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Bootham Bar, York City Walls

Heritage, Design and Access Statement

For City of York Council



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1.0 Summary of Heritage, Design and Access Statement

1.1 Introduction

Donald Insall Associates were commissioned by the City of York Council in January 2022 to develop proposals for Bootham Bar, York City Walls, York. This statement has been prepared in support of an application for Planning Permission for replacing the lead roof and repairing the timber roof structure, raising the turret roof and providing an improved roof access hatch, and rerouting the internal rainwater goods to include external downpipes for the mitigation of water ingress.

The design process has been informed by an assessment of the site's significance, comprising historical research, using both archival and secondary material, and a site inspection. An illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the building, which is set out in Section 4 and summarised below. This understanding has informed the development of proposals for change to the building which are outlined in Section 5. Matters relating to access, sustainability, flood risk, and drainage are included in Section 6, and Section 7 provides a justification of the scheme according to the relevant planning policy and guidance.

1.2 The Building, its Legal Status and Policy Context

Bootham Bar is a Grade-I listed building and a Scheduled Monument located in the York Minster Cathedral Precinct Conservation Area in the City of York Council district. If falls within the York Area of Archaeological Importance. It forms part of the York City Walls and is located at the top of High Petergate and Gillygate. Defensive structures such as walls, towers and gatehouses are defined as having limited opportunities for beneficial reuse and are therefore sometimes protected by both Scheduling and listings. While alterations to a listed building generally require listed building consent, Scheduled Monument consent offers a higher level of protection and therefore supersedes this. Development within conservation areas or within the setting of a listed building requires local authorities to assess the implications of proposals on built heritage through a planning application.

The statutory list description of the listed building and its associated Scheduling are included in Appendix I and a summary of guidance on the Central Historic Core Conservation Area, as well as policies included in the Conservation Management Plan for the York Walls, provided by the local planning authority is in Appendix II, along with extracts from the relevant legislation and planning policy documents.

The current legislation for Scheduled Monuments is the Ancient Monuments and Archaeological Areas Act 1979. Any works that result in demolition, destruction or damage, removal, repair, alteration or addition to a Scheduled site require Scheduled Monument Consent (SMC) under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979. Scheduled Monument Consent has been applied for via Historic England, for which this report provides the justification for the proposals.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 16, 66 and 72 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to have *'special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'* and, in respect of conservation areas, that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan applicable to the Site comprises the *City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005).* The plan has never been formally adopted but has been approved by the Council for development control purposes, nevertheless, the policies contained within it largely align to national planning policy (NPPF, 2021). The *City of York Local Plan- Publication Draft 2018* is also a material consideration, though it has also not been formally approved.

The City of York Local Development Plan 2005 has policies that deal with development affecting the historic environment, and these require that proposals in historic locations must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. The local plan also prohibits development which might adversely affect scheduled ancient monuments.

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2021 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is *'a presumption in favour of sustainable development'* and there are also specific policies relating to the historic environment. The Framework states that heritage assets are *'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*. The Glossary to the National Planning Policy Framework defines a heritage asset 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).*

The Framework, in paragraph 194, states 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.*

Section 4 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 199, requires 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.*

The Framework goes on to state at paragraph 200 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.*

Section 7 of this report will, when the proposals are finalised, provide this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either 'substantial' or 'less than substantial'. Where a proposed development will lead to 'substantial harm to (or total loss of significance of) a designated heritage asset', the Framework states, in paragraph 201, that:

> *...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; 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*

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework states, in paragraph 202, that:

> *...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

1.3 Summary of Project Brief

Donald Insall Associates were appointed in January 2022 by the City of York Council (CYC) to investigate the replacement of the lead roof of Bootham Bar due to significant water ingress and damage to the Scheduled Ancient Monument as a result of failed repairs and inadequate bay widths, falls and failed internal cast iron rainwater goods.

The poor condition of the roof was identified during the 2020 Conservation Management Plan and a detailed Condition Survey was carried out between November 2022 and February 2023. Feasibility sketch designs were produced and discussed with Historic England (HE), with feedback from these informing detailed proposal drawings.

A more detailed description is included in Section 5.1.

1.4 Summary Assessment of Significance

York City Walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of the City of York and its wider, universal context. Bootham Bar contributes to this through its considerable aesthetic value as a medieval bar and for its setting on Exhibition Square. It has considerable group value with the other three bars and historic value for its links to St Mary's Abbey and the Roman fortress.

A gateway has existed on this site for over 1,900 years and evidence of its development and its present state provide valuable insight into its design and role, contributing to its social, political and cultural value. It retains educational value and research potential.

The Bar has been subject to extensive 19th century restoration, but these works in themselves are of historical / archaeological / engineering value. It holds moderate economic value but is underused.

A more detailed description is included in Section 4.

1.5 Summary of Proposals and Justification with Respect to Design, Access and Heritage

The proposals include replacing the lead roof and repairing the timber roof structure, raising the turret roof and providing an improved roof access hatch, and rerouting the internal rainwater goods to include external downpipes for the mitigation of water ingress.

The works follow the principle of minimum intervention and carefully considered repair and replacement where possible, in compliance with part i and ii of York City Walls Management Plan policy B.3. The renewed roof covering and rainwater goods have been re-designed to enhance the discharge of water from the Bar, ensuring its longevity, in line with part iii. A clear schedule of works and process for conservation works has been provided to allow the new works to be clearly identifiable, and based on a sound understanding of historic fabric, in line with part iv. Finally, the use of lead and cast-iron, and the proposed specification of works complies with part v.

It is considered that the proposals would preserve the Scheduled Monument and listed buildings within its setting and would preserve the character and appearance of the YCHC Conservation Area in accordance with the statutory duty imposed by Sections 16, 66 and 72 (I) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals also comply with the requirements of the Ancient Monuments and Archaeological Areas Act 1979.

