



**Land off  
Balmoral  
Avenue, Bretch  
Hill, Banbury**

**Archaeological  
and Heritage  
Assessment**

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

On behalf of:  
**Lone Star Land Ltd**

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## Plans

<b>Plan EDP 1</b>	Designated Heritage Assets (edp7133_d002a 19 October 2021 DJ/MM)
<b>Plan EDP 2</b>	Known Non-designated Heritage Assets (edp7133_d003a 19 October 2021 DJ/MM)
<b>Plan EDP 3</b>	Extracts from Historic Maps (edp7133_d004a 19 October 2021 DJ/MM)

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## Non-technical Summary

- S1 This Archaeological and Heritage Assessment has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Lone Star Land Ltd to inform planning proposals for a residential development on Land off Balmoral Avenue, Banbury ('the site').
- S2 The site does not contain any designated heritage assets, as defined in Annex 2 of the National Planning Policy Framework (NPPF), where there would be a presumption in favour of their retention or preservation *in situ*. Furthermore, the proposed development will not result in harm to the significance of any surrounding designated heritage assets, i.e. through changes within their setting.
- S3 As such, the proposals accord with Sections 66 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the relevant paragraphs of the NPPF and Policy ESD 15 of the *Cherwell Local Plan 2011-2031*.
- S4 In terms of non-designated heritage assets, the site is determined to have a low potential to contain any archaeological remains, other than those of 'negligible' value related to medieval and later farming practices, as well as demolition deposits related to a late Victorian outfarm building.
- S5 Therefore, no archaeological fieldwork should be required pre-determination, but could appropriately be secured through a planning condition.
- S6 Therefore, in terms of non-designated heritage assets, the planning proposals also comply with the relevant paragraphs of the NPPF and Policy ESD 15 of the *Cherwell Local Plan 2011-2031*.

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## **Section 1**

### **Introduction**

- 1.1 This report has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Lone Star Land Ltd and presents the results of an archaeological and heritage assessment of Land off Balmoral Avenue, Banbury (hereafter referred to as 'the site'). This document has been produced to support an outline planning application for residential development.
- 1.2 The first aim of this assessment is to consider the available historical and archaeological resources for the site and to establish its likely potential in accordance with the requirements of the National Planning Policy Framework (NPPF; MHCLG, 2021) and local planning policy.
- 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 2021.
- 1.4 The second aim of this assessment is to identify and assess potential changes to designated heritage assets, either directly or through changes within their settings, as a result of the proposed development and to determine whether, and to what extent, those changes will affect their heritage significance.

#### **Location, Boundaries, Topography and Geology**

- 1.5 The site is located on the western edge of Banbury and is centred on National Grid Reference 443745, 239867. It comprises parts of four agricultural fields, which are subdivided and bounded by hedgerows, fields and a short length of track. Beyond the site boundaries, farmland is located to the west and north, Broughton Road to the south, and housing and areas with permission for residential development to the east.
- 1.5 The site comprises a plateau in the north, at c. 155m above Ordnance Datum (aOD), with the remaining fields sloping downwards from the north to the south, with the low point at 135m aOD at the southern edge.
- 1.6 The site is located on a mix of bedrock geology, forming east-west strips across the site. From north to south, this comprises the Chipping Norton Limestone Formation, the Horsehay Sand Formation, the Northampton Sand Formation, and the Whitby Mudstone Formation. No superficial geology is recorded ([www.bgs.com](http://www.bgs.com)).

#### **Proposed Development**

- 1.7 The outline planning application is for the erection of 49 dwellings, public open space, and other infrastructure, with all matters reserved except access. All housing and access roads

are located in the northernmost field, where the central and southern end of the site are proposed for a drainage feature and route only.

## 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

- 2.2 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.

- 2.3 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.”*

- 2.4 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*.

- 2.5 However, it must be recognised that section 66(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.

- 2.6 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”.*

- 2.7 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”.*

- 2.8 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’.

- 2.9 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”.*

- 2.10 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.

- 2.11 Paragraph 199 of the NPPF (MHCLG 2021) transposes section 66(1) and section 72(1) of the 1990 Act into NPPF.

- 2.12 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**

- 2.13 The NPPF was revised 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.

- 2.14 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”.*

- 2.15 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”.*

- 2.16 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”.*

- 2.17 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”.*

2.18 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”.*

2.19 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”.*

2.20 Furthermore, footnote 68 to paragraph 200 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”.*

2.21 In this regard, footnote 68 is clear that for a heritage asset of archaeological interest to be subject to the policies for designated heritage assets, it must first be “*demonstrated*” that it is of sufficient interest to warrant such protection.

