v Secretary of State for the Environment, (1992) 2 WLR 204*): (1) there is **no** statutory duty to enhance the character or appearance of a conservation area – the Courts have confirmed that development that ‘preserves’ them is acceptable; and (2) the statutory duty only covers development that is within a conservation area – the ‘setting’ of a conservation area is addressed by planning policy.

- 2.12 Paragraph 200 of the NPPF (MHCLG 2021) transposes s66(1) and s72(1) of the 1990 Act into NPPF.

- 2.13 The balancing exercise to be performed – between the harm arising from a proposal and the benefits which would accrue from its implementation – is then subsequently presented in paragraphs 201 and 202 of the NPPF.

National Planning Policy

- 2.14 The revised NPPF was published in July 2021. Section 16 sets out the government’s approach to the conservation and management of the historic environment, including both listed buildings and conservation areas, through the planning process. The opening paragraph (189), recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner proportionate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 2.15 Paragraph 194 concerns planning applications, stating that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

- 2.16 Paragraph 199 considers the weighting given within the planning decision with regard to impacts on designated heritage assets, stating that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 2.17 Paragraph 200 considers the level of harmful effects on designated heritage assets and states that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) *Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;*
and

b) *Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

2.18 With regard to the decision-making process, paragraphs 201 and 202 are of relevance. Paragraph 201 states that:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) *The nature of the heritage asset prevents all reasonable uses of the site;*
- b) *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c) *Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *The harm or loss is outweighed by the benefit of bringing the site back into use.”*

2.19 Paragraph 202 states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

2.20 With regard to non-designated heritage assets, paragraph 203 states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

2.21 Additionally, paragraph 207 states that:

“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.”

Local Planning Policy

2.22 The Site is allocated under Policy Banbury 1 of the *Cherwell Local Plan 2011-2031*, which was adopted in 2015. This policy requires that the design of proposals to “*respect the setting of the retained historic buildings*” and make allowance for the “*retention and*

integration of the most valuable historic buildings/structures including the Grade II Listed Old Town Hall and bridge over the river [Cherwell]”. Additionally, the policy promotes the “integration of existing historic buildings, which will enrich the environment and maintain the long-term character of the area”. The policy also requires that planning applications are accompanied by a heritage assessment, amongst other material.

2.23 More generally, the following policies of the Local Plan are relevant to this application:

“Policy ESD 15: The Character of the Built and Historic Environment

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.

New development proposals should:

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions;*
- *Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions;*
- *Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity;*
- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting;*
- *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, especially any on English Heritage’s At Risk Register, into appropriate use will be encouraged;*
- *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should*

include an appropriate desk-based assessment and, where necessary, a field evaluation;

- *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;*
- *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;*
- *Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;*
- *Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed;*
- *Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space;*
- *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation;*
- *Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation;*
- *Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy);*
- *Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality; and*
- *Use locally sourced sustainable materials where possible.*

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site."

2.24 The following 'saved' policy from the *Cherwell Local Plan 1996* is also of relevance:

"C25 In considering proposals for development which would affect the site or setting of a scheduled ancient monument, other nationally important archaeological sites and monuments of special local importance, the Council will have regard to the desirability or maintaining its overall historic character, including its protection, enhancement and preservation where appropriate."

2.25 Whilst there are some additional 'saved' heritage policies from the *Cherwell Local Plan 1996*, they relate to planning applications for alterations and re-uses of listed buildings, and those within conservation areas, and are therefore not relevant to this application.

2.26 The plans and policies identified above have all been taken into account in the preparation of this assessment.

This page has been left blank intentionally

Section 3 Methodology

- 3.1 This report has been produced in accordance with the *Standard and Guidance for Historic Environment Desk-Based Assessment* issued by the Chartered Institute for Archaeologists (CIfA, 2017). These guidelines provide a national standard for the completion of desk-based assessments.
- 3.2 The assessment principally involved consultation of readily available archaeological and historical information from documentary and cartographic sources. The major repositories of information comprised The National Heritage List for England (NHLE) curated by Historic England, the Oxfordshire History Centre and on-line sources of historic maps and documents.
- 3.3 The information gathered from the repositories and sources identified above was checked and augmented through the completion of a site visit and walkover, carried out in September 2020.
- 3.4 An assessment has been made of the potential for effects on heritage assets, in terms of their ‘setting’, in line with the five-step process outlined in the national guidance (HE, 2017a) and other relevant documents related to the assessment and management of the historic environment (HE, 2015). Due regard was also given to guidance concerning conservation areas (HE 2019).
- 3.5 When assessing the impact of proposals on heritage assets through changes within their ‘setting’, it is not a question of whether there would be a direct physical impact, but instead whether change within the ‘setting’ would lead to a loss of ‘significance’.
- 3.6 In simple terms, setting is defined as “*the surroundings in which a heritage asset is experienced*” (MHCLG 2019). It must be recognised from the outset that ‘setting’ is not a heritage asset and cannot itself be harmed. Its importance relates to the contribution it makes to the significance of the heritage asset.
- 3.7 Historic England (HE) guidance identifies that “*change to heritage assets is inevitable, but it is only harmful when significance is damaged*” (HE 2015a).
- 3.8 In that regard, ‘significance’ is defined in Annex 2 of the NPPF as “*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.*”
- 3.9 As such, when assessing the indirect impact of proposals on heritage assets, it is not a question of whether setting would be affected, but rather a question of whether change within an asset’s ‘setting’ would lead to a loss of ‘significance’ based on the above ‘heritage interest’ as defined in the NPPF.

- 3.10 Set within this context, it is necessary to first define the significance of the asset in question, and the contribution made to that significance by its 'setting', in order to establish whether there would be a loss and therefore harm. The guidance identifies that change within a heritage asset's setting need not necessarily cause harm to that asset, it can be positive, negative or neutral.
- 3.11 In light of the above, the assessment of potential setting effects, arising from the proposed scheme, has followed the guidance set out in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* published by Historic England in 2017. This guidance (HE 2017a) observes that: *"The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve"*.
- 3.12 The guidance also observes that: *"Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral"*.
- 3.13 The guidance states that the importance of setting *"lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance"*.
- 3.14 It goes on to note that:
- "All heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it."*
- 3.15 Whilst identifying that elements of an asset's setting can make an important contribution to its significance, the guidance states that *"setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated"*. It continues by adding that *"Conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive..."*.
- 3.16 On a practical level, the HE guidance (2017a) identifies an approach to assessing setting in relation to development management that is based on a 5-step procedure, i.e.:
1. Identify which heritage assets and their settings are affected;
 2. Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
 3. Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it;
 4. Explore ways to maximise enhancement and avoid or minimise harm; and

5. Make and document the decision and monitor outcomes.

3.17 As far as Step 2 is concerned, the guidance makes the following observations:

“The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and the extent and/or nature of that contribution...this assessment should first address the key attributes of the heritage asset itself and then consider:

- *The physical surroundings of the asset, including its relationship with other heritage assets;*
- *The asset’s intangible associations with its surroundings, and patterns of use;*
- *The contribution made by noises, smells, etc to significance; and*
- *The way views allow the significance of the asset to be appreciated.”*

3.18 Thereafter, the guidance notes that *“This assessment of the contribution to significance made by setting will provide the baseline for establishing the effects of a proposed development on significance, as set out in ‘Step 3’ below.”*

3.19 Having established the baseline, the following guidance is provided in respect of an assessment of the effect upon ‘setting’, i.e.:

“In general, the assessment should address the attributes of the proposed development in terms of its:

- *Location and siting;*
- *Form and appearance;*
- *Wider effects; and*
- *Permanence.”*

3.20 In light of the above, the assessment of potential setting effects, employed in the preparation of this report, focused on the completion of a site survey, which was undertaken in September 2020 and concentrated on the following three main areas:

1. Identifying those heritage assets that could potentially be affected by the proposed scheme and the manner (if any) in which they would be affected;
2. Defining the contribution made to their *significance* by their setting; and
3. Assessing the likely impact upon their *significance* as a result of the form of development proposed being implemented.