2.0 Historical Background

2.1 Site and Context

2.1.1 The development of York City Walls

The origins of the city of York lie in the Roman legionary fortress of Eboracum, founded in A.D. 71. by the ninth legion, and later the capital of the northern province of Roman Britain. Originally constructed of wood, the fortress took a rectangular form with four gated entrances- one located along each side of the walls and allowing access to one of the two key roads through the city **[Plate 2.1]**.[1] Access to the *via principalis* (now known as High and Low Petergate) from the northwest was afforded by a gateway known as the *porta principalis dextra.* In 107-8 the original fortress walls were rebuilt in stone and a Roman presence remained in the area until 383.

In 637, the first stone-built church of St Peter was established in the north of the city, close to Bootham Bar, and from which the street of Petergate eventually gained its name in 1205.[2] Following a fire the church was rebuilt on a larger scale in 741, around 100 years before the former fortress became the capital of Viking Britain in 837. Named Jorvik, the existing Roman walls were covered with earthworks during this period.[3]

Following the Norman Conquest of 1066, the city's defensive capacity was substantially improved, with two castles being added to the city, and most of the Bar structures rebuilt, including Bootham Bar.[4] Improvements to the walls continued throughout the 11th and 12th centuries, before they were reconstructed and improved from the mid-13th to early 14th century.[5] Regular grants of murage to the town throughout the medieval period suggest that the walls were regularly being repaired, often amounting to almost total rebuilding, until at least the mid-15th century.[6]

Throughout the medieval period the gateways retained an important defensive and municipal function, with Richard of Gloucester appearing at them to warn the local population off continuing the war of civic factions in 1475, and Lord Scrope of Bolton being successfully fought off from Bootham Bar in 1487.[7]

This defensive function remained important throughout the start of the walls' Early Modern history. From the late 16th to early 17th centuries, the city walls are documented as having been repaired and altered in numerous phases, with the earliest map depictions showing that the city had developed outside of the medieval walls by this period, particularly along Bootham or 'Boudham' and Gillygate **[Plate 2.2]**.[8] However, following the move of the royal court to York in the 17th century, and the fighting that resulted from the ensuring Civil War, the walls were substantially damaged and, following the siege of York, restoration was undertaken on a much grander scale.[9]

Little effort was made to maintain the defensive function of the walls from the start of the 18th century onwards, though the 1745 Jacobite rising prompted some restoration work and attempts at bolstering the walls' defensive capacity; indeed, theft of stone from the walls was evidently a problem, with rewards being offered by the city for the capture of individuals involved.

Instead, the walls became used as pleasure walks, with contemporary maps illustrating the rich landscaped gardens surrounding them **[Plate 2.3]**. In line with the classical transformation of High Petergate, the city also under took the classicising of Bootham Bar.[10]

However, by the end of the 18th century the annual cost of maintaining the structure (particularly the bars) led to the city corporation to investigate its right to take down the bars and walls in 1798 and 1800.[11] In the following three decades, the city began removing the barbicans attached to the various Bars around the city. However, following protest by public and drawing up of a restoration scheme by the York Footpath Association in 1829, progress in demolition was mostly halted by middle of the 1830s. From the middle of the 19th century, the corporation sought to gradually restore the walls and maintain them as a public walkway. The walls continue to function on this basis, with remedial repair works being undertaken by the City of York as required.

1 N. Pevsner (2002). The Buildings of England: York and the East Riding, p. 116.

2 P. M. Tillott (ed.) (1961). A History of the County of York: City of York

3 Ibid and Royal Commission on the Historical Monuments of England (1972). "History: The Defences". An Inventory of the Historical Monuments in City of York, Volume 2, the Defences.

