

LAUNTON/BICESTER ROAD,  
BICESTER

# ARCHAEOLOGY AND BUILT HERITAGE ASSESSMENT

PREPARED BY PEGASUS GROUP  
ON BEHALF OF CREATED LIFE THREE (BICESTER) LIMITED

P21-1064 | MAY 2021



Document Management				
Version	Date	Author	Checked/approved by:	Reason for revision
2	17.05.2021	Donald Sutherland Senior Heritage Consultant	Gail Stoten Executive Director (Heritage)	Client Comments

## Pegasus Group

5 The Priory | Old London Road | Canwell | Sutton Coldfield | B75 5SH  
**T** 0121 308 9570 | **E** Birmingham@pegasusgroup.co.uk | **W** [www.pegasusgroup.co.uk](http://www.pegasusgroup.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

**DESIGN** | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

# ARCHAEOLOGY AND BUILT HERITAGE ASSESSMENT

LAUNTON/BICESTER ROAD, BICESTER

ON BEHALF OF: CREATED LIFE THREE (BICESTER) LIMITED

Prepared by: Donald Sutherland

## Pegasus Group

5 The Priory | Old London Road | Canwell | Sutton Coldfield | B75 5SH  
**T** 0121 308 9570 | **E** Birmingham@pegasusgroup.co.uk | **W** [www.pegasusgroup.co.uk](http://www.pegasusgroup.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

## CONTENTS:

EXECUTIVE SUMMARY	1
1. INTRODUCTION	2
2. SITE DESCRIPTION, PROPOSALS, AND PLANNING HISTORY	3
3. METHODOLOGY	5
4. PLANNING POLICY FRAMEWORK	12
5. THE HISTORIC ENVIRONMENT	22
6. SETTING ASSESSMENT	26
8. CONCLUSIONS	27
9. SOURCES	28

## APPENDICES:

APPENDIX 1: GAZETTEER OF HISTORIC ENVIRONMENT RECORD DATA

APPENDIX 2: FIGURES

## FIGURES:

Figure 1: Designated Heritage Assets

Figure 2: HER Events

Figure 3: HER Monuments – Prehistoric to Medieval

Figure 4: HER Monuments – Post-Medieval and Modern

## PLATES:

PLATE 1: PROPOSED DEVELOPMENT SITE (NOT TO SCALE) .....	2
PLATE 2: PHOTOGRAPH TAKEN FROM WITHIN SITE, FACING SOUTH-WESTWARDS, ACROSS SITE.....	3
PLATE 3: DEVELOPMENT FRAMEWORK PLAN .....	3
PLATE 4: EXTRACT FROM 1881, 1 <sup>ST</sup> EDITION OS MAP .....	24
PLATE 5: EXTRACT FROM 1899, 2 <sup>ND</sup> EDITION OS MAP.....	25
PLATE 6: EXTRACT FROM 1922 OS MAP .....	25
PLATE 7: EXTRACT FROM 1968 OS MAP .....	25
PLATE 8: EXTRACT FROM RECENT SATELLITE IMAGERY (BING AERIAL) .....	25

# Executive Summary

Pegasus Planning Group have been commissioned by Created Life Three (Bicester) Limited to prepare an Archaeology and Built Heritage Assessment to consider the proposed development at Launton/Bicester Road, Bicester, Oxfordshire.

## **Archaeology**

During a previous trial trench evaluation within the site, only modern and undated features were recorded, all of which are interpreted as relating to the site's recent use as allotment gardens. No significant archaeological finds or features were identified during the works.

As such, no harm to any archaeological heritage assets is anticipated to result from the proposed development.

## **Built Heritage**

The proposed development is not anticipated to result in any harm to the significance of any heritage assets identified in the wider vicinity.

# 1. Introduction

- 1.1 Pegasus Group have been commissioned by Created Life Three (Bicester) Limited to prepare an Archaeology and Built Heritage Assessment to consider the proposed drive-thru restaurant on land at Launton/Bicester Road, Bicester, Oxfordshire, as shown on the Site Location Plan provided at Plate 1.



*Plate 1: Proposed development site (not to scale)*

- 1.2 This Archaeology and Built Heritage Assessment provides

information with regards to the significance of the historic environment and archaeological resource to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF<sup>1</sup>) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*<sup>2</sup>

- 1.3 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment and archaeological resource, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.
- 1.4 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance*"<sup>3</sup>.

<sup>1</sup> Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, February 2019).

<sup>2</sup> MHCLG, *NPPF*, paragraph 189.

<sup>3</sup> MHCLG, *NPPF*, paragraph 189.

## 2. Site Description, Proposals, and Planning History

### Site Description

- 2.1 The site comprises c.1.16ha of overgrown scrubland on the eastern edge of Bicester, Oxfordshire (Plate 2).



Plate 2: Photograph taken from within site, facing south-westwards, across site

- 2.2 The site is bound to the south and west by the A4421 and an

associated roundabout; to the north-west by Wyndham Hall Care Home; to the north by a small area of agricultural land, with commercial/industrial development beyond; and, to the east by agricultural land.

### Proposed Development

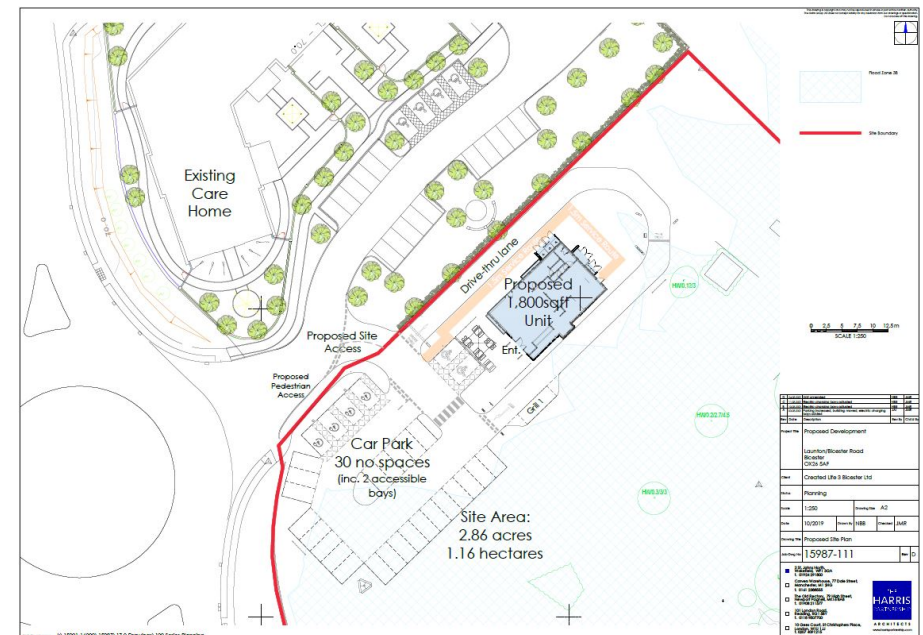


Plate 3: Development Framework Plan



2.3 The proposed development comprises a single c.1,800 sqft commercial unit, with associated car parking and a 'Drive-thru lane' (Plate 3).