2.22 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**

### **Cherwell Local Plan 2011-2031**

- 2.17 The Cherwell Local Plan 2011-2031 was adopted in July 2015. It contains Policy ESD 15 – The Character of the Built and Historic Environment, which states that:

*“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. 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. 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 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."*

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

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## **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, 2020). 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:
- Oxfordshire Historic Environment Record (HER) on known archaeological sites, monuments and findspots within the vicinity of the site;
  - Maps and documents held by the Oxfordshire History Centre; and
  - The National Heritage List for England (NHLE) curated by Historic England.
- 3.3 This report provides a synthesis of relevant information for the site derived from a search area extending up to 1km from its boundary (hereafter known as the 'study area') to allow for additional contextual information regarding its archaeological interest and/or potential to be gathered. Given the extended waiting times and limited access to the Historic England Archives, it was not possible to review aerial photographs within the timeframes of the production of this report.
- 3.4 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 2021. This walkover considered the nature and significance of known and/or potential archaeological assets within the site, identified visible historic features, and assessed possible factors that may affect the survival or condition of known or potential assets.
- 3.5 The report thereafter concludes with an assessment of the site's likely archaeological potential, made with regard to current best practice guidelines.
- 3.6 An assessment has also been made of the potential for effects on designated heritage assets, in terms of their 'setting', in line with the 5-step process outlined in the national guidance (HE 2017) and other relevant documents related to the historic environment (HE 2015 and 2019).
- 3.7 Given the location of the site on the urban edge of Banbury, and the form of the local topography and built and planted environment, which limits views into the landscape in certain directions; it was determined after the site visit that a 1km radius study area was

appropriate for the assessment of possible effects of the setting of designated heritage assets.



## Section 4

### Existing Information

#### Introduction

- 4.1 The site does not contain any designated heritage assets – as defined in Annex 2 of the NPPF – where there would be a presumption in favour of their retention/preservation *in situ*. In the wider study area, there are two listed buildings and two conservation areas, the locations of which are shown on **Plan EDP 1**.
- 4.2 The Oxfordshire HER contains no records for previously identified archaeological remains within the site. There are a number of records in the wider study area relating to archaeology dating from the prehistoric to modern periods, the locations of which are identified on **Plan EDP 2**.

#### Designated Heritage Assets

- 4.3 The following section identifies which assets, and their settings (if any) could be affected by the proposed development (i.e. Step 1 of HE 2017).

#### Listed Buildings

- 4.4 The closest listed building to the site is the Grade II listed Withycombe Farmhouse and attached stable (**1046858**), c.350m to the north-west. This comprises an early- to mid-17<sup>th</sup> century farmhouse with later alterations, built of ironstone ashlar and squared coursed ironstone, with a 20<sup>th</sup> century tile roof and stone coped gables. The structure includes chamfered beams, an inglenook with chamfered bressumer and splat balusters with heart shaped decorations.
- 4.5 Withycombe Farmhouse therefore draws significance from its historic and architectural interests, with limited artistic interest derived from its modest architectural embellishments, and no archaeological interest. It also derives significance from the immediate surrounding farmland, which contributes to the understanding of its links with agriculture and its historic usage.
- 4.6 The Grade II listed Crouch Farmhouse (**119211**) is located c.750m to the south of the site. This comprises a late 17<sup>th</sup> century farmhouse that was remodelled in the 18<sup>th</sup> and 20<sup>th</sup> centuries. It is built of iron stone with a pitched red slate roof and brick end stacks, and wood mullioned windows to the rear.
- 4.7 As such, similar to Withycombe Farmhouse, Crouch Farmhouse is considered to predominantly draw its significance from its historic and, to a lesser extent, architectural interest. It has very limited artistic and archaeological interest. With regard to its setting, the farmhouse is located on the south edge of a farmyard and immediately surrounded by

farmland, which positively contribute to the significance of the asset, given its historic agricultural use.

- 4.8 The site is relatively distant to these listed buildings, and there are no known historic or functional links between the site and these assets. In addition, due to the intervening topography and built and planted environment, neither of these listed buildings can be experienced from the site. As such, the site does not form part of their setting or contribute to their heritage significance.