4 Tillott (ed.) (1961).

5 Ibid; RCHM (1972).

6 Tillott (ed.) (1961).

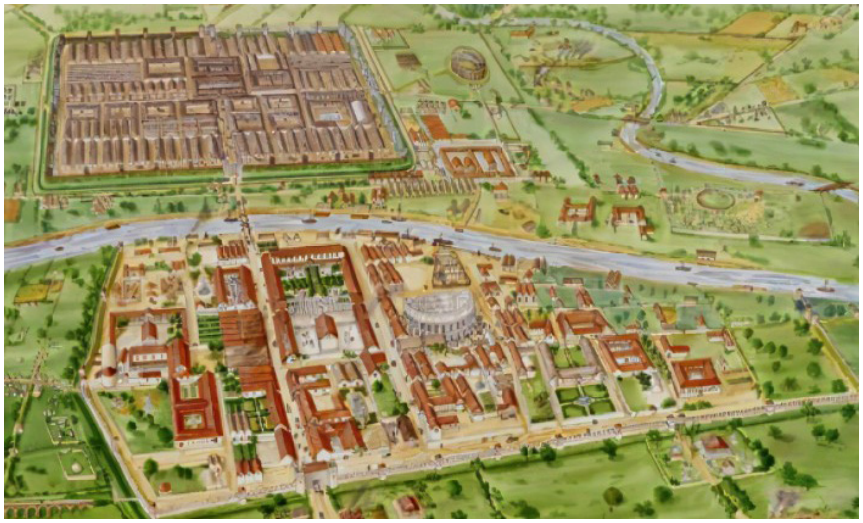
7 Ibid

8 Ibid

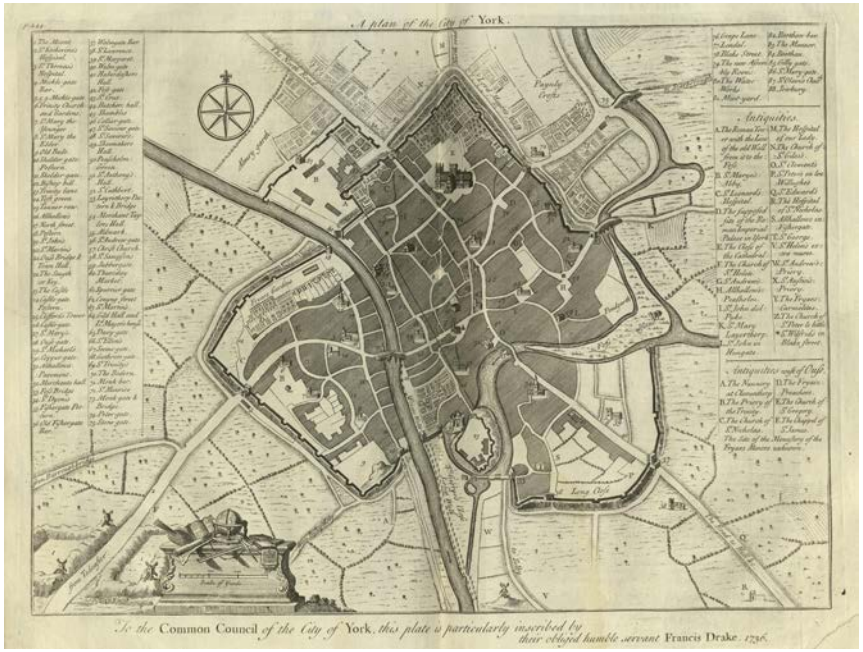
9 Ibid

10 PHO/3/4155, Black and white photo of a plan of the interior elevation; RCHM (1972).

11 Tillott (ed.) (1961).



2.1 *Artists impression of Roman York (HE)*



2.3 *Bootham Bar shown in Drake's Plan of the City of York, 1736 (HE)*



2.2 *John Speed, A map of York, 1611*

2.2 The Building

2.2.1 Roman and Pre-Norman History of the Site

Prior to the existence of the current gateway, Bootham Bar was the site of the *porta principalis dextra* of the Roman legionary fortress, leading from the Roman road outside of Eboracum into the fortress' *via principalis*.[12] Some of the original Roman gritstone remains in the structure, however this was likely repurposed, as the original gateway has undoubtably been rebuilt.[13] No depictions or descriptions of the bar survive from this period, and thus the form the gateway took prior to the Norman Conquest is unclear.

The current name of Bootham Bar, meaning 'the bar at the booths', is possibly derived from this period in the city's history, though its first known use dates to 1200. The booths potentially refer to the Roman *canabae* (the booths), which was the name of the area where traders and merchants sold their wares, or to the weekly market that St. Mary's Abbey had the right to hold.[14]

The history of the gateway between the end of the Roman occupation of Britain and the Norman conquest is relatively unclear. The bar probably remained in place during this period, as it is mentioned as a boundary in a land grant known from an 11th century summary, however whether it was in use is less certain.[15] Suggestions that the route defined by Petergate was not in use between the Roman and Medieval periods would imply that the Bar was not used as a gateway until Petergate's potentially later re-establishment.[16]

2.2.2 Medieval History of the Site

During the Norman period Bootham Bar was generally known as 'Galmanlith', Galmonelid or Galmouelid, after the hill of Galmou (the location of the foundation of St Mary's Abbey), though in 1200 it was first referred to under the name Bootham Bar.[17] It was extensively improved as part of the wider works of defensive construction that took place in York after the Norman Conquest. The inner order of the round-headed archway on the northwest front towards Bootham is the oldest remaining fabric of the current gate, and dates to the 11th century; the outer order and corbels are also Norman, but probably date to the 12th century **[Plates 2.4 And 2.5]**.

By 1376, a house existed over the bar, and this century likely also saw the heightening of the Bar and addition of a barbican and portcullis.[18] Though the date of their construction is not known, in 1488-89, Bootham is mentioned as having great gates and a wicket and was thus still being used for defensive purposes.[19]

With no maps or known depictions available from this period, the form of the structure in this period is difficult to ascertain.



2.4 *20th century photograph of Norman inner portals (BHO)*



2.5 *20th century photograph of 12th and 14th century inner portals (BHO)*

12 Pevsner (2002).

13 City of York Council, York Historic Environment Record, https://her.york.gov.uk/Monument/MYO4226

14 Ibid

15 Ibid

16 York Civic Trust, Petergate, https://yorkcivictrust.co.uk/heritage/civic-trust-plaques/petergate/

17 City of York Council, York Historic Environment Record, https://her.york.gov.uk/Monument/MYO4226

18 Donald Insall Associates for City of York Council, ***York City Walls Conservation Management Plan***, https://her.york.gov.uk/Source/SYO2629

19 Ibid

2.2.3 Post-Medieval History (1500-1800)

The bar was used occupied as a tenanted domestic dwelling for much of the 16th century and the inner façade was rebuilt between the years 1581 and 1586.[20] However, the delivery of two guns to the bar in 1511 and addition of a watch house, known to be in place in 1591, suggests the building retained a defensive function.[21] No depictions of the timber-framed inner façade are known to exist, though numerous representational maps exist depicting Bootham Bar in the period before its replacement with a later classical façade in the early 18th century **[Plates 2.6-2.8]**.

The bar was extensively damaged during the English Civil War, with £5,000 being allocated by the Parliamentarian government in 1645 for the repair of damage caused by the 1644 Siege of York.[22] The reconstruction of the bartizans and upper portion of the façade were probably part of the works undertaken during this period, and in 1647 the heraldry of the Stuart monarchy was added to the front of the Bar. It is unclear as to whether the Bar was subject to the repairs undertaken after the restoration under the city charter of 1665.[23] Maps from the period after the restoration suggest the form was of a roughly square tower, with a bartizan located at each of the corners, though this may have been a mere drawing convention, as later maps continue to depict the building in such a way even when a classical façade was known to be in place **[Plates 2.-2.]**.