#### **Planning History**

2.4 Five previous applications which include the site are identified within recent planning history records held online by Cherwell District Council. These comprise:

- **An Outline application for B1 Office development with associated parking, turning and landscaping areas (ref. 05/01563/OUT) which included the proposed development site and land to the north-west. This was allowed at appeal in March 2007;**
- **A Reserved Matters related to the above (ref. 09/01659/REM), which was permitted in May 2011;**
- **An application for the erection of 5857sqm of B1 Office development with associated parking, turning and landscaping areas (ref. 10/00324/OUT – renewal of 05/01563/OUT) which was withdrawn in August 2011;**
- **A Screening Opinion for a flexible mix of Class B employment uses which identified that a wider application site, including the site in its south-east, did not require the submission of an EIA in June 2015 (ref. 15/00009/SO); and,**
- **A scoping opinion sought for a much larger site, which included the proposed development site in its west, relating to the proposed Network Rail East West Railway Phase 2 Order (ref. 15/00001/SCOP), received August 2015.**

2.5 A trial trench evaluation was requested to inform the previous outline application associated with the site (ref. 05/01563/OUT) and was undertaken in 2005, to the specifications of the archaeological advisor for Oxfordshire.

# 3. Methodology

3.1 The aims of this Archaeology and Built Heritage Assessment are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of the surrounding heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant. This assessment considers the archaeological resource, built heritage and the historic landscape.

## Sources of information and study area

3.2 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **The Oxfordshire Historic Environment Record (HER) for information on the recorded heritage resource and previous archaeological works; and,**
- **Online resources including Ordnance Survey Open Source data, and geological data available from the British Geological Survey.**

3.3 For digital datasets, information was sourced for a 1km study area measured from the boundaries of the site. Information gathered is discussed within the text where it is of relevance to

the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as Appendix 1 and maps illustrating the resource and study area are included as Appendix 3.

3.4 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

3.5 Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

## Site Visit

3.6 A site visit was undertaken by an Executive Director (Heritage) from Pegasus Group on 29<sup>th</sup> April 2021, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

3.7 The visibility on this day was clear. Surrounding vegetation was in partial leaf at the time of the site visit, and thus the potential screening that this affords was also considered when assessing potential intervisibility between the site and surrounding areas.

## Assessment of significance

3.8 In the NPPF, heritage significance is defined 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. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*<sup>4</sup>

- 3.9 Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*<sup>5</sup> (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.
- 3.10 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.<sup>6</sup> These essentially cover the heritage 'interests' given in the glossary of the NPPF<sup>7</sup> and the online Planning Practice Guidance on the Historic Environment<sup>8</sup> (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.
- 3.11 The PPG provides further information on the interests it

---

<sup>4</sup> MHCLG, *NPPF*, p. 71.

<sup>5</sup> Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2<sup>nd</sup> edition, Swindon, July 2015).

<sup>6</sup> English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."
- **Historic interest:** "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."<sup>9</sup>

<sup>7</sup> MHCLG, *NPPF*, p. 71.

<sup>8</sup> Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

<sup>9</sup> MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

3.12 Significance results from a combination of any, some or all of the interests described above.

3.13 The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*,<sup>10</sup> advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

3.14 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

#### Setting and significance

3.15 As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*<sup>11</sup>

3.16 Setting is defined as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may*

*affect the ability to appreciate that significance or may be neutral."*<sup>12</sup>

3.17 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

#### Assessing change through alteration to setting

3.18 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*<sup>13</sup> (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".<sup>14</sup>

3.19 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might

<sup>10</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

<sup>11</sup> MHCLG, *NPPF*, p. 71.

<sup>12</sup> MHCLG, *NPPF*, p. 71.

<sup>13</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017).

<sup>14</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017), p. 8.



be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

- 3.20 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.
- 3.21 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)<sup>15</sup>:

*Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.*

*Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire*

*County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”*

#### Levels of significance

- 3.22 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.
- 3.23 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:
- **Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which**

---

<sup>15</sup> *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

**are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;**

- **Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and**
- **Non-designated heritage assets. Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.<sup>16</sup>**

3.24 Additionally, it is of course possible that sites, buildings or areas have ***no heritage significance***.

#### Assessment of harm

3.25 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

---

<sup>16</sup> MHCLG, *PPG*, paragraph 039, reference ID: 18a-039-20190723.

<sup>17</sup> *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

3.26 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013 that this would be harm that would “have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”;<sup>17</sup> and**
- **Less than substantial harm. Harm of a lesser level than that defined above.**

3.27 With regards to these two categories, the PPG states:

*“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”<sup>18</sup>*

3.28 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

3.29 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with

<sup>18</sup> MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.

levels such as negligible, minor, moderate and major harm identified.

- 3.30 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.<sup>19</sup>
- 3.31 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".<sup>20</sup> Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 3.32 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating "what matters and why". Of particular relevance is the checklist given on page 13 of GPA 3.
- 3.33 It should be noted that this key document also states that:

---

<sup>19</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

<sup>20</sup> Historic England, GPA 2, p. 9.

*"Setting is not itself a heritage asset, nor a heritage designation..."<sup>21</sup>*

- 3.34 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 3.35 With regards to changes in setting, GPA 3 states that:
- "Conserving or enhancing heritage assets by taking their settings into account need not prevent change".<sup>22</sup>*
- 3.36 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.<sup>23</sup>

#### Benefits

- 3.37 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.
- 3.38 As detailed further in Section 6, the NPPF (at Paragraphs 195 and 196) requires harm to a designated heritage asset to be

<sup>21</sup> Historic England, GPA 3, p. 4.

<sup>22</sup> Historic England, GPA 3., p. 8.

<sup>23</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

weighed against the public benefits of the development proposals.

3.39 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 195 and 196.

3.40 The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

*"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*

- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation."*<sup>24</sup>

3.41 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

---

<sup>24</sup> MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.



## 4. Planning Policy Framework

- 4.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

### Legislation

- 4.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,<sup>25</sup> which provides statutory protection for Listed Buildings and Conservation Areas.
- 4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*"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."*<sup>26</sup>

- 4.4 In the 2014 Court of Appeal judgement in relation to the

Barnwell Manor case, Sullivan LJ held that:

*"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*<sup>27</sup>

- 4.5 A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.<sup>28</sup>
- 4.6 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability*

<sup>25</sup> UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

<sup>26</sup> *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

<sup>27</sup> *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

<sup>28</sup> *Jones v Mordue* [2015] EWCA Civ 1243.

*of preserving or enhancing the character or appearance of that area.”*

- 4.7 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.
- 4.8 Scheduled Monuments are protected by the provisions of the *Ancient Monuments and Archaeological Areas Act 1979* which relates to nationally important archaeological sites.<sup>29</sup> Whilst works to Scheduled Monuments are subject to a high level of protection, it is important to note that there is no duty within the 1979 Act to have regard to the desirability of preservation of the setting of a Scheduled Monument.
- 4.9 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>30</sup>

### **National Planning Policy Guidance**

#### The National Planning Policy Framework (February 2019)

- 4.10 National policy and guidance is set out in the Government’s

National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous NPPF 2018 which in turn had amended and superseded the 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

- 4.11 The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.
- 4.12 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable

---

<sup>29</sup> UK Public General Acts, *Ancient Monuments and Archaeological Areas Act 1979*.