- 3.21 As far as identifying the heritage assets potentially affected by the proposed scheme is concerned, due consideration has been given to the following factors which are considered to influence the potential for the setting of heritage assets to be materially affected: (1) the Site is located within a densely-developed urban location; (2) it comprises a modern industrial complex and brown field land; and (3) the character and setting of surrounding heritage assets, which are encompassed within the varied built landscape of Banbury and its immediate area.
- 3.22 Through a review of information on the NHLE and Cherwell District Council (CDC) website, consideration of the scale and massing of the proposals and review of mapping, an initial list of designated heritage assets was compiled to form the basis of the heritage setting assessment. The Council's conservation officer was also consulted for their opinion (e-mail reply dated 11 August 2020) and they indicated that a group of five non-designated heritage assets should also be included in this assessment.
- 3.23 The heritage assets identified through this process were not taken as an absolute list, but rather the minimum that required consideration. This list was used to guide the Site walkover in September 2020, but with the opportunity to include other assets that had not initially been identified for inclusion in the assessment.
- 3.24 In light of the above, the heritage setting assessment at **Sections 4 and 5** of this report has been prepared in a robust manner, employing current best practice professional guidance and giving due regard to the methodology detailed above.

Section 4 Existing Information

Introduction

- 4.1 The site does not contain any heritage assets – as defined in Annex 2 of the NPPF - where there would be a presumption in favour of their retention/preservation *in situ*. As such, the proposed development could only result in effects (if any) through changes to the ‘setting’ of heritage assets in the wider area around it.
- 4.2 Those designated and non-designated heritage assets in the wider area around the Site that could be affected by its development, and identified through the process outlined in the preceding section (see paragraphs 3.17 to 3.19), comprise the following:
- Tooley’s Boatyard scheduled monument (**1006323**);
 - Grade II listed Old Town Hall (Chapman Brothers) (**1199858**);
 - Grade II listed Bridge over Mill Stream (**1046184**);
 - Grade II listed Elephant and Castle Hotel (**1369549**);
 - Oxford Canal Conservation Area;
 - Grimsbury Conservation Area;
 - Banbury Conservation Area; and
 - Five non-designated heritage assets (**NDHA1** to **5**), comprising buildings on Lower Cherwell Street and Swan Close Road, which are proposed for inclusion in a Local List.
- 4.3 The locations of the heritage assets discussed below are displayed on **Plan EDP 1**. The site walkover in September 2020 did not identify any additional heritage assets that were sensitive to development within the Site, and as such would require consideration in this heritage setting assessment.

Site Description

- 4.4 To provide context for the following discussions, a brief account of the development of the Site is provided here.
- 4.5 A review of historic maps has identified that the Site was farmland until c.1922, when an east/west section of railway line was constructed across the northern end, along with two buildings of indeterminate use in the north-east corner. The railway line connected with the

broadly contemporary depot, containing 'tanks' possibly for oil storage, on the eastern bank of the Oxford Canal.

- 4.6 By 1966, the earlier buildings had been removed and a petroleum depot established in the northern end of the site. By 1976-1985, the railway had been removed and the oil depot established in the southern end of the Site. This broadly reflects its layout today. The site visit did not identify any form of the site that pre-dated the 1976-1985 revision in use and layout.

Scheduled Monument

Tooley's Boatyard Scheduled Monument (1006323)

- 4.7 This scheduled monument is located c.450m to the north-west of the site and comprises a canal boatyard dating from 1790 and still in use today. It includes a dry dock, culvert, and an original forge and smithy building. In its modern form, the complex also includes additions such as a Perspex workshop. The description in the NHLE contains no further information, simply stating that the record is generated from an 'old county number' scheduling record. In terms of its significance, this appears to derive mostly from its historic, architectural and archaeological interests, being a rare and relatively well-preserved survival of an 18th century boat repair dock with associated buildings. As it is a predominantly functional complex, there is little, if any, artistic interest.
- 4.8 With regard its setting, the relationship with the Oxford Canal makes a clear positive contribution to the significance, being the focus for its historic setting and intended/continued use. Otherwise, the boatyard is today encapsulated within the modern Castle Quay development that dominates its setting, with large scale modern commercial, retail and residential buildings, and has modernised the towpath through the use of brick paving (see **Image EDP 2**).
- 4.9 Whilst the immediate pedestrianised area allows appreciation of the significance of the boatyard, in terms of its outward form, the remainder of this setting is considered 'neutral', given that it is dominated by modern buildings, albeit sympathetically designed as they take design cues from industrial/canal-side architecture.
- 4.10 The Site is relatively distant from this asset, being c.450m to the south-east. There are no known historic or functional links and, due to the intervening built environment, no visual links either. As such, in its present form, the Site is not considered to either form part of the setting of the boatyard or contribute to its significance.

Listed Buildings

Grade II listed Old Town Hall (Chapman Brothers) (1199858)

- 4.11 The listing citation for the Old Town Hall, which is located c.110m to the west of the Site, describes the asset as follows (reproduced in full):

“Town Hall, now warehouse. 1790, resited and rebuilt c.1860. Brick. Hipped slate roof. 2 storeys. Pedimented with 5-bay blocked arcade on ground floor. First floor has blocked semi-circular headed window. Roof has base of cupola. Old Town Hall was moved from Market Place to present site on canal c.1860.”

- 4.12 The relevant non-statutory listing guidance for such structures (HE 2017b) notes that, whilst town halls are largely a 19th century creation, they most often conform to a classic layout, originating in the medieval period, comprising a first-floor meeting room raised on arcades above an open sided market space. This listed building clearly originally complied with this established design, albeit the arcades are now blocked in presumably when it was converted into a warehouse.
- 4.13 The guidance further notes that a growing sense of urban identity led to more elaborate architectural treatment of town halls in the 18th century, which often became the focus for town centres and the hub for local government and legal proceedings. During the 19th century, legal reforms in the shape of the *Municipal Corporations Reform Act of 1835* increased the power of municipal authorities (such as Banbury), including their ability to raise funds. This expansion of responsibility and functions led to a commensurate expansion of facilities in many instances, including the extension of some town halls, or in some cases their demolition and replacement (*ibid.*).
- 4.14 Indeed, it is likely that the redundancy, relocation and re-purposing of the Old Town Hall in c.1860 was linked with the construction of a new town hall for Banbury, also a Grade II listed building (**1369525**) c.400m to the north-west, in c.1854.
- 4.15 Whilst the ground floor arcades have been infilled and the building is in apparent use as an office (as opposed to warehouse, as described in the listing citation), the fabric of the asset is still readable as a pre-19th century town hall of the classic ‘meeting room over market’ design (see **Image EDP 3**). In this regard, it appears that the majority of its significance is derived from its architectural and historic interest, as a surviving example of a provincial town hall from 1790, at a time when there was a growing sense of civic pride in the township, reflected in its embellishments and the quality of its fabric.
- 4.16 In this regard, it also has some artistic interest, in terms of the few decorative elements of the structure, such as the base of the cupola. There is also some archaeological interest inasmuch that it has been altered to suit its later canal-side warehouse purpose, but still retains indications of its original use and design.
- 4.17 It can also be said that there is historic interest in its relocation and re-purposing as a warehouse, which is probably a physical manifestation of the legal reforms in the

19th century that affected local municipal authorities and resulted in the expansion of their responsibilities and function, which led to the need for larger and/or replacement facilities.