20 Tillott (ed.) (1961).

21 Simon Charles Webb, PhD Thesis Recapturing early modern English urban defences: York and Kingston-upon-Hull, c.1550-1700 (2015)

22 Butler, R. M. (1974) The Bars and Walls of York

23 Ibid

During the 18th century, the Bar's defensive function gave way to use as a pleasure walk, at which point much of the city walls were remodelled. As such, in 1719 the inner front of the Bar was rebuilt in the classical style of the period probably replacing a three-gabled half-timbered house of 1583, with the new façade aiming at 'beautifying' the gate at the cost of no more than £40.[24] The same frontage later incorporated a statue of the mythical founder of the city of York, which was added in 1738 from its existing location in the Guildhall **[Plates 2.9 and 2.10]**.[25] Though numerous maps depict the bar in this period, none of them show the classical façade that was known to be in place during the 18th century, instead replicating the convention established in the 17th century mapping for showing the structure's 4 bartizans and inner arch **[Plates 2.11 and 2.12]**.

Alterations continued to be made to improve the bar throughout the 18th century, with a passageway made to the north-east side of the bar in 1771, followed by the removal of existing gates in 1789.[26] However, these works were generally to support the bar's new use as a pleasure walk, with the last defensive alterations made in 1745 and 1748, in anticipation of a Jacobite siege.[27]

24 Ibid

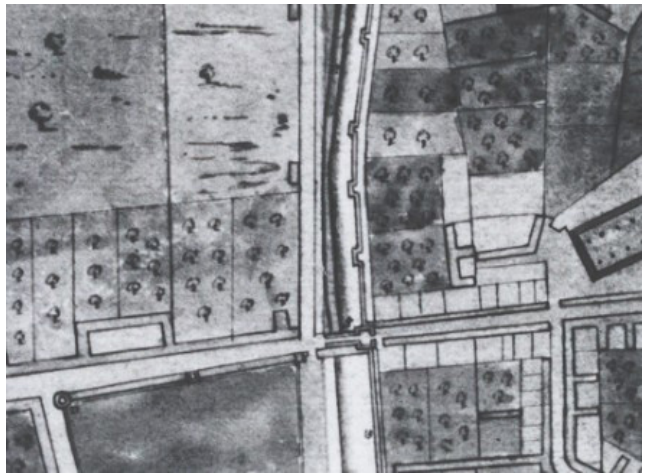
25 Ibid

26 City of York Council, York Historic Environment Record, https://her.york.gov.uk/Monument/MYO4226

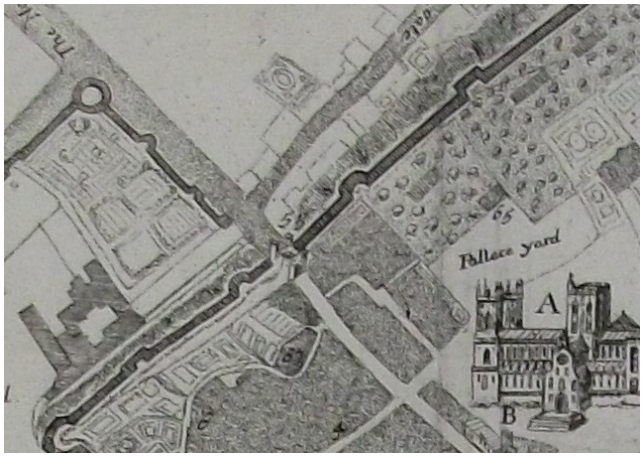
27 Ibid; Tillott (ed.) (1961).



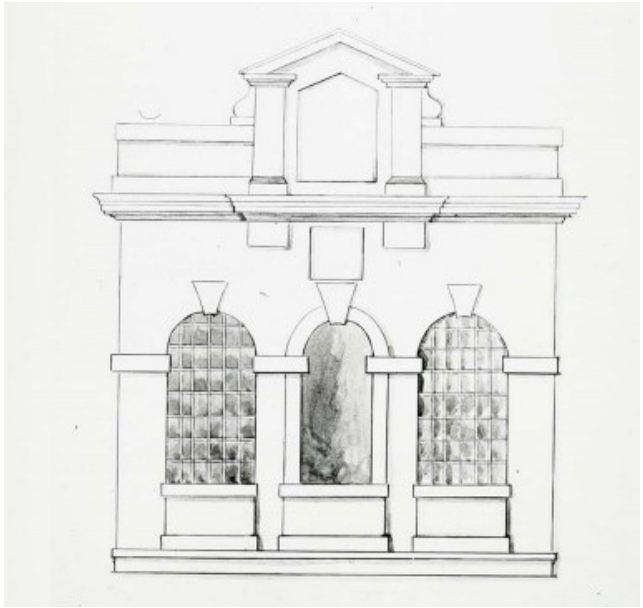
2.6 *Speed's Map of City of York showing representation of Bootham Bar, 1610*