<sup>30</sup> UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

- 4.13 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

- a. plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance*

*provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*For decision-taking this means:*

- a. approving development proposals that accord with an up-to-date development plan without delay; or*
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*<sup>31</sup>

- 4.14 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This

---

<sup>31</sup> MHCLG, NPPF, para. 11.

provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."*<sup>32</sup> (our emphasis)

4.15 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

4.16 Heritage Assets are defined in the NPPF as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."*<sup>33</sup>

4.17 The NPPF goes on to define a Designated Heritage Asset as a:

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and*

*Garden, Registered Battlefield or Conservation Area designated under relevant legislation."*<sup>34</sup> (our emphasis)

4.18 As set out above, significance is also defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*<sup>35</sup>

4.19 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*<sup>36</sup>

4.20 Paragraph 192 goes on to state that:

---

<sup>32</sup> MHCLG, *NPPF*, para. 11, fn. 6.

<sup>33</sup> MHCLG, *NPPF*, p. 67.

<sup>34</sup> MHCLG, *NPPF*, p. 66.

<sup>35</sup> MHCLG, *NPPF*, p. 71.

<sup>36</sup> MHCLG, *NPPF*, para. 190.



*"In determining planning applications, local planning authorities should take account of:*

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness."*<sup>37</sup>

4.21 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

*"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."*<sup>38</sup>

*"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;*
- 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."*<sup>39</sup>

4.22 Section b) of paragraph 194, which describes assets of the highest significance, also includes footnote 63 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

4.23 In the context of the above, it should be noted that paragraph 195 reads as follows:

*"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:*

---

<sup>37</sup> MHCLG, *NPPF*, para. 192.

<sup>38</sup> MHCLG, *NPPF*, para. 193.

<sup>39</sup> MHCLG, *NPPF*, para. 194.

- a. *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- 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.*<sup>40</sup>

4.24 Paragraph 196 goes on to state:

*"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."*<sup>41</sup>

4.25 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better*

*reveal its significance) should be treated favourably."*<sup>42</sup>

4.26 Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"*<sup>43</sup> and with regard to the potential harm from a proposed development states:

*"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."*<sup>44</sup> (our emphasis)

4.27 With regards to non-designated heritage assets, paragraph 197 of NPPF 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."*<sup>45</sup>

4.28 Footnote 63 of the NPPF clarifies that non-designated assets of

<sup>40</sup> MHCLG, *NPPF*, para. 195.

<sup>41</sup> MHCLG, *NPPF*, para. 196.

<sup>42</sup> MHCLG, *NPPF*, para. 200.

<sup>43</sup> MHCLG, *NPPF*, para. 201.

<sup>44</sup> Ibid.

<sup>45</sup> MHCLG, *NPPF*, para. 197.

archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

#### National Planning Practice Guidance

- 4.29 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 4.30 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 4.31 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*<sup>46</sup>

- 4.32 In terms of assessment of substantial harm, the PPG confirms

---

<sup>46</sup> MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF.

It goes on to state:

*"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."*<sup>47</sup> (our emphasis)

#### **Local Planning Policy**

- 4.33 Planning applications within Noke are currently considered against the policy and guidance set out within the Adopted Cherwell Local Plan 2011-2031 Part 1, re-adopted on 19

<sup>47</sup> MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

December 2016.

- 4.34 Policy ESD 15 of the Local Plan relates to the built and historic environment and is as follows:

*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*
- *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.*

### **Emerging Policy**

- 4.35 The Local Plan Review 2040 is currently underway however no draft policies were available to review at the time this report was written.

## 5. The Historic Environment

5.1 This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.

5.2 Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix EOX and HER 'monument' numbers have the prefix MOX.

5.3 A gazetteer of relevant heritage data is included as Appendix 1. Designated heritage assets and HER records are illustrated on Figures 1-4 in Appendix 3.

### Previous Archaeological Works

5.4 A large number of previous archaeological works have been undertaken within the vicinity of the site, including a trial trench evaluation undertaken across a wider area which includes the site (ref. EOX1751). The evaluation recorded several modern features along with several undated features which are all interpreted as having been associated with the site's former land use as allotments. No significant archaeological finds or features were recorded during these works.<sup>48</sup>

5.5 Given the previous archaeological works which have been

undertaken within the site, other previous works in the vicinity will not be discussed in detail. However, these are outlined in Appendix 1, with locations provided on Appendix 2, Figure 2.

5.6 The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

### Topography and Geology

5.7 The proposed development site is broadly level, lying at c.71-72m aOD.

5.8 Bedrock geology across the site is mapped as Cornbrash Formation – Limestone. This sedimentary bedrock formed approximately 164 to 168 million years ago during the Jurassic Period in a local environment previously dominated by shallow carbonate seas.

5.9 No superficial geology is mapped across the majority of the site, however deposits in the south-west of the site are mapped as Alluvium – Clay, Silt, Sand and Gravel. These superficial deposits formed up to 2 million years ago during the Quaternary Period in a local environment previously dominated by rivers.<sup>49</sup>

### Archaeological Baseline

---

<sup>48</sup> Hammond, S. (Thames Valley Archaeological Services Ltd), 2005, *Land north-west of Launton Road Roundabout, Skimmingdish Lane, Bicester, Oxfordshire*

<sup>49</sup> British Geological Society, 2021, <https://mapapps.bgs.ac.uk/geologyofbritain/home.html>

Earlier prehistoric (pre c. 700 BC)

5.10 Only a small amount of earlier prehistoric heritage is recorded in the vicinity of the site and none is identified within the site itself. Recorded heritage of earlier prehistoric date in the vicinity comprises:

- **A mound of uncertain date, which may be prehistoric in origin and was potentially modified to form a medieval or post-medieval windmill mound (refs. EOX6626; EOX6627; and EOX6628) c.115m south-east of the site (ref. MOX5020);**
- **Prehistoric activity in the form of a buried topsoil containing Bronze Age finds recorded during a watching brief (ref. EOX6629) c.115m south-east of the site (ref. MOX27593);**
- **Later Prehistoric Ring Ditches and Enclosure, identified via aerial photographs c.260m west of the site but since removed by development (ref. MOX5624);**
- **A possible prehistoric round barrow cemetery recorded c.810m west of the site (ref. MOX5623). It is recorded that several ring ditches were formerly visible as cropmarks but have since been destroyed by development; and,**
- **Seven ring ditches, potentially indicative of Bronze Age round barrows recorded as having been identified via aerial photographs, c.930m north-west of the site (ref. MOX5622) – they have since been destroyed by the development of the airfield.**

Iron Age (c. 700 BC – AD 43) and Romano-British (AD 43 – 410)

5.11 No Iron Age or Romano-British archaeology is recorded or was identified by the evaluative works within the site and only a small amount of heritage from these periods is recorded in the wider vicinity.