### **Conservation Areas**

#### *Banbury Conservation Area*

- 4.9 Banbury Conservation Area is located c.730m to the east of the site. It is clear from the conservation area appraisal that this asset was designated to conserve the town's core, which reflects the medieval street pattern, the constituent buildings of which predominantly originate from the 18<sup>th</sup> and 19<sup>th</sup> centuries. These aspects are broadly identified as the main contributor to its significance. This core is immediately surrounded by 18<sup>th</sup> and 19<sup>th</sup> century suburbs (CDC 2004). Beyond this are 20<sup>th</sup> century residential estates, which separate the core and its immediate setting from the wider landscape, including the site.
- 4.10 Therefore, the site is separated from this conservation area by a substantial 'buffer' of suburban housing, and it does not form part of the experience of the asset. As such, the site does not lie within the setting of the conservation area, and does not contribute to its significance. It is considered that the development of the site will not have any effect on this asset.

#### **Drayton Conservation Area**

- 4.11 The Drayton Conservation Area is located c.845m to the north-west. This also comprises the historic core of a settlement, Drayton village, and a "*generous area of surrounding countryside*" identified as its setting (CDC 2008). Therefore, its significance can be broadly described as a rural settlement surrounded by farmland on all sides and parkland to the west.
- 4.12 The site is substantially distant from this asset, and only its planted northern boundaries can be experienced from the conservation area. This view to the site's vegetated edge is only possible from a very small portion of the south-east corner of the asset. Any such limited visual link is experienced in the context of the existing post-war suburbs of Banbury, including the recently consented and mostly built scheme off the A422, immediately east of the conservation area, and the tower and telephone mast to the east of the site. As such, the site is no more than very peripheral to the experience of this asset, and it does not contribute to its significance.
- 4.13 As such, neither of these conservation areas are identified as potentially being affected by the proposed development.

## **Summary**

- 4.14 No designated heritage assets have been identified as capable of experiencing change as a result of the proposed development, such that could negatively affect their heritage significance. As such, they are not considered further in this report.

## **Non-designated Heritage Assets**

### ***Palaeolithic to Iron Age (c.500,000 BC-AD 43)***

- 4.15 There are no records of previously identified archaeology within the site from the Palaeolithic to Iron Age periods, as recorded in the Oxfordshire HER. There are five recorded within the wider study area.
- 4.16 The chance find of a Neolithic stone axe (**962**) is recorded c.590m to the south-west of the site. This is likely to be the result of accidental loss in antiquity, rather than indicative of associated underlying remains.
- 4.17 A Late Iron Age farming settlement, comprising a roundhouse and enclosure, was identified through trial trenching (**E0X3259**) c. 980m to the south-east of the site. Remains of an undated open field system were also recorded. This evaluation was preceded by a geophysical survey, but not annotated separately on **Plan EDP 2**.
- 4.18 Unsystematic fieldwalking (**E0X2812**) by local enthusiasts, c.525m to the south-east, recovered Neolithic scrapers and a leaf-shaped arrowhead. This may suggest the site of Neolithic activity, but, given their location at the foot of Crouch Hill, they may have been redeposited through colluvial action from *in situ* features located higher up on the hill side/top – albeit this is purely conjectural and there is no evidence to substantiate this. A Bronze Age axe was also recovered nearby, but this appears to be an isolated find.
- 4.19 Other records of prehistoric archaeology in the study area relate to unproven features, identified through geophysical survey, that could potentially derive from this period. However, as they have not been ‘tested’, they could equally originate from later periods, or may not be archaeological at all. For example, they may have geological origins.
- 4.20 A geophysical survey (**E0X3534**) identified four rectilinear or curvilinear enclosures (**28283**), c.450m to the south of the site. A second geophysical survey in 2017 (**E0X6158**) identified a possible pit alignment and two potential barrows, c.920m to the north-west of the site.
- 4.21 The known and predicted prehistoric archaeological remains are located on land below 145m aOD, whereas by comparison, the part of the site that is intended for housing is located at c.155m aOD. Whilst the lowest end of the site, intended for a drainage feature, is at 135m aOD, this is only a comparatively very small area. Given this evidence, there is a predicted low potential for the site to contain archaeological remains from this broad period.