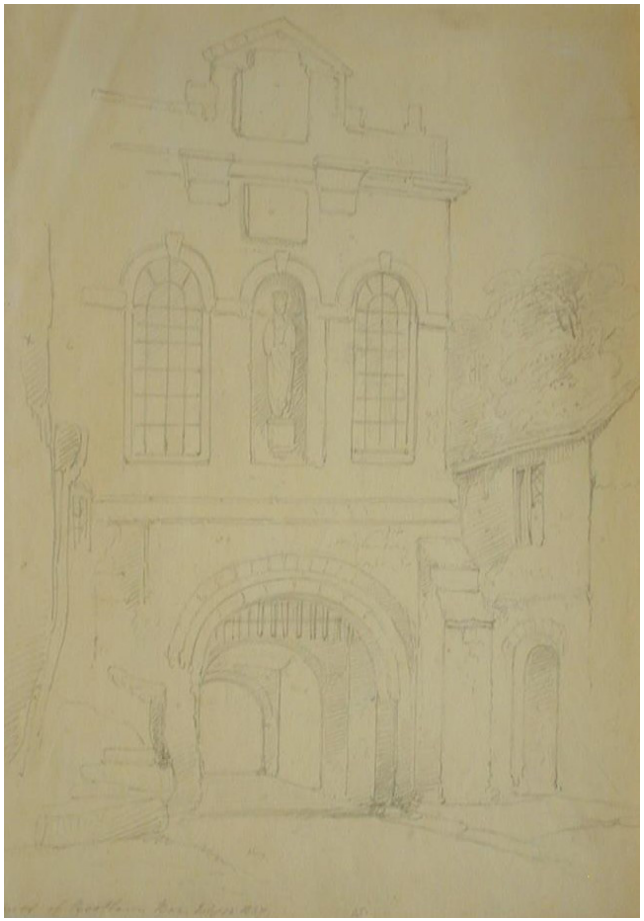
2.7 *Richards' Plan of York, 1685 (York Explore Online)*



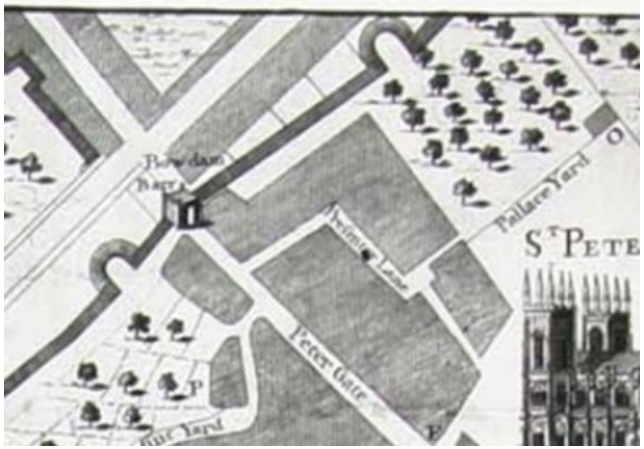
2.8 *Horsley map showing Bootham Bar, 1697 (YORAG)*



2.9 *Plan of the classical interior elevation, c. 1719 (HE)*



2.10 *George Nicholson, sketch of Bootham Bar, 1827 (YORAG)*



2.11 *Coussin's Map of York depicting Bootham Bar, 1727 (HE)*



2.12 *Bootham Bar shown in Drake's Plan of the City of York, 1736 (HE)*

2.2.4 19th Century

In 1831, Bootham Bar became the last of York's gates to lose its barbican, though the south-west portion of the building was retained for another four years, with numerous sketches from the earlier decades of the 19th century illustrating the form that the barbican took prior to its demolition **[Plates 2.13-2.15]**. The whole of Bootham Bar was at risk of being lost during this period, though public outcry and a subsequent subscription campaign ensured that it was instead restored.[28]

The most comprehensive scheme of restoration took place after the loss of most of the barbican, between 1832 and 1835. As part of these works the south-west portion of the barbican was finally demolished and the 1719 façade was stripped. The inner façade was completely rebuilt to the designs of P. F. Robinson, who created a uniformity in the inner and outer gateway through the inclusion of bartizans with cruciform arrow-slits, and additional arrow slits on the central bay **[Plate 2.16-2.18]**.[29] A contemporary sketch from 1835 illustrates that a large portion of the walls around the bar were dismantled as a result of these works, with a passageway to the south created in the wall, and a reconstruction of the 1771 passageway **[Plate 2.19]**.

In 1889, the bar was extensively remodelled to make the city walls more accessible to the public, with the interior floor arrangement altered, and the addition of stairs made to the exterior façade of the Bar, as shown by contemporary photographs and OS maps of the footprint of the building **[Plates 2.20-2.24]**.[30] Plans of the building further illustrate these changes, and how they impacted the monument as it previously existed **[Plate 2.25-2.27]**.

Five years after this restoration, new statuary was added to the bar, replacing the existing figures on the roofline, which had substantially decayed and were unidentifiable as a result.[31]

28 RCHM (1972)

29 Pevsner (2002).

30 Tillott (ed.) (1961).

31 Ibid



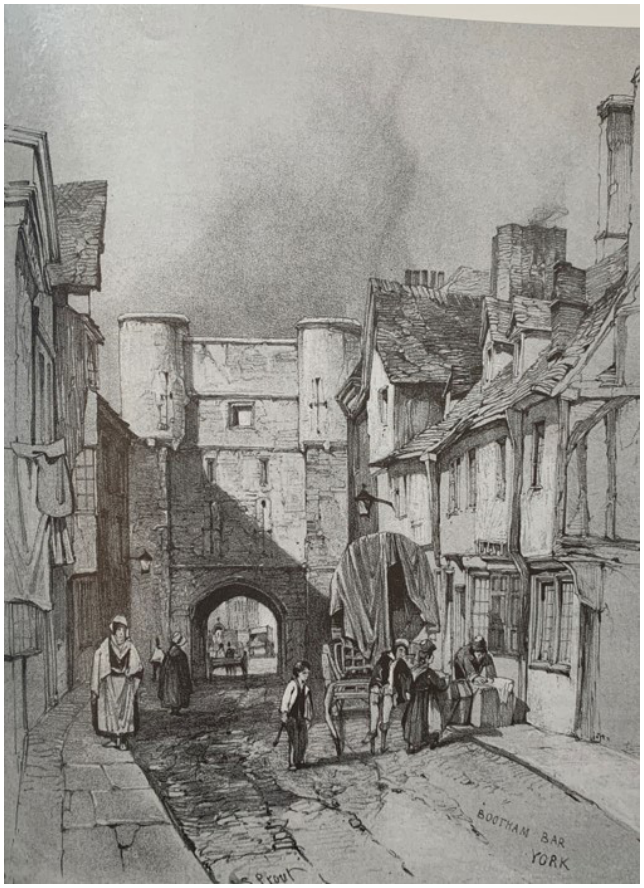
2.13 *Turner's 1797 sketch of Bootham Bar from Bootham (The City Walls and Castles of York The Pictorial Evidence)*