5.12 Heritage recorded in the wider vicinity of the site comprises:

- **Possible pits and linear features identified as anomalies by a geophysical survey (ref. EOX6851) c.155m east of the site (ref. MOX27853);**
- **Possible boundaries or drainage ditches and some isolated pits recorded during archaeological works (refs. EOX5575; and, EOX6260) c.245m north-west of the site (ref. MOX26645). The majority of the features were undated, although a few small fragments of Iron Age pottery were recovered from a pit, providing a tentative date;**
- **A Late Iron Age to Romano-British agricultural activity, comprising ditches and gullies likely relating to land divisions recorded during evaluative works (ref. EOX6632) c.270m south-east of the site (ref. MOX27594);**
- **Iron Age and Romano-British pottery along with a ditch and possible post hole recorded during an archaeological observation (ref. EOX5651) on Bicester Perimeter Road c.310m south-east of the site (ref. MOX12267);**
- **A Late Iron Age/Romano-British farmstead and field system recorded during excavations (ref. EOX1389) c.830m south-south-west of the site (ref. MOX23494).**

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

5.13 No medieval heritage was identified during evaluative works within the site or is recorded within the immediate vicinity of the proposed development site. The site is likely to have formed part of the agricultural hinterland to nearby settlements throughout these periods.

5.14 As recorded heritage in the wider vicinity is not considered to be of direct relevance to the site's archaeological potential, it will not be discussed in detail here. However, all recorded elements will be outlined in Appendix 1, with locations provided on Appendix 2, Figure 3.

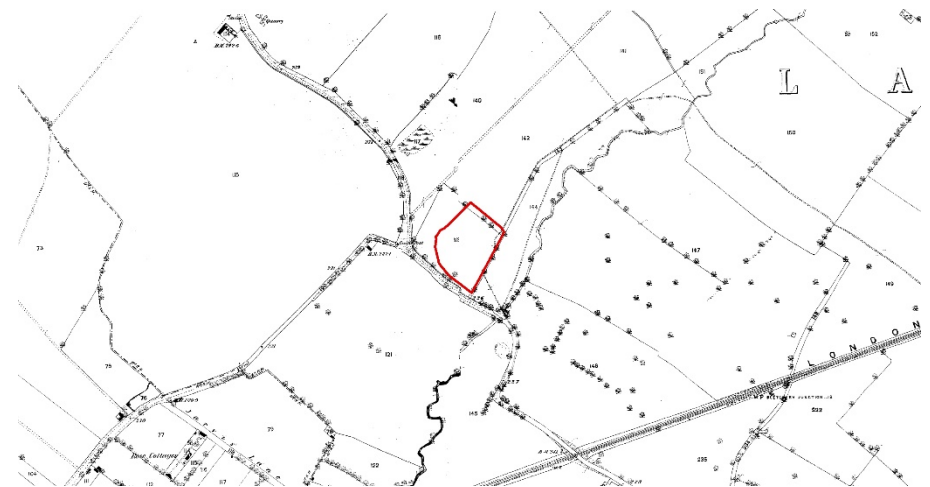
#### Post-medieval (1540 – 1800) and Modern (1801 – present)

5.15 The proposed development site is likely to have been under agricultural use throughout the post-medieval and modern periods, up until its use as allotment gardens from the late-19<sup>th</sup> up until the late-20<sup>th</sup> century. No heritage elements from these periods are recorded within the site and all features identified during the evaluative works appear to relate to its recent use as allotments.

5.16 Identified heritage in the vicinity is predominantly focussed in Launton to the south-east with occasional isolated elements in the e.g., RAF Bicester c.370m north-west of the site (ref. MOX12827). As these elements are not considered to be of direct relevance to the site's archaeological potential, they will not be discussed in detail here. However, all recorded elements will be outlined in Appendix 1, with locations provided on Appendix 2, Figure 4.

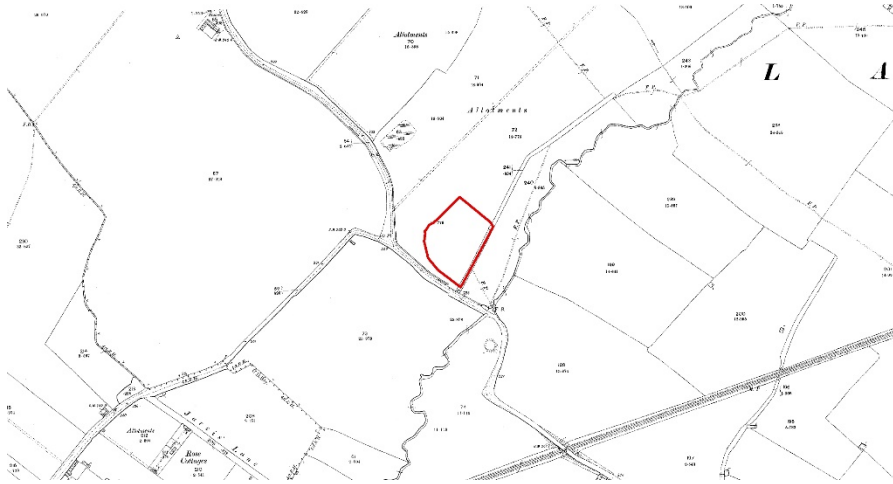
#### Site Development

5.17 Other than the loss of some internal field boundaries, the site appears to have changed little through the late-19<sup>th</sup> and 20<sup>th</sup> centuries, prior to the encroachment of development to the south-west in the late-20<sup>th</sup> century and adjacent development to the north-west and north in the early-21<sup>st</sup> century (Plates 4-8).

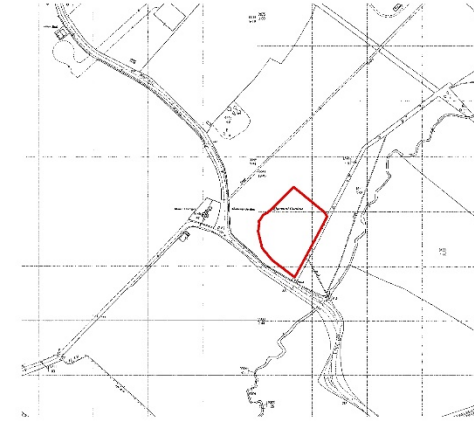


*Plate 4: Extract from 1881, 1<sup>st</sup> Edition OS map*

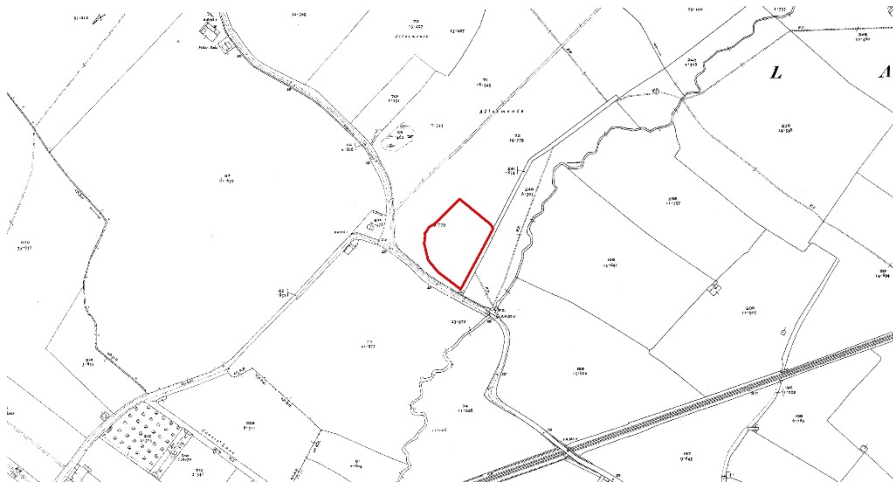




*Plate 5: Extract from 1899, 2<sup>nd</sup> Edition OS map*



*Plate 7: Extract from 1968 OS map*



*Plate 6: Extract from 1922 OS map*



*Plate 8: Extract from recent satellite imagery (Bing Aerial)*

## 6. Setting Assessment

- 6.1 Step 1 of the methodology recommended by the Historic England guidance GPA 3 (see Methodology above) is to identify which heritage assets might be affected by a proposed development.
- 6.2 Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3 Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.
- 6.4 Following a site visit, and assessment of the heritage assets in the wider vicinity, it was determined that due to distance from, lack of inter-visibility, and/or historical association, the proposed development site is not considered to contribute to the significance of any identified heritage assets. Therefore, the proposed development is not anticipated to result in any harm

to the significance of such assets, either directly or through changes to their settings.