- 4.18 Indeed, whilst the current setting by the canal therefore does not reflect its original location or purpose, which would have been in the centre of the town as a focus for the community and as a symbol of civic pride, it instead reflects its re-purposing and marginalisation (in terms of its original intended public use). It also demonstrates its later use as a warehouse, positioned within easy reach of the canal. Therefore, the setting near the canal positively contributes to its significance, but mostly in terms of the historic interest it demonstrates regarding the shift in local government requirements that led to the replacement of the Old Town Hall and its sale for re-use.
- 4.19 The immediate area around the listed building is a car park, which allows open space in which to appreciate the significance demonstrable in its outward form, albeit it does not otherwise contribute to the significance *per se*, being entirely of modern form. More widely, the listed building is located in a small group of historic buildings, comprising two non-designated heritage assets (**NDHA2** and **4**), which positively contribute to its significance as other survivals of 19th and early 20th century canal-side activity, comprising a grain warehouse and power plant.
- 4.20 The asset is located adjacent to modern garages and industrial units of typical utilitarian style and character to the south and west, which broadly reflect its later setting in the industrialised canal side, but are otherwise of no interest in themselves and represent replacement buildings of demolished Victorian structures. Therefore, these buildings are 'neutral' to its significance.
- 4.21 Whilst there are historic links with the canal, somewhat reflected in the inclusion of this listed building within the Oxford Canal Conservation Area, the asset is segregated from the waterway by a modern residential building, and therefore these links are intangible but still make a positive contribution to its significance.
- 4.22 The Site, comprising an area of wasteland and an oil storage depot, cannot be experienced in its current form from this listed building, due to the intervening built and vegetated environment. There are also no known historic or functional links. The Site is not considered to form part of the setting of this asset or contribute to its significance, as discussed above. Indeed, it is notable that the listed building is included within the Policy Banbury 1 site allocation, and therefore its setting will further evolve as this policy is implemented and planning applications submitted for the re-development of the surrounding area.

Grade II listed Bridge over Mill Stream (1046184)

- 4.23 This bridge is located c.190m to the north-west of the Site and is described in its listing citation as follows (reproduced in full): "*Bridge. Medieval. Original C13 bridge now mainly obscured by the construction of a railway bridge in the C19. Limestone with pointed arches and ribs. Previously Banbury Bridge was noted as having 7 pointed arches, of which only the westernmost appear to survive*".

- 4.24 With regard to the listing criteria for structures such as these, the guidance is clear that substantially intact pre-1850 bridges will be listed as a matter of course. Where they have been altered, *“they may still merit serious consideration where the modifications reflect the evolution and development of a particular route, but the extent of alteration and intrinsic interest will require careful analysis”* (HE 2017c).
- 4.25 Therefore, as the survival of a 13th century bridge, the majority of its significance appears to derive from its historic interest as a medieval example of this type of structure. In addition, there is some architectural interest, in terms of what the fabric demonstrates of medieval technology and engineering. There is some archaeological interest, as the structure may contain traces of later changes and adaptations that could further elucidate its history, but very minimal artistic interest, given the limited decorative treatment and survival of the structure.
- 4.26 As a bridge, it is first and foremost a practical structure to allow the passage of traffic from one side of the mill stream to the other, presumably at a location either reflecting an earlier crossing point or a location where the stream was most easily spanned. Therefore, the mill’s stream is considered to positively contribute to the significance of this bridge, demonstrating as it does the purpose of the structure.
- 4.27 The bridge formed part of the primary route for approaching Banbury from the east, which is further emphasised by the adjacent railway bridge, which was added as technological improvements to transport developed. As such, there is some contribution from this later infrastructure, which underlines this transport route across the stream in this location.
- 4.28 As a practical structure with little artistic embellishment, there is no evidence to suggest that views outward from, or toward, the bridge was important to its design or function. Indeed, the later alterations almost entirely encase the medieval structure, from where the asset derives the large majority of its significance, which can only be experienced in narrow views from a modern car park to the south (see **Image EDP 4**).
- 4.29 There are no historic, functional or visual links with the Site, and it is not considered to either form part of this listed building’s setting or contribute to its significance.

Grade II listed Elephant and Castle Hotel (1369549)

- 4.30 The Elephant and Castle Hotel is located c.210m to the north-east of the Site, and is described in the listing citation as follows (reproduced in full):

“House, now hotel and public house. Late C17/early C18. Regular coursed ironstone rubble. Steeply pitched slate roof. Ironstone copings to left and right. Ironstone quoins. Brick ridge and end stacks to right on rendered stone bases. 2 storeys plus attic. 3-window range. 3-unit plan. Central entrance has 4-centred arched doorway with chamfered soffit and jambs. C20 door. Doorway is flanked by C20 windows with chamfered wooden lintels. 3 similar renewed C20 windows to first floor have chamfered wooden lintels. 2 flat-roofed roof dormers. 2-storey extension to rear left: ironstone with slate roof. Plank door to left

with wooden lintel. C20 windows to ground and first floor. Interior not inspected. Large red brick extension attached to the right is not of special architectural interest.”

- 4.31 Observations made during a field visit confirmed that the description within the listing citation, which focusses on the exterior of the building, continues to be accurate. The primary contribution to its significance appears to be its historic and architectural interest, as an example of a post-medieval house constructed in the local vernacular style and of local materials. There is no more than limited artistic interest, given the very limited embellishments demonstrable in the architectural detail, which is generally quite plain. There may be some archaeological interest, in terms of renovation and adaptation of the structure, which reflects evolving tastes, living requirements and uses of the building.
- 4.32 Whilst it may once have been a house, as indicated in the listing citation, it was a public house from at least the late 19th century, as indicated on the 1882 Edition Ordnance Survey (OS) Map (not reproduced here).
- 4.33 Today, the building continues to be located on the road junction of Middleton Road, Causeway and Merton Street, where it forms part of the local streetscene. In this regard, those houses around it are a mixture of brick-built Victorian examples and modern buildings, and as such this listed building has a prominence given the distinctive use of ironstone which is otherwise rare/absent from this streetscene. This prominent location on the confluence of several roads illustrates its reliance on business from these routes, as well as providing an element of local landmark value to it, given its aforementioned distinctive building materials. These elements are considered to positively contribute to its significance.
- 4.34 A Victorian or earlier associated stable/storeroom range survives to its north, as does part of a green immediately to its west, both of which are indicated on historic OS map editions and are therefore also considered to contribute to its significance, as they reflect its historic setting and, in the case of the former, functional links. In addition, it has been expanded to the south by an additional range of buildings, probably in the early 20th century, which relate to its expanded function as a hotel. This also contributes to its significance, through historic and functional links and illustrating the development of facilities.
- 4.35 To the south of the listed building is a three-storey late 20th century office block and a large Post Office sorting warehouse constructed of metal cladding, as well as views to the railway station and multi-storey car park. These modern additions are neutral, as they neither contribute to nor detract from the listed building's significance, instead forming part of the urban backdrop. This built environment also means that the Site cannot be experienced from this asset, and *vice versa*. Given the lack of any known functional and historic links either, the Site is not considered to form part of the listed building's setting or contribute to its significance.