**Romano-British (AD43-410)**

- 4.22 There are no records for previously identified Roman period archaeology within the site, as recorded by the Oxfordshire HER. There are two records in the wider study area.
- 4.23 Two phases of investigation, in c.1960 and 1971, identified the foundations of a Roman building (**5378**), dated by pottery and constructed of marlstone, c.730m to the south-west. In addition, human bone, a coin and a brooch were found. It was noted that the remains were being destroyed by the attrition of ploughing at the time of their excavation.
- 4.24 Some Roman pottery (**15622**) was previously recorded c.115m to the east of the site. The circumstances of the recovery of these artefacts is unclear, and it is not possible to identify whether they derived from *in situ* archaeological deposits or were 'loose' in a plough soil and therefore may derive from manuring deposits. Regardless, the location given is arbitrary and it is not possible to more closely identify their original location, other than they were found in the general location of the modern housing estates to the east of the site.
- 4.25 Otherwise, a collection of c.20 sherds of mostly late Roman pottery (**26161**) were recovered from a field surface c.780m to the south-west of the site. Given the low density of the finds, they may be the result of manuring deposits rather than indicative of buried remains.
- 4.26 As such, the limited confirmed Roman settlement activity (**5378**) was located at c.120-130m aOD, in close proximity to a brook. By comparison, the site is located at c.135-155m aOD on a hill side and, as such, there is a low potential for Roman period archaeology to be encountered.

**Early Medieval (AD 410-1066)**

- 4.27 There are no records for previously identified early medieval archaeology within the site, as recorded within the Oxfordshire HER.
- 4.28 There is one record within the study area that relates to "*a probable Sub-Roman occupation site*" (**15622**), identified through the recovery of late-Roman potsherds from "*deeper strata*" c.180m to the east of the site. Whilst these are recorded as being of 5<sup>th</sup> century date, no information is available regarding the number, type, or description of the artefacts.
- 4.29 The only information on these finds is recorded in a few lines within a 1959 edition of the *Magazine of the Banbury Historical Society*. The scarcity of evidence is underlined by this HER entry being recorded at an arbitrary location, with the exact position of their recovery unknown, other than in the location of the modern housing estates to the east of the site. Therefore, this data is treated with caution.

- 4.30 As such, given the lack of solid evidence, and the general low density of potential finds from this period, the site is considered to have a low potential to contain early medieval archaeology.

#### ***Medieval (AD 1066-1485)***

- 4.31 There are no records for previously identified medieval archaeology within the site, as recorded within the Oxfordshire HER. Three are recorded in the study area.
- 4.32 The possible location of a former deer park (**11119**) is located c.660m to the south, and a collection of medieval pottery (**15850**) was recorded at the foot of Crouch Hill, c.255m to the south of the site.
- 4.33 Otherwise, possible medieval or later below ground remains of ridge and furrow (**28283**) were recorded during a geophysical survey (**EOX3534**), c.455m to the south of the site.
- 4.34 The National Mapping Programme data (not reproduced due to copyright) identifies cropmarks related to former ridge and furrow cultivation in the southern two fields within the site. These were confirmed as flattened by the site walkover in September 2021.
- 4.35 Therefore, the site was most likely part of the farmed hinterland around existing settlements during the medieval period. It has a low potential to contain remains from this period, other than 'negligible' value archaeology related to former agricultural practices; e.g. buried infilled plough furrows and field boundaries.

#### ***Post-medieval to Modern (AD 1485-present)***

- 4.36 There are no records for previously identified post-medieval to modern archaeological remains within the site, as recorded in the Oxfordshire HER. There are six records in the wider study area.
- 4.37 The former location of a brickyard and claypit (**12572**) dating to 1833, which stood in the location of a demolished post mill, is recorded c.630m to the south. A second brickworks and kiln location (**79**) is recorded closer to the site, c.240m to the east. In association with this activity, disused quarry pits (**78** and **85**) are recorded close by. Otherwise, the location of demolished malt houses (**75** and **76**) are located c.750m and c.975m to the east, and post-medieval plough furrows were recorded during trial trenching (**EOX6392**) c.950m to the north.
- 4.38 The site probably continued in use as agricultural land during this period. As such, there is a low potential for the site to contain buried remains from these periods, other than remains of 'negligible' value related to farming practices.

#### ***Undated***

- 4.39 There are no undated heritage assets within the site, as recorded by the Oxfordshire HER. A single undated shallow ditch was found during trial trenching (**EOX6391**), c.630m to the

north of the site, and narrow field drainage ditches and post holes (**E0X6392**) were recorded during separate trial trenching c.950m to the north. These undated finds are not considered to influence the potential of the site to contain hitherto unrecorded buried remains.

### **Previous Archaeological Investigations**

- 4.40 The site has not been subject to any previous archaeological investigations. Where relevant, the results of investigations in the wider study area have been included in the sections above.
- 4.41 Other than a desk-based assessment and a walkover survey, the only other investigations in the study area are: (1) a magnetometer survey (**E0X6101**), c.270m to the south-east of the site, which simply identified the bases of furrows and a possible corner of a rectilinear field and (2) a 'negative' trial trench evaluation (**E0X6100**) c.780m to the south, which was interpreted by the investigators as indicating the area was only previously used for agriculture.
- 4.42 The results of these investigations are therefore considered to have no bearing on the archaeological potential of the site.