- 6.5 Heritage Assets in the wider vicinity that were excluded based on the above include:

- **The RAF Bicester Conservation Area which includes a Scheduled area (NHLE ref. 1021455) and several Listed buildings, c.360m north-west of the site; and,**
- **Listed buildings within Launton >500m south-east of the site.**

- 6.6 Designated heritage assets within 1km of the site are outlined in Appendix 1, with locations of heritage assets in the wider vicinity provided on Appendix 2, Figure 1.

# 8. Conclusions

## Archaeology

- 8.1 No significant archaeological finds or features were identified within the site during a previous trial trench evaluation. Only modern and undated features were recorded, all of which are interpreted as relating to the site's recent use as allotment gardens.
- 8.2 As such, no harm to any archaeological heritage assets is

anticipated to result from the proposed development.

## Built Heritage

- 8.3 The proposed development is not anticipated to result in any harm to the significance of any heritage assets identified in the wider vicinity.

## 9. Sources

<b>Legislation and Policy Guidance</b>
English Heritage, Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (London, April 2008).
Historic England, Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (2nd edition, Swindon, July 2015).
Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition, Swindon, December 2017).
Historic England, Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (Swindon, October 2019).
Ministry of Housing, Communities and Local Government (MHCLG), National Planning Policy Framework (NPPF) (London, February 2019).
Ministry of Housing Communities and Local Government (MHCLG), Planning Practice Guidance: Historic Environment (PPG) (revised edition, 23rd July 2019), <a href="https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment">https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</a> .
UK Public General Acts, <i>Ancient Monuments and Archaeological Areas Act 1979</i> .
UK Public General Acts, <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> .
UK Public General Acts, <i>Planning and Compulsory Purchase Act 2004</i> .
<b>Court and Appeal Decisions</b>
Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697.
Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin).

R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).	
Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.	
Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137.	
Jones v Mordue [2015] EWCA Civ 1243.	
<b>Cartographic Sources</b>	
1881	1 <sup>st</sup> Edition OS map
1889	2 <sup>nd</sup> Edition OS map
1922	OS map
1968	OS map



# Appendix 1: Gazetteer of Historic Environment Record Data

## Heritage Data

### HER Event Data

Ev UID	Name	Event Type
EOX1389	Bicester Park phase 4	EX
EOX1522	Telford Road, Bicester, Oxfordshire: Archaeological Evaluation Report	EV
EOX1547	An Archaeological Watching Brief at Sherwood Close, Launton, Oxfordshire	WB
EOX1751	Evaluation on land North-West of Launton Road Roundabout	EV
EOX1936	Land North of Gavray Drive, Bicester: An Archaeological Field Evaluation	EV
EOX2159	Desk Based Assesment on land North of Gavray Drive	DBA
EOX2160	Geophysical Survey on land to the North of Garvray Drive	GS
EOX3099	Land at Bicester	DBA
EOX3532	Site 37, Gavray Drive	EV
EOX5452	Manor Farm	WB
EOX5575	Land Off Skimmingdish Lane	EV

Ev UID	Name	Event Type
EOX5605	Archaeological Geophysical Survey at Yew Tree Farm	GS
EOX5651	Observations along stripped area of Bicester Perimeter Road	RO
EOX5784	Launton Fields	WB
EOX5924	Yew Tree Farm	EV
EOX5925	Yew Tree Farm	WB
EOX6199	East West Rail Stage 2A Planning Application Sites	EV
EOX6200	Land North-East of Skimmingdish Lane	EV
EOX6260	Land S of Skimmingdish Lane	EX
EOX6626	Charbridge Lane Overbridge Diversion (Resistivity)	GS
EOX6627	Charbridge Lane Overbridge Diversion (Gradiometer)	GS
EOX6629	Charbridge Lane Overbridge Diversion	WB
EOX6628	Charbridge Lane Overbridge Diversion	EV
EOX6630	East West Rail project: Compound A1	GS
EOX6632	Compound A1: Land East of Bicester Road	EV
EOX6849	Tythe Barn, Bicester Road	GS
EOX6850	East West Rail Site 2A0080 / 5.2 / FH	GS

Ev UID	Name	Event Type
EOX6851	EWR Route Section 2A Compensatory Flood Storage Area	GS

#### HER Monument Data

Mon UID	Pref Ref	Name	Mon Type	Period
MOX5020	12695	Windmill Mound	MOUND?; MOUND; WINDMILL MOUND?	Early Neolithic to Medieval
MOX5622	5628	Bronze Age Round Barrow	BARROW CEMETERY; BARROW	Bronze Age
MOX5623	5629	? Prehistoric Round Barrow Cemetery	BARROW CEMETERY?; ROUND BARROW?	Bronze Age
MOX5624	5630	Later Prehistoric Ring Ditches and Enclosure	RING DITCH; ENCLOSURE	Later Prehistoric
MOX27593	29211	Prehistoric activity	BURIED LAND SURFACE; FINDSPOT	Later Prehistoric
MOX12267	16540	Iron Age to Roman Pottery and Features on Bicester Perimeter Rd	DITCH; POST HOLE	Roman
MOX23494	26122	Late Iron Age to Roman farmstead and field system	BOUNDARY DITCH; PIT; FIELD SYSTEM; DITCH; TRACKWAY; FARMSTEAD; PIT; WELL; ENCLOSURE; PADDOCK?	Late Iron Age to Roman

Mon UID	Pref Ref	Name	Mon Type	Period
MOX26645	28360	Possible boundaries or drainage ditches and pits	PIT; DITCH; PIT	Iron Age
MOX27594	29212	Late Iron Age to Roman agricultural activity	DITCH; GULLY; FIELD?; PADDOCK?	Late Iron Age to Roman
MOX27853	29463	Possible pits and linear features	PIT?; LINEAR FEATURE?	Early Iron Age to Roman
MOX12361	16631	Ancient hedgerow along Jarvis Lane	HEDGE	Early Medieval/Dark Age to Post Medieval
MOX12722	16941	Medieval features at Sherwood Close, Launton	PIT; RIDGE AND FURROW	Medieval
MOX13863	18161	THE OLD RECTORY, BICESTER ROAD	VICARAGE; HOUSE; GARAGE; SITE	Medieval to Late 20th Century
MOX14720	18164	BARN APPROXIMATELY 50 METRES SOUTH OF MANOR FARMHOUSE, BICESTER ROAD	BARN; TITHE BARN?; SITE	Medieval
MOX5006	2789	Medieval Cross, Church of St Mary, Bicester Road	CROSS	Medieval
MOX5007	2790	Remains of Market Cross	MARKET CROSS	Medieval
MOX5010	5142	Church of St Mary, Bicester Road	CHURCH	Medieval to Post Medieval
MOX5015	9555	Medieval Rectangular Enclosure	RECTANGULAR ENCLOSURE; FINDSPOT	Medieval
MOX27457	29081	Medieval and post medieval ditches	DITCH; BOUNDARY DITCH	Medieval to Post Medieval