Conservation Areas

Oxford Canal Conservation Area

- 4.36 The Oxford Canal Conservation Area is described in its Appraisal as focussing on a “*single man-made feature of one period in time and its associated infrastructure*” (CDC 2012). The Appraisal further states that “[d]ue to [the canal’s] *historic interest and individual form of architecture, these are perceived to be characteristics that are worthy of protection*” (*ibid.*).
- 4.37 The Appraisal notes that the Oxford Canal is “*a classic contour canal, utilising the existing landscape to minimise the amount of expensive engineering required in locks, cuttings, tunnels, embankments and aqueducts*”. Furthermore, that “[e]xcluding structures such as bridges and locks, the buildings along the line of the canal that are directly related to it vary in design and there is no sense of a company house style. This absence of a corporate design is typical of the early canals, which were functional rather than stylish modes of transport” (*ibid.*).
- 4.38 The canal runs to over 100km, stretching as it does from the Coventry Canal, to the north, to central Oxford, to the south. It is described in the Appraisal as being: “*the most rural of canals, for it passes through only two sizeable towns – Rugby and Banbury – on its circuitous route to the outskirts of Oxford, and even tends to avoid most of the villages as well (ibid.)*”.
- 4.39 As such, it is evident that the character of the part of the conservation area that lies within Banbury, as well as its setting, is atypical of the majority of the experience of this much larger and predominantly rural asset. Therefore, given this context, the following assessment will focus on the part of the conservation area within Banbury.
- 4.40 The canal was established in the 18th century, with the Banbury section built around 1778. The most important cargo to be transported along the route was coal (*ibid.*) and therefore it is no coincidence that iron works were established in Banbury adjacent to the canal in the 19th century, some of the remaining buildings of which are identified as non-designated heritage assets by the Council (see **Non-designated Heritage Assets** below).
- 4.41 The Appraisal provides the following description of this part of the canal:
- “the section of the canal through Banbury retained many 18th and 19th century canal-related buildings, including wharves and warehouses, well into the 20th century. Redevelopment of the area in the late 20th century has led to their loss, removing much of the town’s original canalscape, but the scheduled monument of Tooley’s boatyard retains its dry dock (ibid.)”*
- 4.42 In this regard, special note is then made within the Appraisal of the historical and architectural interest of the area of buildings surviving between the west bank and Lower Cherwell Street. It is also noted in the Appraisal that the opposite (i.e. eastern) bank was largely undeveloped until the arrival of the railways in the Victorian period (*ibid.*). On this point, the previously open agricultural fields on the eastern bank of this section of the canal,

all since re-developed piecemeal for modern industry from the early 20th century onwards, are evident on historic editions of the OS maps.

- 4.43 Apart from the surviving buildings, the following observation is made of the character of the canal within Banbury:

“much of the older towpath boundary is made up of fragments of brick wall, though this is incomplete and virtually removed entirely north of Bridge Street. On much of the offside, private and public wharves ran down to the canal bank and there are some remnants of brick boundary walls between them (ibid.)”

- 4.44 In terms of key views, the Appraisal focusses almost entirely on rural views, and nothing specific to the section in Banbury is mentioned. Indeed, the Appraisal observes that “[t]his section of the canal itself seems to be relatively confined compared to the rest of the canal, but there are no true vistas out of it, only along it (ibid.)”.

- 4.45 The Appraisal notes the following negative contributors to the character and appearance of the Banbury section of the canal:

“The historic character of the canal zone within Banbury has already been largely eradicated to the north of Bridge Street and fragmented to the south of it. The main negative factor in the southern section is the poor condition of many of the surviving buildings and the unwelcoming nature of the towpath (ibid.)”

- 4.46 The site visit confirmed that the Oxford Canal Conservation Area within central Banbury can be broadly divided into two contrasting areas, i.e. that which lies to the north of Bridge Street, and that which lies to the south.

- 4.47 The northern section contains a surviving lock, bridge (**1046184**), Tooley’s boatyard (**1006323**) and some dockside buildings, e.g. the Arts Centre, which is a converted historic building around which the boundary of the conservation area is specifically aligned. There are also some surviving fixtures, such as mooring rings for canal boats. Otherwise, as discussed in the ‘Tooley’s Boatyard’ section above, the character and appearance has been largely modernised, with modern street furniture and herringbone brick pedestrianised paving. Its immediate surroundings are also dominated by modern development, including retail, residential and commercial buildings, as well as Banbury bus station.

- 4.48 The part of the canal to the south of Bridge Street has not been developed, in the sense that the towpath, which runs on the east side, is semi-metalled with grass verges either side (see **Image EDP 6**) and has not been re-paved. There are occasional sections of older red brick boundary walls on the east side, but it is mostly bounded by high hedges and security fences related to modern industrial units along this bank. On the opposite (i.e. western) bank, the canal edging still includes wooden retaining walls, some of which are in poor repair, with some survival of historic canal side buildings, albeit some in better condition than others. There are also some examples of modern development reaching the edge of the canal, including a large residential example that mimics Georgian/Victorian architecture in red brick.

- 4.49 In this regard, in contrast to the eastern side, whereby the boundary closely hugs the canal, the western edge of the conservation area to the south of Bridge Street extends to Lower Cherwell Street to capture areas of surviving historic canal side buildings, but also incorporates modern car parks and industrial units of no historic character. This emphasises the lack of associated surviving features to the east of the canal, beyond the conservation area boundary.
- 4.50 As such, the character and appearance of the Oxford Canal Conservation Area within Banbury can be further clarified as follows:
- The canal itself provides the one unifying factor in the conservation area, around which the form of towpath and surrounding buildings vary markedly, and forms the focus for its 'special interest';
 - A continuous towpath, which is partly paved over and modernised, and partly only semi-metalled with grassed verges, which allows public experience of the asset and reflects how it would have functioned historically;
 - The survival of canal-side buildings and features, such as mooring rings, a lock, bridges and a warehouse, which reflect the historic interest of the asset and contribute to its 'special interest';
 - Surviving industrial buildings reliant on the trade along the canal, such as warehouses and metal-working buildings dependant on coal, which are broadly brick built and with simple architecture. The contribution of these buildings is broadly positive to the 'special interest', but varies dependant on their level of surviving historic fabric; and
 - Interspersed with some modern development that replaces earlier buildings, particularly on the western bank, between the canal and Lower Cherwell Street, including rudimentary industrial buildings and a brick built residential property designed to mimic earlier architectural styles. These are considered 'neutral', in places reflecting industrial activity and canal-side architecture, but otherwise not functionally related to the former industrial use of the canal or being of any historic or architectural interests in themselves.
- 4.51 The built environment of the conservation area therefore provides historic and architectural interest, in demonstrating the development and links of the Oxford Canal. Given their functional uses, there is all but no artistic interest.
- 4.52 In addition to the character and appearance formed by the canal and upstanding Victorian and early 20th century buildings, the Appraisal also notes that some related industrial archaeology may survive either side of the canal, where it has not been destroyed by more recent development. In particular, the remains of Castle Wharf and Banbury Wharf may be buried beneath the Castle Quays development to the north of Banbury town centre (*ibid.*), albeit this mostly falls outside of the conservation area. Therefore, there is some archaeological interest, albeit unconfirmed and perhaps falling partly outside of the conservation area.

- 4.53 With regard its setting, as mentioned above, the part to the north of Bridge Street is dominated by modern and multi-storey development, albeit sympathetically designed to reflect the historic character of the canal. To the south of Bridge Street, the area to the west is characterised as a mixture of historic and modern buildings, with distant views to the modern housing on the higher ground of Banbury to the south-west. The eastern bank is characterised as modern industrial units, with some older red brick boundary walls.
- 4.54 The conservation area derives some significance from its association with the settlement of Banbury, as one of few areas of industry and population along its route, which was partly reliant on trade along the waterway. However, it is notable that such links are today experienced more in terms of tourism and leisure than industry, with fishing, pleasure boating and hiking being the predominant uses of the canal today. Indeed, where the canal lies within Banbury, it is today mostly experienced in a modern urban environment, more so than 'traditional' canal side industry.
- 4.55 The Site cannot be experienced from the conservation area in its present form due to the intervening built environment, particularly the density of industrial units along the eastern bank of the section to the south of Bridge Street. This part of the conservation area lies within the Policy Banbury 1 site allocation for residential and mixed-use development, and therefore the character and appearance, and setting, will change further as this policy is implemented through re-development.
- 4.56 Although the Site once had a section of railway line passing through it that connected with a since demolished early 20th century depot on the east bank of the Oxford Canal, there is no evidence for this in its modern layout. The link is therefore so ephemeral, short-lived and intangible as to not be considered to contribute to the character and appearance of the conservation area. Therefore, the Site is not considered to form part of the setting of this asset, or contribute to its special interest.