### **Cartographic Sources**

- 4.43 The earliest assessed cartographic source to depict the site in detail is the First Edition Ordnance Survey (OS) map of 1882 (not reproduced here). This shows the site as three agricultural fields, the northern of which was crossed by an east-west aligned path. An outfarm is located immediately to the east of the site.
- 4.44 By the time of the 1888 Edition OS map (see **Plan EDP 3**) the outfarm had been expanded to include a small U-shaped range on the east edge of the site. This had been demolished and replaced by a smaller modern building by the 1967-73 Edition (not reproduced here). The map of 1967-73 is also the first to show the site in its current four-field arrangement.
- 4.45 The review of cartographic sources underlines the conclusions of the period-specific sections above, i.e. that the site was most likely in use as agricultural land throughout the post-medieval and modern periods. The only additional information is the inference from the 1888 Edition OS map that there may be low-value demolition remains related to a late Victorian outfarm building on the east edge of the site.

### **Aerial Photographs**

- 4.46 The Historic England Aerial Investigation & Mapping data (not reproduced here) identified north-south aligned ridge and furrow in the southern two fields of the site, suggesting medieval or post-medieval agricultural activity. No other cropmarks or other indications of

buried archaeology are recorded on the Historic England Aerial Investigation & Mapping and no online sources for aerial photographs identified any relevant material.

#### **Site Walkover**

- 4.47 The site was visited in September 2021 to assess the current ground conditions and topography within it, as well as to confirm the continuing survival of any known archaeological remains, and to identify any hitherto unknown remains of significance.
- 4.48 It was noted that there are no buildings surviving within the site, and the ridge and furrow noted by the Historic England Aerial Investigation & Mapping in the south of the site has since been ploughed flat. No other features of heritage or archaeological note were observed, although some localised pitting across the north of the site may indicate previous mineral extraction, although none is indicated on the cartographic sources discussed above.

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## Section 5 Conclusions

- 5.1 This Archaeological and Heritage Assessment for Land off Balmoral Avenue, Banbury, was produced by EDP on behalf of Lone Star Land Ltd to support an outline planning permission for residential development.
- 5.2 The site does not contain any designated heritage assets, as defined in Annex 2 of the NPPF, where there would be a presumption in favour of their retention or preservation *in situ*.
- 5.3 An assessment of designated heritage assets in the wider area around the site has involved consideration of the Grade II listed Withycombe Farmhouse and attached stable (**1046858**), Grade II listed Crouch Farmhouse (**119211**), and the Banbury and Drayton Conservation Areas. These were considered the only assets that could potentially be affected by the development of the site.
- 5.4 In each case, it was identified that the site does not form part of the setting of these assets, nor does it allow appreciation of, or contribute to, their significance/special interest. As such, it is concluded that the development of the site would not result in harm to the significance/special interest of these assets.
- 5.5 As such, the proposals accord with Sections 66 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the relevant paragraphs of the NPPF and Policy ESD 15 of the *Cherwell Local Plan 2011-2031*.
- 5.6 There are no non-designated heritage assets recorded within the site, as listed within the Oxfordshire HER. Given the pattern of prehistoric, Roman, and early medieval archaeology in the wider study area, and the comparatively small size of the site, there is considered to be a low potential to encounter remains from these periods.
- 5.7 The site was most likely in agricultural use throughout the medieval to modern periods. Therefore, it has a low potential for archaeology from these times, other than 'negligible' value remains related to former agricultural practices and demolition spreads related to a late Victorian outfarm building.
- 5.8 Therefore, the information presented above should be sufficient to inform planning determination. No archaeological fieldwork should be required pre-determination but could, if necessary, be secured through a planning condition.
- 5.9 Therefore, in terms of non-designated heritage assets, the planning proposals also comply with the relevant paragraphs of the NPPF and Policy ESD 15 of the *Cherwell Local Plan 2011-2031*.

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## Section 6 References

Banbury Historical Society, November 1959. *Cake & Cockhorse: The Magazine of the Banbury Historical Society Vol. 1 No. 2*. Banbury.

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Cherwell District Council (CDC), 2004. *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), 2017. *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*. London.

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

Ministry of Housing, Communities and Local Government (MHCLG), 2019. *The National Planning Policy Framework*. London.