Mon UID	Pref Ref	Name	Mon Type	Period
MOX27851	29461	Medieval or post medieval field system	RIDGE AND FURROW; LINEAR FEATURE; FIELD BOUNDARY?	Medieval to Post Medieval
MOX12827	17006	RAF Bicester: World War I & II Airfield	AIR RAID SHELTER; MILITARY AIRFIELD; BOMB STORE; SEAGULL TRENCH; BLAST SHELTER; LIGHT ANTI AIRCRAFT BATTERY; STANTON SHELTER; BATTLE HEADQUARTERS; PILLBOX (CANTILEVERED); PILLBOX (TYPE FW3/27); PILLBOX (VARIANT)	First World War to 21st Century
MOX13623	18162	JONES MEMORIAL APPROXIMATELY 5 METRES SOUTH EAST OF SOUTH AISLE OF CHURCH OF ST MARY, BICESTER ROAD	GRAVESTONE; GRAVESTONE; SITE	Post Medieval
MOX14719	18163	MANOR FARMHOUSE, BICESTER ROAD	COURT ROOM; FARMHOUSE; SITE	Post Medieval
MOX23267	17394	Gold Ring found by metal detecting	FINDSPOT	Post Medieval
MOX24816	28282	System of agricultural furrows	FIELD BOUNDARY; LINEAR FEATURE	Post Medieval to Late 20th Century
MOX26788	28473	Coherent block of C17 ridge and furrow	RIDGE AND FURROW	Post Medieval
MOX5008	2791	Post Medieval Ornamental Ponds	ORNAMENTAL POND	Post Medieval

Mon UID	Pref Ref	Name	Mon Type	Period
MOX27541	29159	WWII Loopholed wall	LOOPHOLED WALL	Second World War
MOX12827	17006	RAF Bicester: World War I & II Airfield	AIR RAID SHELTER; MILITARY AIRFIELD; BOMB STORE; SEAGULL TRENCH; BLAST SHELTER; LIGHT ANTI AIRCRAFT BATTERY; STANTON SHELTER; BATTLE HEADQUARTERS; PILLBOX (CANTILEVERED); PILLBOX (TYPE FW3/27); PILLBOX (VARIANT)	First World War to 21st Century
MOX26656	28367	Possible Archaeological Anomalies	PIT?; DITCH?; FIELD BOUNDARY	Undated
MOX26869	28542	Possible boundary ditches at Yew Tree Farm	DITCH	Unknown
MOX27852	29462	Undated enclosures	ENCLOSURE; PIT ALIGNMENT; LINEAR FEATURE	Unknown



## Historic England Data (within 1km of site)

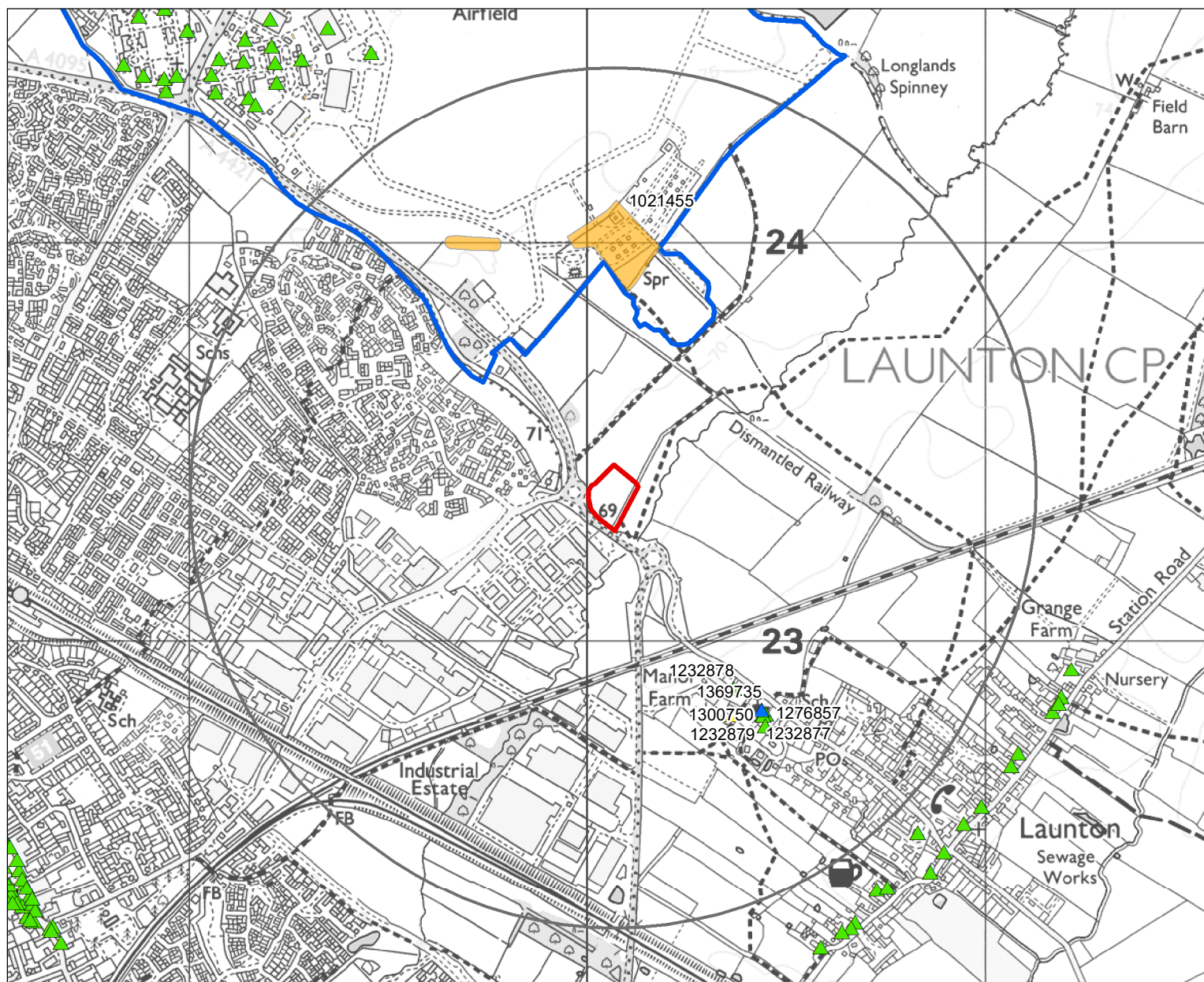
### Historic England Listed Buildings

List Entry	Name	Grade	Eastings	Northings
1232877	JONES MEMORIAL APPROXIMATELY 5 METRES SOUTH EAST OF SOUTH AISLE OF CHURCH OF ST MARY	II	460448	222817.4
1232878	MANOR FARMHOUSE	II	460368	222880.4
1232879	BARN APPROXIMATELY 50 METRES SOUTH OF MANOR FARMHOUSE	II*	460366	222816.4
1276857	CHURCHYARD CROSS APPROXIMATELY 6 METRES SOUTH OF CHURCH OF ST MARY	II	460441	222814.4
1300750	THE OLD RECTORY	II	460447	222788.4
1369735	CHURCH OF ST MARY	I	460437.7	222827