Grimsbury Conservation Area

- 4.57 The Appraisal for Grimsbury Conservation Area, which is located c.200m to the north of the Site, begins by stating that the area was:
- "... constructed as a suburb of Banbury in the latter half of the nineteenth century. The area is of interest because of the historic context of the site and the political process that supported its development. It is also of interest because it is representative of the spectrum in working class and artisan housing constructed in the latter half of the nineteenth century (CDC 2007)."*
- 4.58 In this regard, the Appraisal identifies the specific historic interest of the development of this suburb as part of the justification for its conservation area status. This was partly as a result of speculative development to house factory and railway workers, but also due to the work of the Banbury Freehold Land Society, the resultant estate being one of the earliest surviving examples in the country (*ibid.*).

- 4.59 The principle of a freehold estate, whereby the land is bought at wholesale price and sold on for the same price to individuals, created “*small groups of houses of individual style rather than long runs of terraces, [which] is the result this novel experiment in household ownership*” (*ibid.*).
- 4.60 Without repeating the detailed political history of Banbury that is included in the Appraisal, for the purpose of this assessment it suffices to say that the estate was a consequence of political unrest amongst the townspeople, due to the controlling influence of a small number of aristocratic families from where the local MP was drawn, the passing of several reforming Acts and the influence of a politically motivated organisation (i.e. the Freehold Land Movement).
- 4.61 In the mid-19th century, property ownership was a pre-requisite for voting status and therefore there was an advantage to increasing property ownership amongst the working class in order to advance the Liberal movement, albeit this was denied as an objective of the Freehold Land Movement by its organisers. The Banbury Freehold Society was promoted by James Taylor, a non-conformist preacher from Birmingham who was involved in the national freehold and temperance movements. The land was purchased in 1851 and divided into 151 plots (*ibid.*).
- 4.62 The majority of those who bought the plots were in fact ‘elites’ and small-scale speculative developments characterised the beginning of the estate, rather than owner-occupation as had been intended. In particular, whilst the majority of the estate was eventually inhabited by working class families, Middleton Road, which formed the “*façade of the estate*”, was entirely inhabited by middle class families. Plots to the rear of Middleton Road were purchased to extend the gardens of the houses (*ibid.*).
- 4.63 Areas adjacent to the estate were developed shortly afterwards in more common terrace forms of housing. The character of these more densely developed locations, such as those that had been constructed by the railway company for their workers, juxtaposes the more generous plots of the estate (*ibid.*).
- 4.64 In terms of the special interest of the conservation area, the Appraisal states that:

“The importance of the Grimsbury estate is not so much what it is but what it stands for and the historic context of the site. The development of the South Grimsbury area by the Banbury Freehold Society was revolutionary not because of what got built, which were standard nineteenth century dwellings, but because the scheme was based on the innovative principles of working-class self-help.

*The Freehold Estate in Grimsbury was established in the heyday of the Freehold movement. It shares, in common with other freehold estates, the dense allocation of lots, provision of a church and public houses (surprising given the strong temperance leanings of the founding fathers). Villa ‘gentrification’ is marginal and the houses are distinctly urban in character, features which seem to characterise the early days of freehold estate development (*ibid.*).”*

- 4.65 The Appraisal notes the careful spatial planning demonstrated by the arrangement of the church, public houses, school and shops. The streets are laid out in a planned grid, with the roads carefully laid-out to maximise the number of development plots. The building lines are mostly “*strong and continuous*”, and this combined with the broadly flat topography is reflected in the lack of “*panoramic views into or out of the area*”. Indeed, the Appraisal states that the conservation area “*is a remarkably inward looking area with buildings enclosing all views out*” (*ibid.*).
- 4.66 The character and appearance of the conservation area is dominated by mid-late 19th century residential architecture, mostly terraced, but in a range of styles, such as Gothic and Italianate (*ibid.*). However, it is noted that the architecture of those parts of the conservation area outside of the Freehold estate are more conservative in appearance and less “*flamboyant*” (*ibid.*). Indeed, observations made during a visit in September 2020 highlighted that the part of the conservation area closest to the Site is the Railway Terrace and was intended to house GWR workers. This area was characterised by broadly homogenous styles of red brick terrace houses that have little about their appearance that distinguishes them from other planned estates of the time.
- 4.67 As such, the special interest of the conservation area appears to derive predominantly from its historic interest, and in this regard mostly from the planned Freehold estate. It remains a relatively well-preserved example of a form of development peculiar to the Victorian period.
- 4.68 The character and appearance itself, as observed by the Appraisal, is unremarkable, in that it comprises the normal array of Victorian and early 20th century housing styles, built to similar designs and layouts, and with similar architectural treatments as other examples of contemporary housing. Therefore, inasmuch as the architectural interest of the asset contributes to its significance, it derives from where it illustrates the history of the development and the intentions of the semi-political Freehold Land Movement and its aims. This is evident, for example, in the careful provision and location of facilities for community use, such as school and church, and the juxtaposition between the more generous house plots of the Freehold estate with the more densely packed speculative development around it, such as Railway Terrace.
- 4.69 The artistic interest is limited, but again serves to underline the greater care given to the design and appearance of those houses within the Freehold estate, as opposed to the more conservative and plainer ‘mass produced’ houses for railway and factory workers.
- 4.70 With regard its setting, as underlined in the Appraisal, there are no panoramic views outward from the asset and, where views are considered important, they are internally focussed. The conservation area has a strongly urban character, enclosed on all sides by historic and modern development. The setting is therefore considered to make a very limited contribution to its significance, which is broadly confined to its wider connection with the town of Banbury to the west and, in terms of Railway Terrace, the connections with the station and railway line to the south.

- 4.71 In this context, the Site lies c.200m to the south of the conservation area and there are all but no visual links due to the intervening built environment, particularly the multi-storey modern offices, a Post Office sorting warehouse, multi-storey car parks and the modern railway station. From the tallest element in the site, i.e. the oil storage tank, there are distant and heavily obscured views to a small number of chimneys and rooftops in the conservation area, but these are of no identifiable value in terms of appreciating the character and appearance of the conservation area. The Site also has no known historic or functional connections either. As such, the Site forms no more than a very ephemeral and distant part of the setting of this asset and does not contribute to its special interest in any way.

Banbury Conservation Area

- 4.72 The Banbury Conservation Area is located c.270m to the west of the Site. The adopted Appraisal (CDC 2018) states that:

“Banbury is a rural market town whose central core retains its medieval street pattern intact, populated however with buildings principally from the 18th and 19th centuries. This core is immediately surrounded by suburbs which grew out of the economic resurgence of the town during the 18th and 19th centuries.”