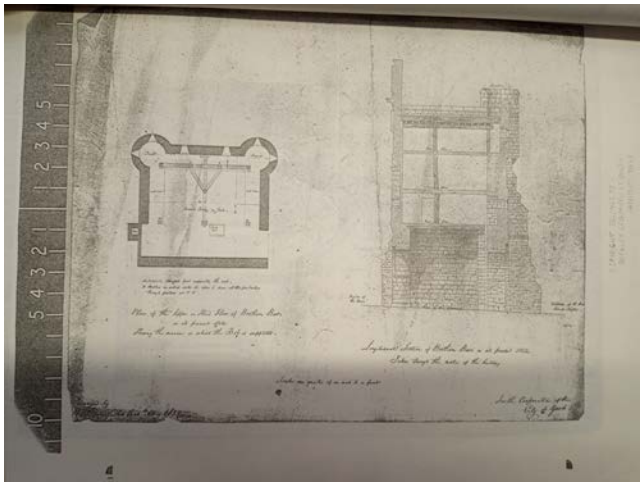
2.14 *Engraved view of Bootham Bar from Bootham, 1805 (The City Walls and Castles of York The Pictorial Evidence)*



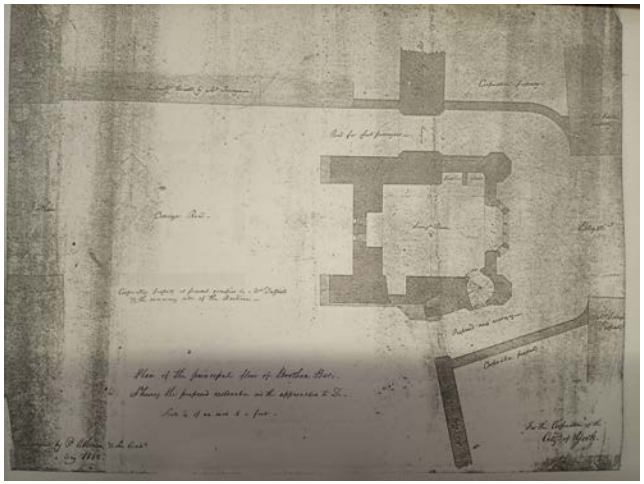
2.15 *Watercolour of Bootham Bar by F. Place, 1717 (BHO)*



2.16 *Prout's lithograph of Bootham Bar from High Petergate, 1840 (The City Walls and Castles of York The Pictorial Evidence)*



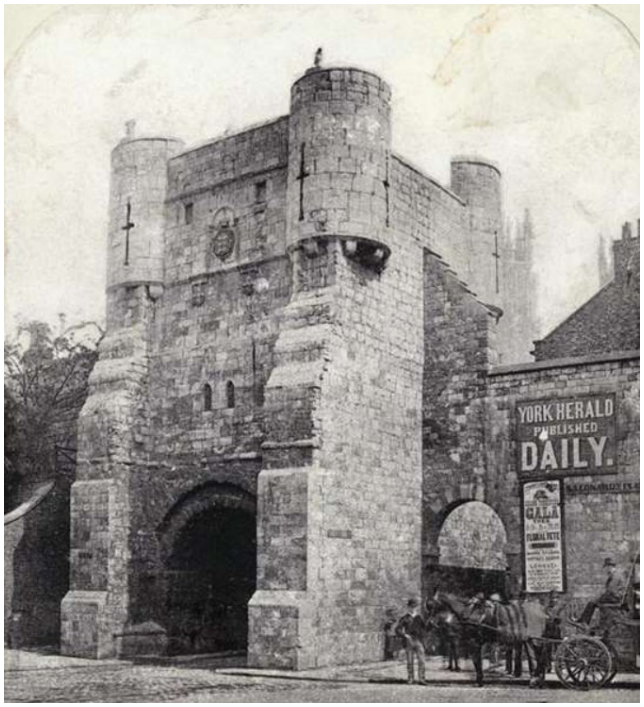
2.17 *Sectional and plan of Bootham Bar, 1832 (EYAL)*



2.18 *Principal floor of Bootham Bar in plans, 1832 (EYLA)*



2.19 *Bootham Bar shown during 1835 restoration works (HE)*



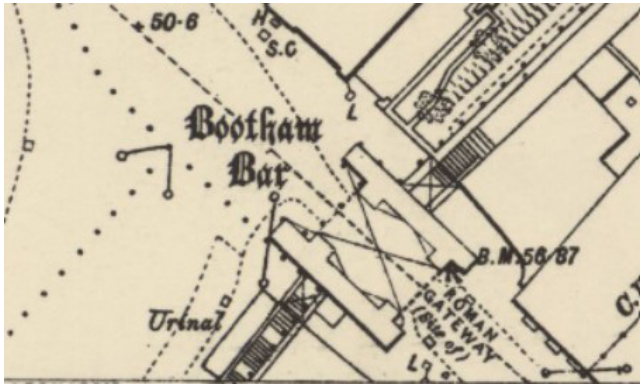
2.20 *Photograph of Bootham Bar prior to step erection, c. 19th C (HE)*



2.21 *Bedford's lithograph of Bootham Bar from Bootham, 1843 (The City Walls and Castles of York The Pictorial Evidence)*