### Historic England Scheduled Monuments

List Entry	Name	Area	Eastings	Northings
1021455	RAF Bicester: World War II airfield	2.948572	460009.1	224007.9

## Appendix 2: Figures



## KEY

- ▲ Grade I Listed Building
- ▲ Grade II\* Listed Building
- ▲ Grade II Listed Building
- Scheduled Monument
- RAF Bicester Conservation Area
- Site
- 1km Buffer

Revisions:  
First Issue- 04/05/2021 DS

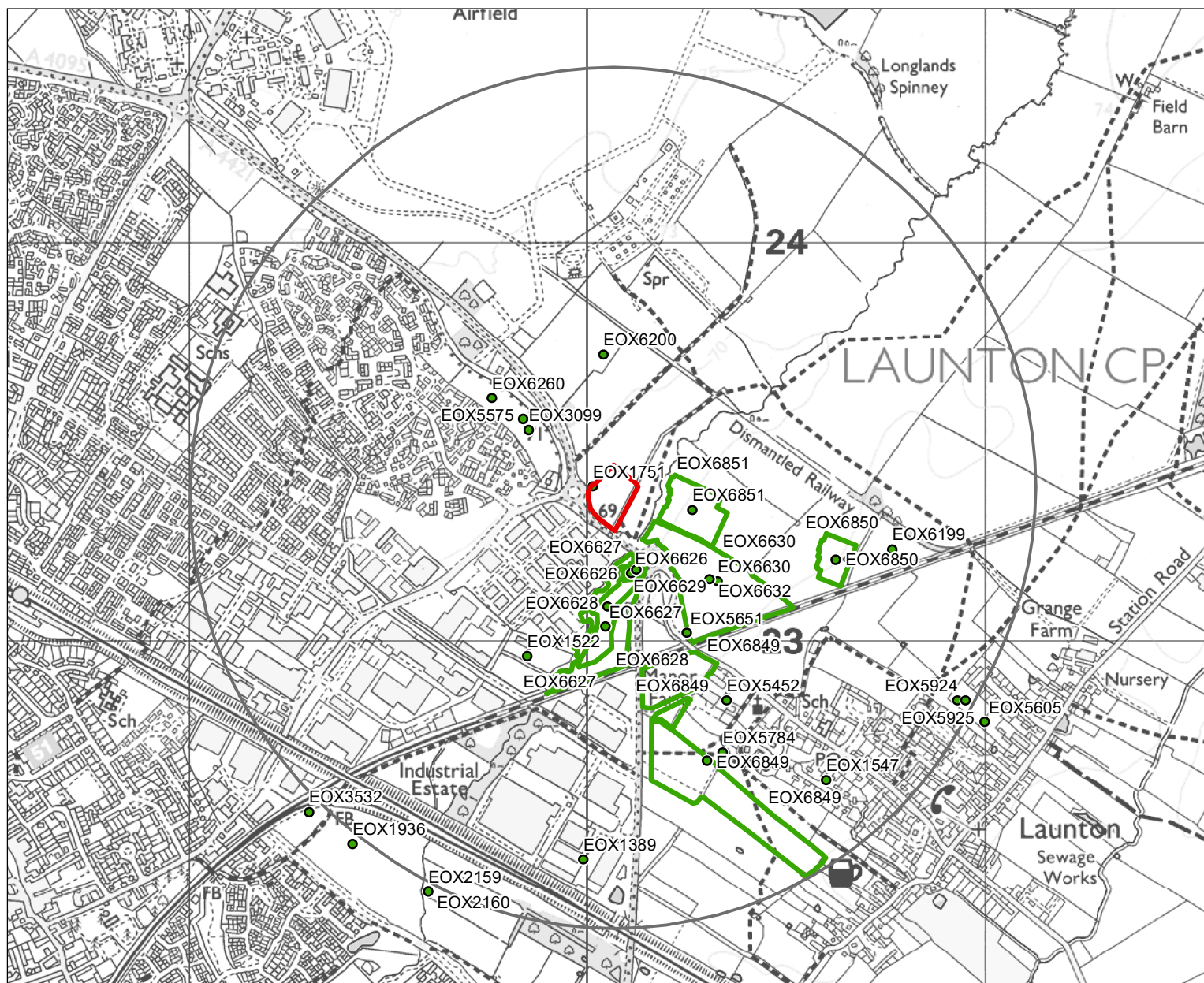
## Figure 1: Designated Heritage Assets

### Launton/Bicester Road, Bicester

Client: Evolve Fund Services Ltd (London)  
 DRWG No: **P21-1064\_01** Sheet No: - REV: -  
 Drawn by: DS Approved by: -  
 Date: 04/05/2021  
 Scale: 1:15,000 @ A4