- 4.73 Given the large area covered by this asset, the following discussion concentrates on the two ‘character areas’ identified within the Appraisal on the east side of the conservation area, closest to the Site.
- 4.74 The ‘medieval character area’ is described in the Appraisal as predominantly a civic and commercial part of the town, where the medieval street pattern continues to survive, comprising four principal roads connecting secondary alleys and lanes. Perversely, the built environment of this character area predominates from the 17th to 19th centuries. The structures vary from timber framed, ironstone, rendered, non-local stone and brick buildings. The built environment is dense, with continuous street frontages and with a uniformity of scale at three to three and a half storeys, with some areas of two-storeys (*ibid.*).
- 4.75 The ‘Newlands character area’ is described in the Appraisal as mostly residential, but with some commercial and retail uses. The built environment is densely developed along the axes of main roads aligned north/south and east/west. The area is “*dominated*” by terraced workers housing from the latter half of the 19th century, mostly of three storeys, with contemporary public houses, artisan housing, school and chapels. The terraces are mostly brick with simple decorative treatment. There are also 20th century apartment blocks (*ibid.*).
- 4.76 As such, based on the character and appearance outlined above, the special interest of the conservation area is considered to predominately derive from the historic and architectural interest of its built form and its layout, particularly in terms of the medieval street pattern. There is some artistic interest derived from the embellishments of its constituent buildings, such as the clock tower of the town hall. There is also archaeological interest, in terms of any buried remains related to earlier forms of the settlement.

- 4.77 With regard the setting of the conservation area, it has a particularly urban character, being surrounded on all sides by the wider settlement of Banbury, including further residential housing, industry and retail development. There is some positive contribution from such aspects as the Grade II listed medieval bridge over the mill stream (**1046184**), that formed a historic route into the town, and the Oxford Canal Conservation Area, given the links between this waterway industry, and the town, albeit the character of this is now mostly dominated by modern buildings, as discussed in the Oxford Canal Conservation Area section above.
- 4.78 The Site lies further towards the outskirts of the modern town and is relatively distant from the conservation area, at c.270m to the west of it, separated by 19th and 20th century industrial, residential and commercial buildings. Indeed, there are no 'positive vistas' identified towards or across the Site from the conservation area in the Appraisal, and the Site visit confirmed that there was no experience of the asset from the Site or vice versa. There are no specific known historic or functional links evident today that would contribute to the special interest of the asset outlined above.
- 4.79 As such, the Site is not considered to form part of the setting of this asset or contribute to its special interest.

Non-designated Heritage Assets

- 4.80 The following five buildings were identified by the CDC Conservation Officer as requiring consideration in the heritage setting assessment. However, whilst they have been identified for potential inclusion within the Local List, which is yet to be adopted, this has yet to be confirmed.
- 4.81 The following discussions are based on a combination of: (1) field observations of the buildings; and (2) descriptions supplied by the Council's Conservation Officer, which are not final descriptions or assessments.

Burgess, Lower Cherwell Street (NDHA1)

- 4.82 Two remaining ranges of the former Cherwell Iron Works are located c.120m to the south-west of the Site, on Lower Cherwell Street. These were built in 1861 and are described as follows:

"Local Liassic brick with timber-trussed Welsh slate roof and iron-framed windows. Two ranges (1 east-west, 1 north-south) of single storey workshop buildings. Former works of Barrows and Carmichael. The best-preserved surviving monument to Banbury's once-prolific engineering industry. Employed 200 by early-1870s, producing traction engines, threshing machinery, elevators and steam cultivation machinery."

- 4.83 Whilst the interiors of these buildings could not be inspected, it appears from a review of satellite imagery and observation from the canal towpath that the north/south range may have been removed since they were first identified as being of interest by CDC.

- 4.84 The asset is in use today as part of a commercial garage and car wash facility, but has a broadly unremarkable appearance, being an industrial building the design and layout of which appears to have been dictated by its intended use (see **Image EDP 7**).
- 4.85 Therefore, its significance is identified as largely deriving from its limited historic interest as a surviving example of a building linked with a formerly important local industry. The interiors could not be inspected and it appears to survive as a truncated and largely isolated part of a once wider complex of buildings. Therefore, it has some very limited architectural interest, inasmuch as the structure can demonstrate previous uses and industrial processes. Similarly, there is very limited archaeological interest in the potential for later alterations to hide elements of the structure that would elucidate its former purpose. There is no artistic interest identified, given that it appears to be a purely functional building.
- 4.86 With regard its setting, there is some group value with the Former British Waterways Building (**NDHA3**), which can be experienced from the asset and forms a broadly contemporary former industrial building, albeit for a very different purpose. Otherwise, there is a negligible contribution from the broadly modern 'industrial' nature of its surroundings, albeit more focussed on car maintenance than metal working and canal trade.
- 4.87 The Site has no known links with this asset and it does not form part of its setting or contribute to its significance.

Corporate Printers, Lower Cherwell Street (NDHA2)

- 4.88 The premises of Corporate Printers, c.90m to the west of the Site, is a former corn warehouse, which is described in the Council records as follows: "*Late-19th-century former canal-side 2-4-storey granary/corn warehouse. Cast-iron windows and external hoist to north. Banbury's last intact canal-side warehouse*".
- 4.89 The interior of the building could not be inspected, but both the Lower Cherwell Street and Oxford Canal elevations were visible from publicly accessible areas. The description above was confirmed as accurate. Whilst the ground floor of the canal-side elevation is original and includes a blocked up door that indicates its functional link with the canal, the timber-built first floor appears to be a later replacement (see **Image EDP 8**).
- 4.90 The building's significance is identified as deriving primarily from its limited historic interest, as a local survival of a canal-side warehouse in this part of Banbury. It also has, albeit very limited, architectural interest from the surviving elements of its fabric, which indicates its function as a warehouse. There is also some very limited archaeological interest, inasmuch as there are indications in its fabric of the earlier form of the building, since altered. There is no artistic interest, given its functional design with little, if any, embellishments.
- 4.91 With regard its setting, the canal clearly provides a positive contribution to its significance, due to functional and historic links. Such connections are most readily experienced from the canal towpath, which allows views to the western elevation of the buildings, adjacent to the waterway. The building also forms part of a small grouping of historic canal-side structures, comprising the former National Tyres building (**NDHA4**) and the Old Town Hall

(**1199858**), which can be experienced on the street-scenes of Lower Cherwell Street. These also have historic links, being broadly contemporary structures, albeit the former National Tyres building relates to a former power station as opposed to canal-related industry *per se*.

- 4.92 Otherwise, the wider setting to the south, north and east includes modern industrial buildings, beyond which the taller modern elements of Banbury town centre are visible, which are all broadly neutral. To the east, beyond the canal, the dense tree planting along the towpath edge filters views to the modern warehouse buildings beyond. There is no experience of the Site and no identified connections, such as historic and functional. As such, the Site is not identified as either being part of the setting of this asset or contributing to its significance.

Vacant Former British Waterways Building, Lower Cherwell Street (NDHA3)

- 4.93 This is a former sewage pumping station boiler/engine house and yard, c.90m to the west of the Site, which is described as follows in the Council's records: *"Built 1867. Boundary walls and engine-house. Local Liassic brick with ironstone dressings. Banbury's last steam engine-house and last surviving monument to 19th-century concerns over public health"*.
- 4.94 A review of historic maps identifies that the engine house is first depicted on the 1922 Ordnance Survey map (not reproduced here) and was therefore likely constructed in the early 20th century, rather than the mid-19th century as indicated in the CDC description.
- 4.95 This building is entirely located on private land and therefore there was little opportunity to inspect it, other than the western elevation (see **Image EDP 9**). From what could be seen, there was nothing further to add to the description provided by CDC. Evidently, this was once part of a much wider complex related to a sewage works, of which it appears to be the only surviving element.
- 4.96 Its significance is predominantly drawn from its limited historic interest, as an example of Victorian municipal provision for the improvement of living conditions and public health. There is some very limited architectural interest, presuming that elements of the original structure demonstrate its intended purpose. Similarly, there would be very limited archaeological interest in any fabric related to the mechanisms of the original function of the structure. The stone dressings provide a level of very limited artistic interest, in terms of providing decoration for what was otherwise a functional structure.
- 4.97 With regard to its setting, as mentioned above, this appears to be the only survival from the wider sewage works complex, being today surrounded by concrete hardstanding and portable shipping containers. There is some small contribution from the adjacent Burgess building (**NDHA1**), albeit this related to the metal working rather industry rather than sanitation works.
- 4.98 Similar to other non-designated heritage assets along Lower Cherwell Street, the wider setting is characterised by modern industrial buildings, beyond which is a mixture of residential, retail and other premises toward Banbury town centre and its suburbs. Given

the lack of any experience of the asset from the Site and no other known connections, the Site does not form part of the setting of this asset or contribute to its significance.