### List of Consulted Maps

First Edition Ordnance Survey map 1882  
Ordnance Survey map 1888 Edition  
Ordnance Survey map 1900 Edition  
Ordnance Survey map 1922 Edition  
Ordnance Survey map 1967-1973 Edition  
Ordnance Survey map 1992-1995 Edition

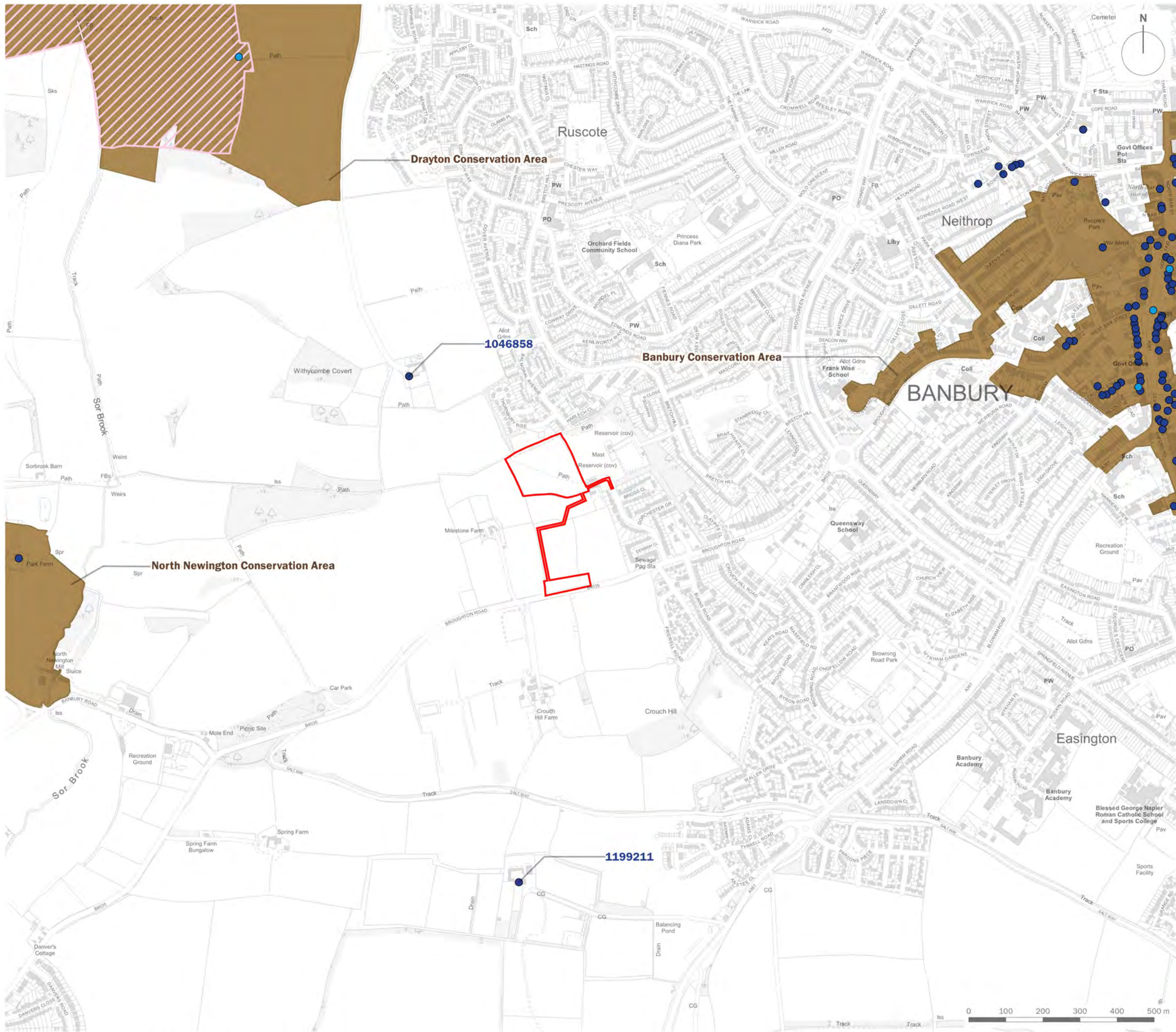
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## Plans

<b>Plan EDP 1</b>	Designated Heritage Assets (edp7133_d002a 19 October 2021 DJ/MM)
<b>Plan EDP 2</b>	Known Non-designated Heritage Assets (edp7133_d003a 19 October 2021 DJ/MM)
<b>Plan EDP 3</b>	Extracts from Historic Maps (edp7133_d004a 19 October 2021 DJ/MM)