**Pegasus**  
Group





## KEY

- Site
- 1km Buffer
- HER Event Point
- HER Event Polygon

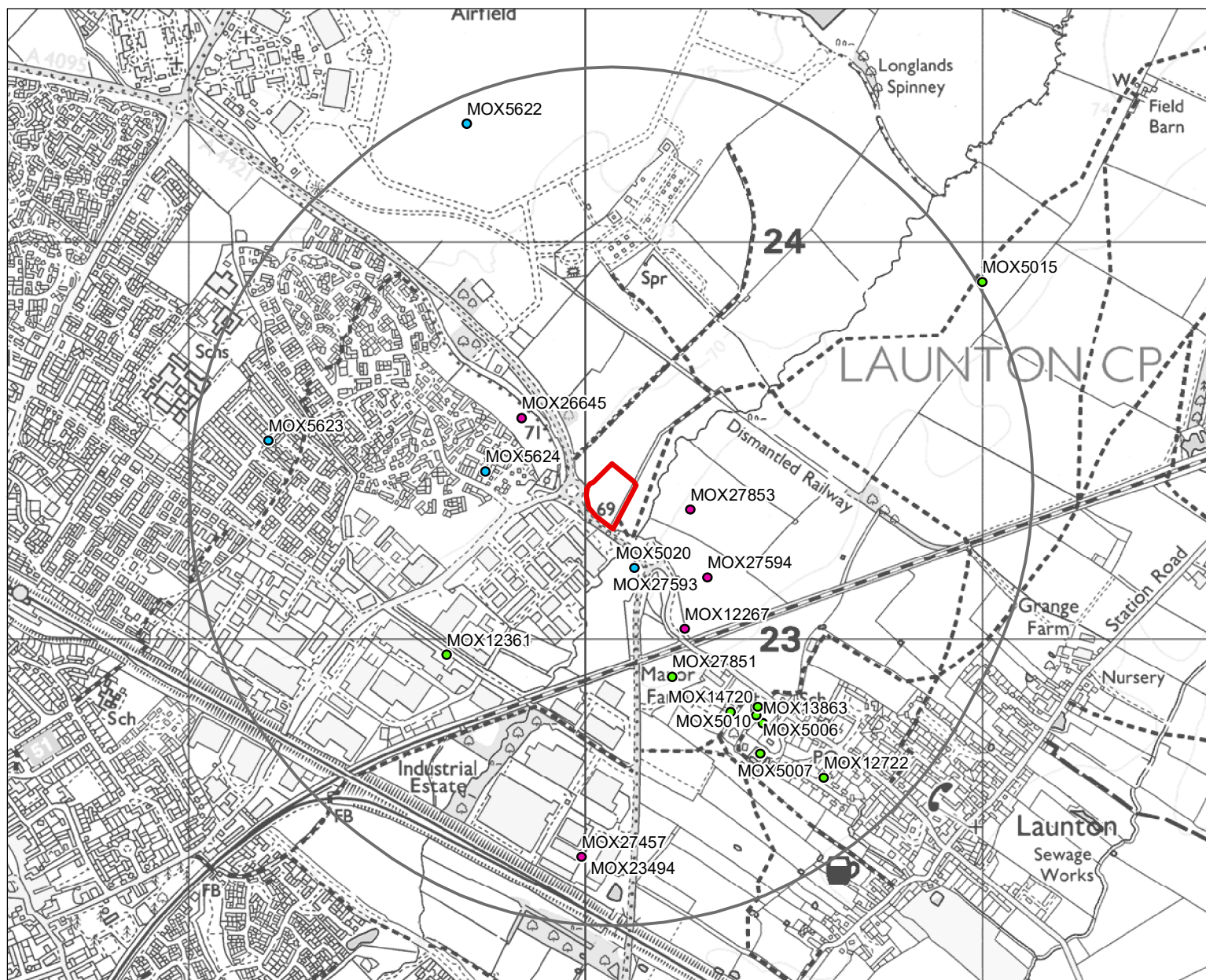
Revisions:  
First Issue- 04/05/2021 DS

## Figure 2: HER Events Launton/Bicester Road, Bicester

Client: Evolve Fund Services Ltd (London)  
DRWG No: **P21-1064\_02** Sheet No: - REV: -  
Drawn by: DS Approved by: -  
Date: 04/05/2021  
Scale: 1:15,000 @ A4

**Pegasus**  
Group





## KEY

- Site
- 1km Buffer
- HER Monument Point - Earlier Prehistoric
- HER Monument Point - Iron Age/Romano-British
- HER Monument Point - Medieval

Revisions:  
First Issue- 04/05/2021 DS

## Figure 3: HER Monuments (Prehistoric to Medieval)

Launton/Bicester Road,  
Bicester

Client: Evolve Fund Services Ltd (London)

DRWG No: **P21-1064\_03** Sheet No: - REV: -

Drawn by: DS

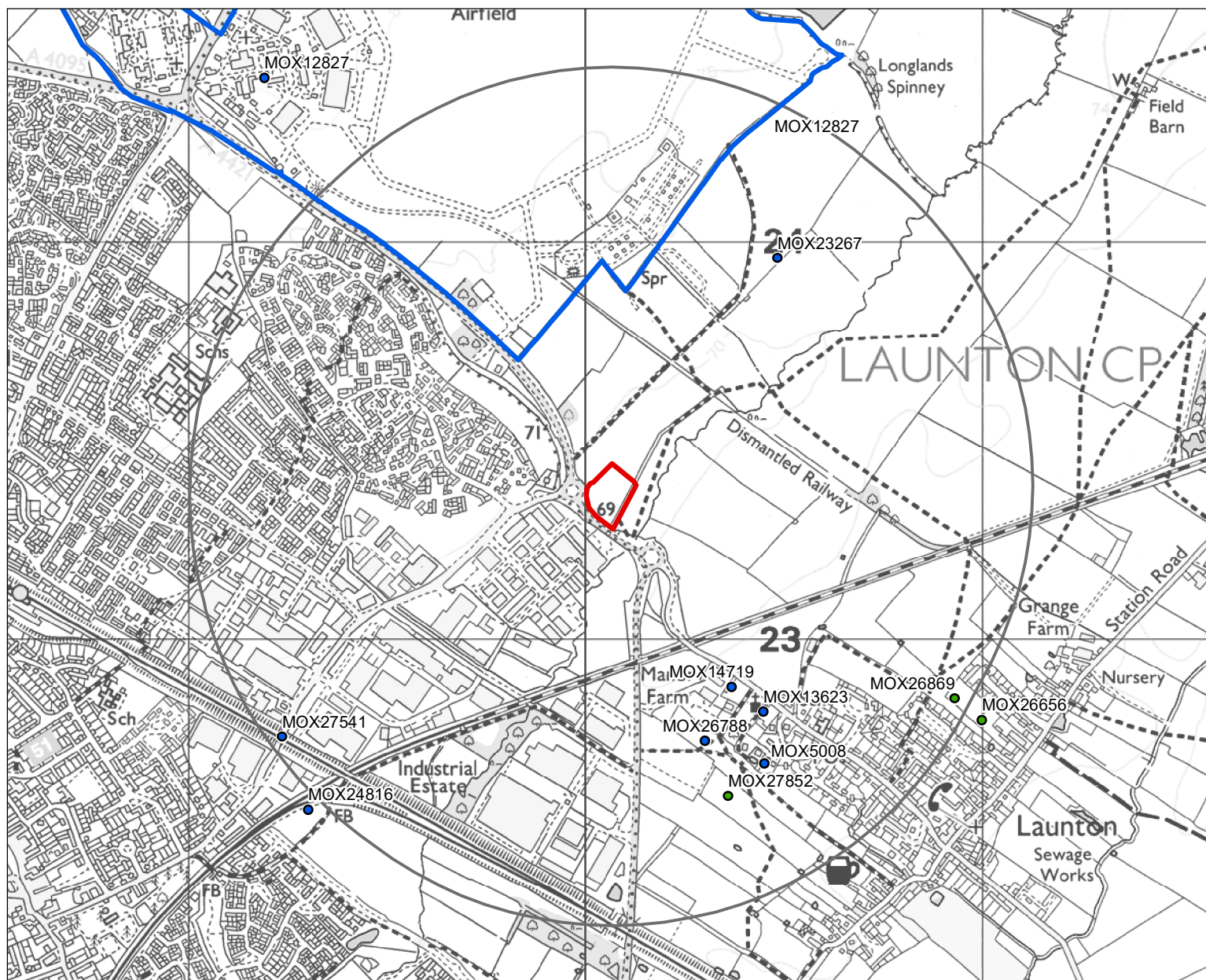
Approved by: -

Date: 04/05/2021

Scale: 1:15,000 @ A4

**Pegasus**  
Group





## KEY

- Site
- 1km Buffer
- HER Monument Point - Post-Medieval and Modern
- HER Monument Polygon - Post-Medieval and Modern
- HER Monument Point - Unknown

Revisions:  
First Issue- 04/05/2021 DS

## Figure 4: HER Monuments (Post-Medieval and Modern)

Launton/Bicester Road,  
Bicester

Client: Evolve Fund Services Ltd (London)  
DRWG No: **P21-1064\_04** Sheet No: - REV: -  
Drawn by: DS Approved by: -  
Date: 04/05/2021  
Scale: 1:15,000 @ A4

**Pegasus**  
Group





DESIGN



ENVIRONMENT



PLANNING



ECONOMICS



HERITAGE

[PEGASUSGROUP.CO.UK](http://PEGASUSGROUP.CO.UK)

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.  
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