Former National Tyres, Lower Cherwell Street (NDHA4)

- 4.99 This former power station, which is located c.90m to the west of the Site, is described as follows in the Council's records:

“Former Power Station. Hipped roofed offices, boiler house and turbine hall. Local Liassic brick with Welsh slate roof. Former electricity generating station of Banbury & District Supply Company (from 1928 Shropshire, Worcestershire & Staffordshire Electric Power Company, later MEB). Stopped generating in 1935. Increasingly rare small municipal/local power station, of particular significance as the first generating station in the country to become completely turbine driven. Excepting loss of generating plant, the complex currently survives remarkably intact, with some minor alterations.”

- 4.100 Observations made during the site visit confirmed this description (see **Image EDP 10**). The building derives its significance from its limited architectural and historic interest, as a relatively good survival of an early 20th century power station. There is no identified artistic interest, but some very limited archaeological interest with regard the survival of any elements of the structure that demonstrate its original uses.

- 4.101 The structure is located on Lower Cherwell Street, where it forms a small grouping of historic canal side buildings with the Corporate Printers building (**NDHA2**) and the Old Town Hall (**119858**), albeit these were used as warehouses rather than municipal power provision. The wider setting does not contribute to its significance, being a mixture of modern residential and industrial properties. Given the lack of any experience of the asset from the Site and no other known connections, the Site does not form part of the setting of this asset or contribute to its significance.

Laser Sailcraft, Swan Close Road (NDHA5)

- 4.102 This iron works, which originated in the 19th century and is located c.140m to the south-west of the Site, is described as follows in the Council's records:

“Street Frontage, brick built ranges behind, chimney and steel-framed cupola housing. 4 parallel bays with chimney base. Built 1849 onwards. Formerly Britannia Works of Bernhard Samuelson. Once the town's largest employer, Samuelson's was notable for employing American techniques of mass-production and for constructing agricultural machinery (including the Banbury Reaper) on a vast scale and for exporting their products world-wide.”

- 4.103 Observations made during the site visit broadly confirmed the above description, where such elements could be experienced from the public realm, particularly the street frontage on Swan Close Road (see **Image EDP 11**).

- 4.104 The significance of the asset is mainly derived from its limited historic interest, given its local connections as a key industry of the town. Any surviving fabric that would demonstrate these previous activities would provide limited architectural interest, but as the building is otherwise plain and with no embellishments, there is no artistic interest. Archaeological interest would derive from any information contained within the structure that demonstrates earlier arrangements or forms of the building, albeit unlikely to be of more than very limited interest.
- 4.105 With regard to its setting, there is some historic and functional link with the Oxford Canal, given that this transport link allowed for the transport of materials necessary for the construction process and, possibly, the onward distribution of completed goods. This is a positive contribution to its significance.
- 4.106 Otherwise, the wider setting, comprising modern industrial and residential properties, and a sizeable supermarket on the opposite side of Swan Close Road, are considered neutral. Given the lack of any experience of the asset from the Site and no other known connections, the Site does not form part of the setting of this asset and does not contribute to its significance.

Summary

- 4.107 The Site is not identified as forming part of the setting of any designated or non-designated heritage assets assessed above, notwithstanding the very limited experience of the Grimsbury Conservation Area that is considered to be so ephemeral as to provide no understanding of the character and appearance whatsoever. The Site is also not considered to contribute to the significance of any of these assets either.

Section 5

Proposed Development and Impact Assessment

- 5.1 The proposed development will involve the demolition and clearance of all buildings within the site and their replacement with three residential buildings and associated car parking, and a smaller commercial or community building. Whilst all matters (relating to appearance landscaping, scale and layout) are reserved, for the purpose of this assessment it is assumed (in consultation with the project architects and planners) that the building height will not exceed four storeys.
- 5.2 As detailed in the previous section, the Site in its current form is not identified as contributing to the significance of any heritage assets, and therefore the demolition of the oil depot buildings within the Site would not result in harm to any of them.
- 5.3 Given the location and character of Tooley's Boatyard scheduled monument (**1006323**), the Grade II listed Bridge over Mill Stream (**1046184**), Grade II listed Elephant and Castle Hotel (**1369549**) and Banbury Conservation Area, it is unlikely that the implementation of the proposed development would result in any effect on their setting. As such, it is unlikely that their significance would be harmed.
- 5.4 With regard the Grade II listed Old Town Hall (**1199858**), Grimsbury Conservation Area, Oxford Canal Conservation Area and the five non-designated heritage assets on the western bank of the canal (**NDHA 1-5**), at the most only the very top of the tallest elements of the proposals could be visible in their setting. However, even if this were to be the case, this change would be distant, comparatively minimal when taken in the context of their much wider experience, and for the most part obscured. Furthermore, distant and glimpsed views to modern residential units would not be incongruous with the setting of these assets, located as they are within the urban environment of Banbury. This is a setting that takes in a variety of structures of different scales, ages, uses, and appearance.
- 5.5 As such, it is not identified that the minimal change to the setting of these eight heritage assets would result in harm to their significance, as it is described in detail in **Section 4**.

This page has been left blank intentionally

Section 6 Conclusion

- 6.1 This Heritage Assessment was produced by EDP Ltd on behalf of Motor Fuel Group Ltd to inform an application for the demolition and replacement of buildings at Banbury Oil Depot (i.e. 'the Site'). The *Cherwell District Local Plan 2011-2031* includes the Site as an allocation for the delivery of housing and mixed-use development under Policy Banbury 1.
- 6.2 The Site does not include, nor does it lie within, any designated or non-designated heritage assets (as defined in Annex 2 of the NPPF). The heritage setting assessment undertaken in this report followed the 5-step process recommended in national guidance (HE 2017) and considered the potential for the proposals to affect the setting of surrounding heritage assets, such that could result in harm to their significance.
- 6.3 The heritage assets considered included the Grade II listed Old Town Hall, Oxford Canal Conservation Area and a collection of non-designated heritage assets on the west bank of the canal, as directed by the Council's conservation officer.
- 6.4 In all instances, the Site in its current form was not identified as making any contribution to the significance of any heritage assets and only formed one marginal part of the setting of one heritage asset, that being the Grimsbury Conservation Area.
- 6.5 In considering the effect of the demolition of the existing buildings within the Site and their replacement with residential buildings, this report concludes that this would either (i) not result in any change to the setting of four of the heritage assets considered, due to a lack of identifiable links between the Site and these assets, and the effect of the intervening built and vegetated environment; or (ii) it would result in a marginal change to eight heritage assets considered, through the introduction of (at most) distant and partly obscured views to the top parts of the tallest elements of the scheme, which, however, would be in keeping with the modern urban setting of the heritage assets in question, and would not result in harm to their significance.
- 6.6 As such, the proposed development complies with s66 of the 1990 Act, the relevant paragraphs of Section 16 of the NPPF, Policies Banbury 1 and ESD 15 of the *Cherwell Local Plan 2011-2031*, and 'saved' Policy C25 of the *Cherwell Local Plan 1996*.