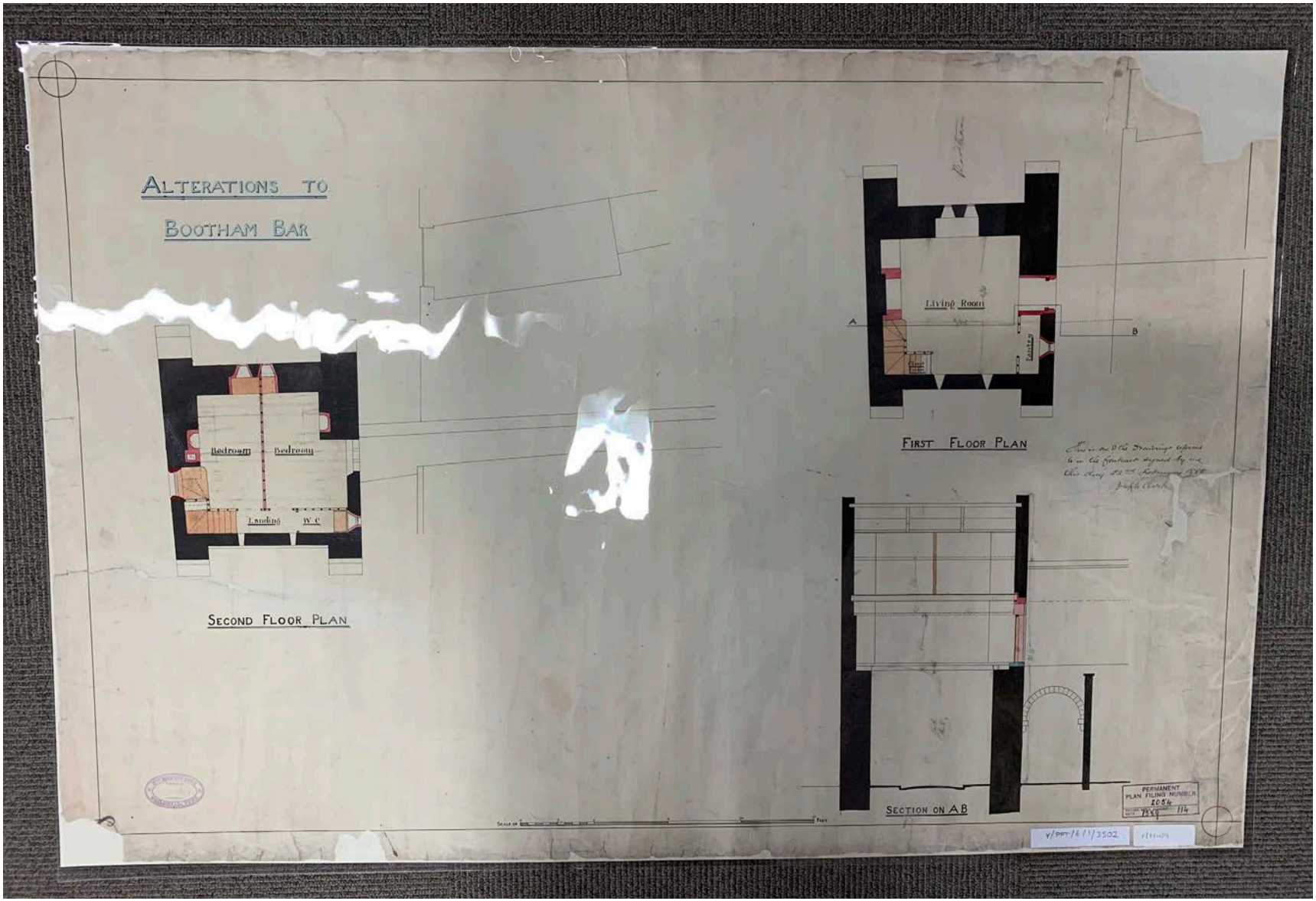
2.22 *OS Map showing Bootham Bar and site of former barbican, surveyed 1851 (NLS)*



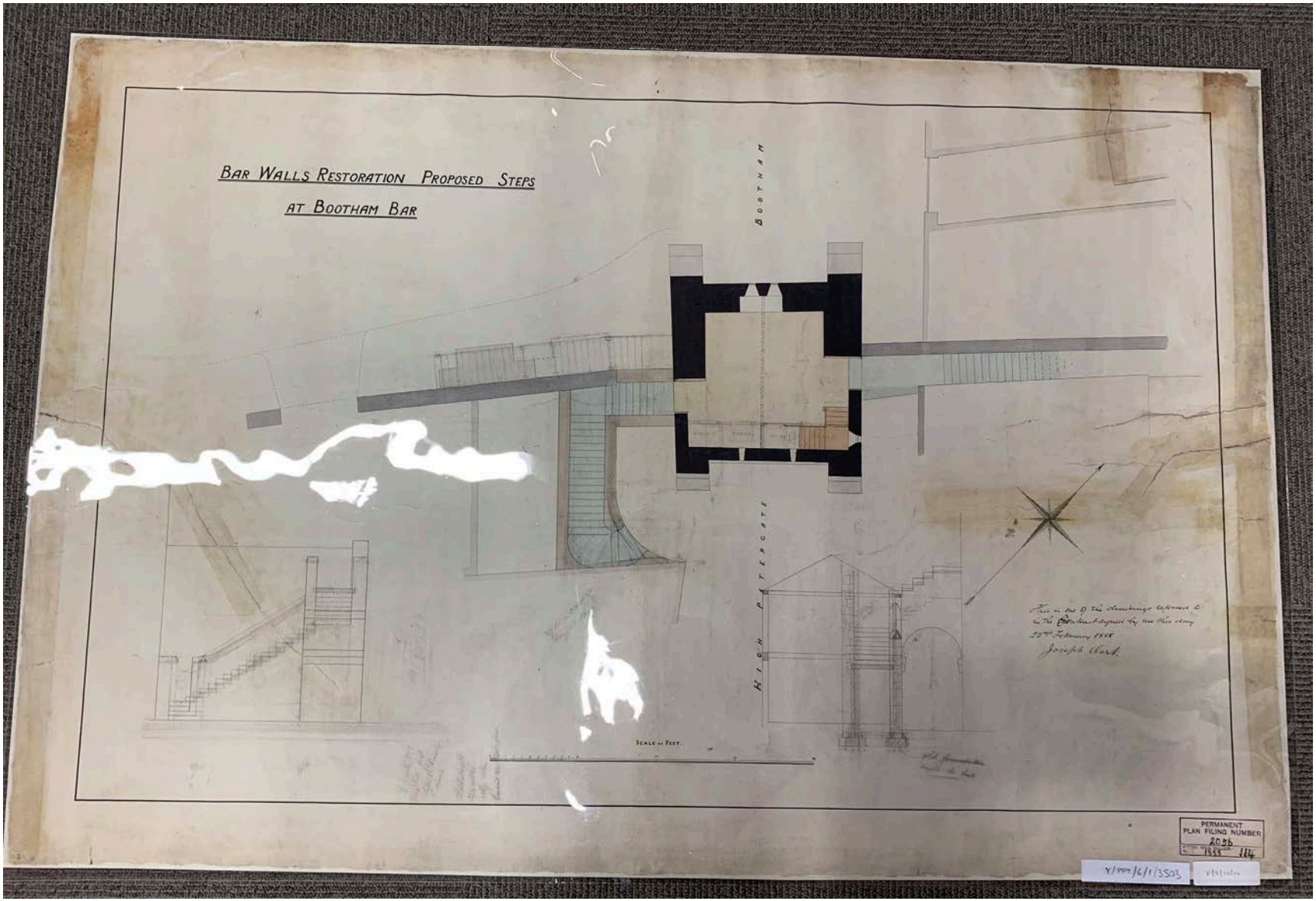
2.23 *OS Map showing Bootham Bar 1 to 1500, surveyed 1889 (NLS)*