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Site Boundary

Conservation Area

Registered Park and Garden

Listed Buildings

Grade II\*

Grade II

client

Lone Star Land Limited

project title

Land off Balmoral Avenue, Banbury

drawing title

Plan EDP 1: Designated Heritage Assets

date

19 OCTOBER 2021

drawn by

DJ

drawing number

edp7133\_d002a

checked

MM

scale

1:10,000 @ A3

QA

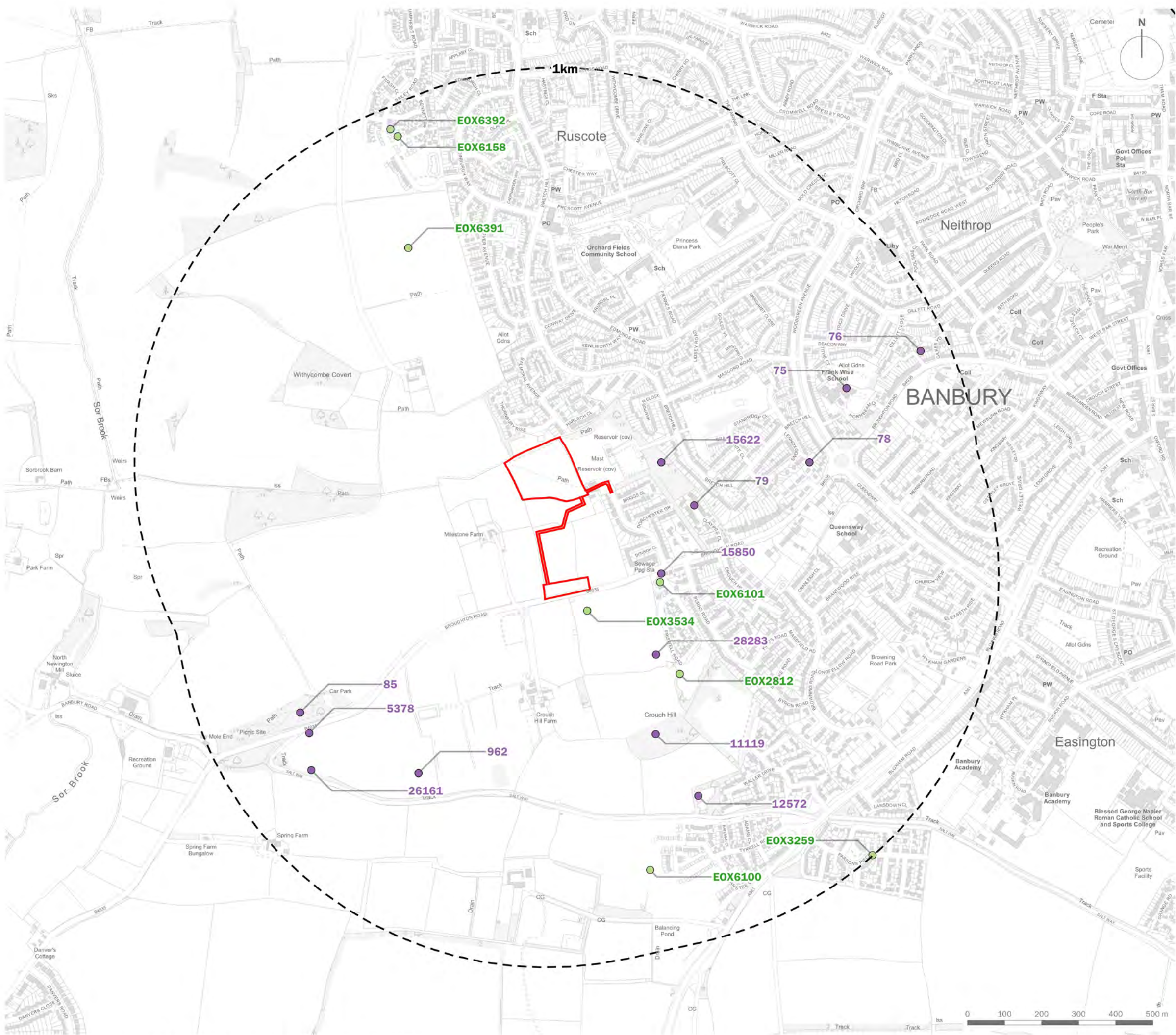
GY

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- Site Boundary
- Range Rings (at 1km intervals)
- HER Monument
- HER Event