This page has been left blank intentionally

Section 7 References

Chartered Institute for Archaeologists (CIfA), 2017. *Standard and Guidance for Historic Environment Desk-based Assessment*. Reading.

Cherwell District Council (CDC) 2007. *Grimsbury Conservation Area Appraisal*. Banbury

Cherwell District Council (CDC) 2012. *Oxford Canal Conservation Area Appraisal*. Banbury

Cherwell District Council (CDC) 2018. *Banbury Conservation Area Appraisal*. Banbury

Historic England (HE), 2015. *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2*. London.

Historic England (HE), 2017a. *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*. London.

Historic England (HE), 2017b. *Law and Government Buildings Listing Selection Guide*. London

Historic England (HE), 2017c. *Infrastructure: Transport Listing Selection Guide*. London

Historic England (HE), 2019. *Conservation Area Designation, Appraisal and Management: Historic Advice Note 1*. London.

Ministry of Housing, Communities and Local Government (MHCLG), 2021. *The National Planning Policy Framework*. London.

List of Consulted Maps

First Edition Ordnance Survey map 1882

Ordnance Survey map 1885 Edition

Ordnance Survey map 1900 Edition

Ordnance Survey map 1922 Edition

Ordnance Survey map 1966 Edition

Ordnance Survey map 1977-1983 Edition

Ordnance Survey map 1992-1995 Edition

This page has been left blank intentionally

Images



Image EDP 1: View across the Site, looking north.



Image EDP 2: Tooley's Boatyard scheduled monument (**1006323**), looking north-west. Note setting dominated by modern development, but with visual, functional and historic links with the Oxford Canal adjacent to it.



Image EDP 3: Grade II listed Old Town Hall (**1199858**), looking south.



Image EDP 4: Grade II listed Bridge over Mill Stream (**1046184**) from south, showing limited experience of the stone medieval structure encased in later alterations.



Image EDP 5: Grade II listed Elephant and Castle Hotel (**1369549**), looking east. Note, modern flats to left of picture forming part of urban backdrop to the setting of the asset.



Image EDP 6: View north along the Oxford Canal Conservation Area, within the section to the south of Bridge Street. Note the enclosed character, with views tightly channelled along the waterway.



Image EDP 7: Burgess building (NDHA1), looking north-east.



Image EDP 8: Canal-side elevation of Corporate Printers building (NDHA2), looking east.



Image EDP 9: Vacant Former British Waterways building (NDHA3), looking east.



Image EDP 10: Former National Tyres building (NDHA4), looking north-east.



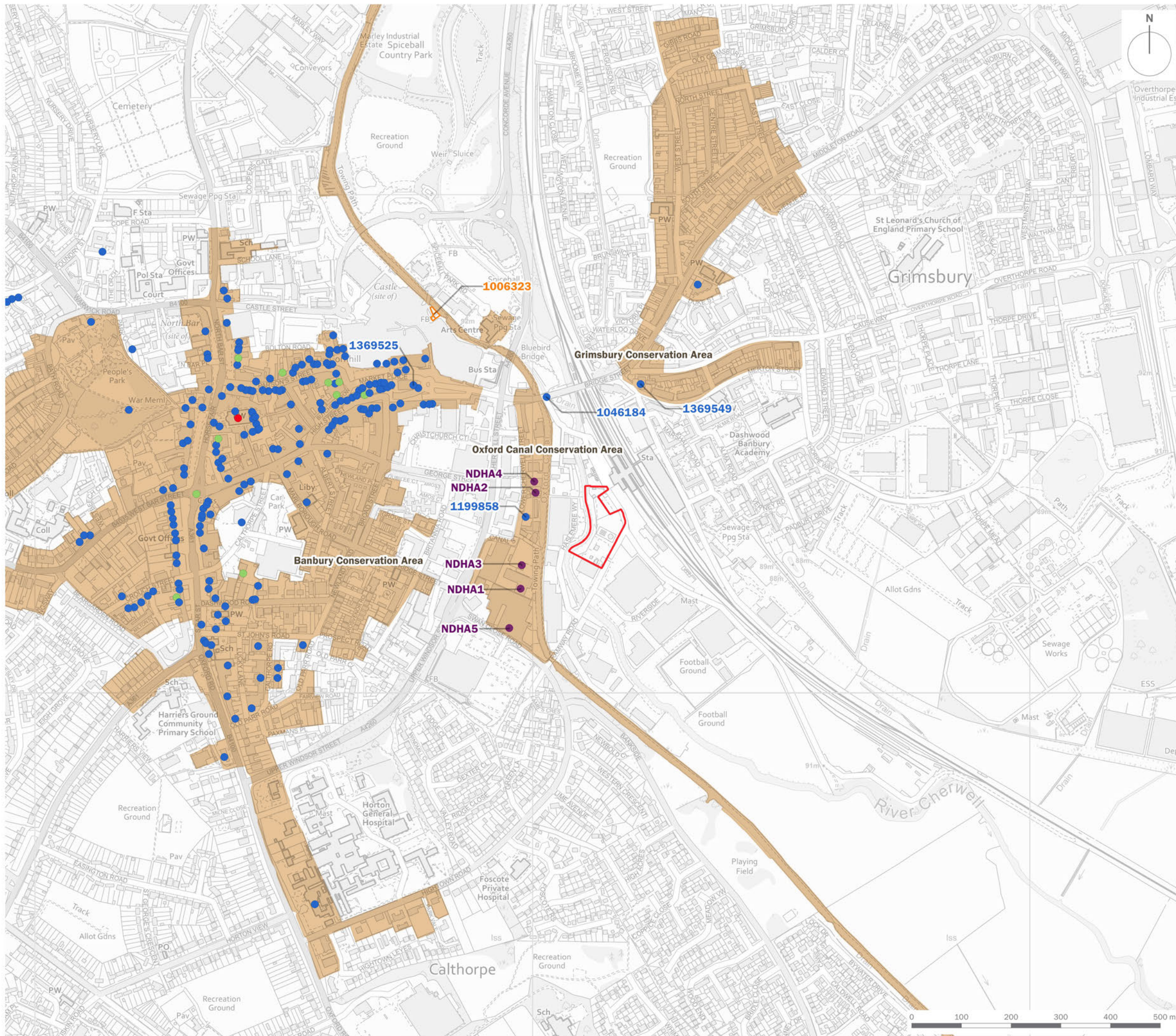
Image EDP 11: Laser Sailcraft building (NDHA5), looking north-west.

Plan

Plan EDP 1

Heritage Assets
(edp6595_d001a 09 December 2020 RB/MM)

This page has been left blank intentionally



- Site
- Scheduled Monuments
- Conservation Area
- Grade I Listed Building
- Grade II* Listed Building
- Grade II Listed Building
- Non-designated Heritage Asset (NDHA)

client
Motor Fuel Group Ltd

project title
Banbury Oil Depot

drawing title
Plan EDP 1: Heritage Assets

date	09 DECEMBER 2020	drawn by	RB
drawing number	edp6595_d001a	checked	MM
scale	1:7,500 @ A3	QA	GY



Registered office: 01285 740427 - www.edp-uk.co.uk - info@edp-uk.co.uk



CARDIFF
02921 671900

CHELtenham
01242 903110

CIRENCESTER
01285 740427

info@edp-uk.co.uk
www.edp-uk.co.uk

The Environmental Dimension Partnership Ltd. Registered as a Limited Company in England and Wales. Company No. 09102431. Registered Office: Tithe Barn, Barnsley Park Estate, Barnsley, Cirencester, Gloucestershire GL7 5EG



**URBAN
DESIGN
GROUP** REGISTERED PRACTICE

IEMA Transforming the world to sustainability

**Landscape
Institute**
Registered practice