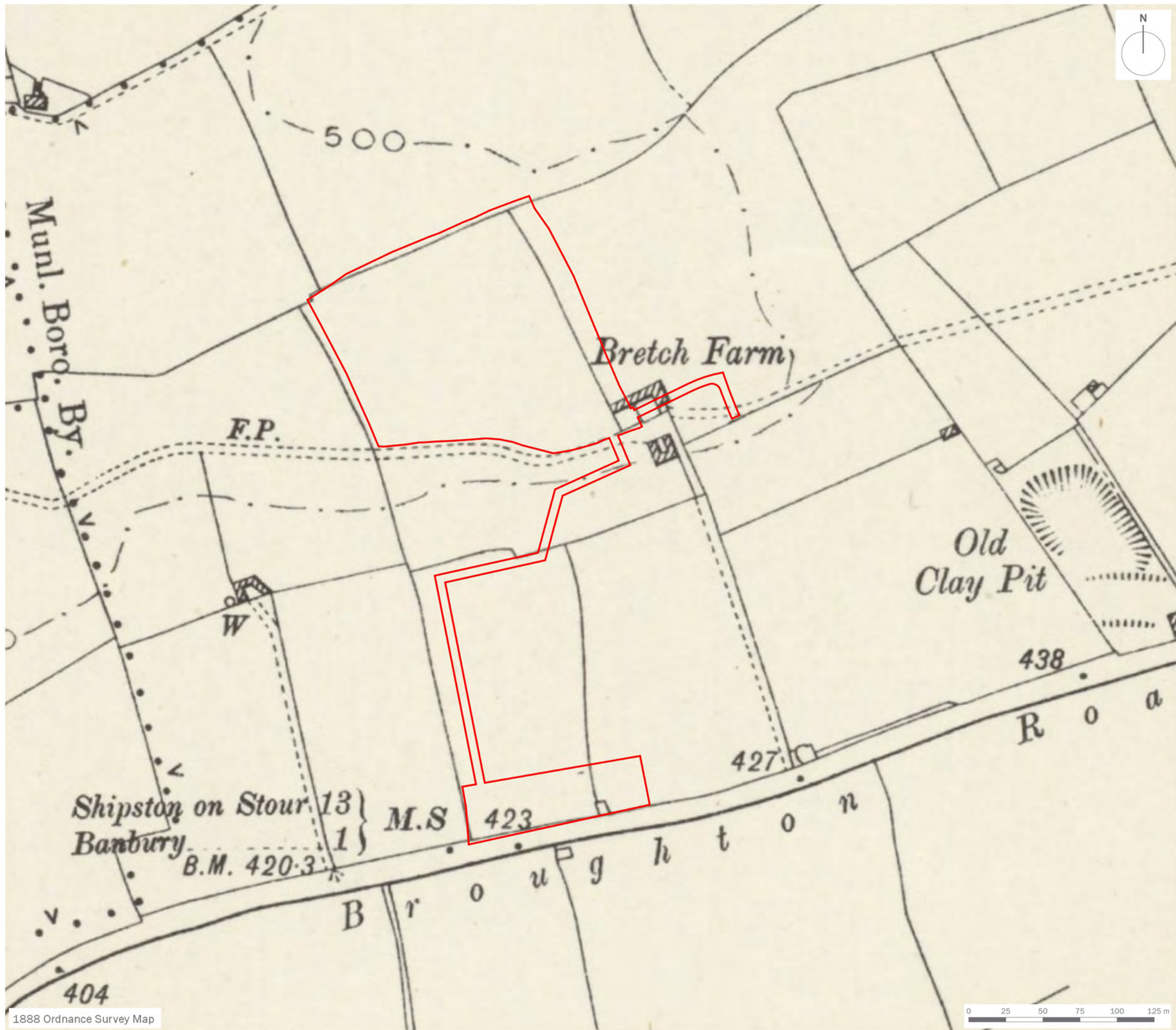
client			
Lone Star Land Limited			
project title			
Land off Balmoral Avenue, Banbury			
drawing title			
Plan EDP 2: Known Non-designated Heritage Assets			
date	19 OCTOBER 2021	drawn by	DJ
drawing number	edp7133_d003a	checked	MM
scale	1:10,000 @ A3	QA	GY



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1888 Ordnance Survey Map



Approximate Site Boundary

client

Lone Star Land Limited

project title

Land off Balmoral Avenue, Banbury

drawing title

Plan EDP 3: Extracts from Historic Maps

date	19 OCTOBER 2021	drawn by	DJ
drawing number	edp7133_d004a	checked	MM
scale	1:2,500 @ A3	QA	GY



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the environmental  
dimension partnership

**CARDIFF**  
**02921 671900**

**CHELTENHAM**  
**01242 903110**

**CIRENCESTER**  
**01285 740427**

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

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