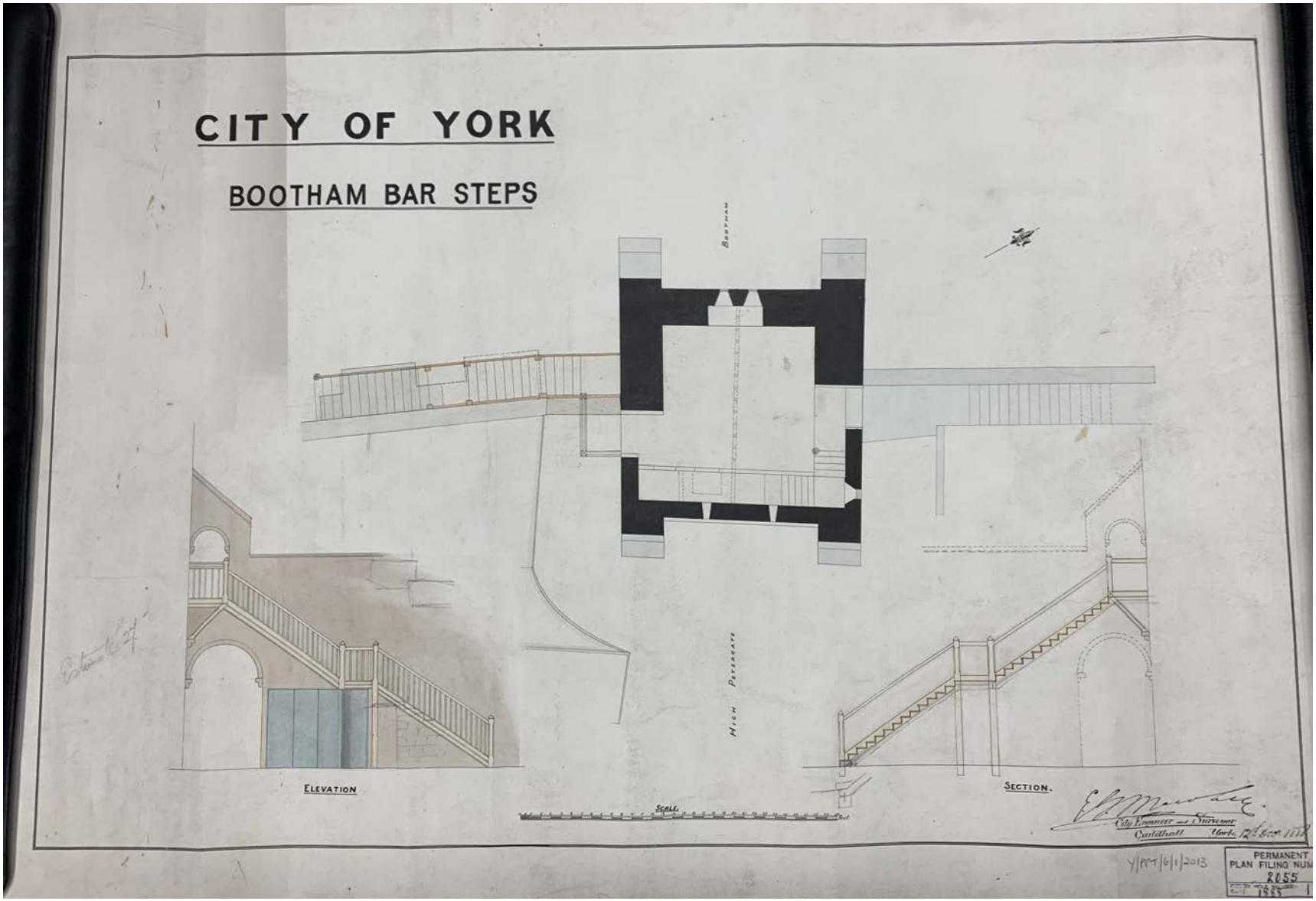
2.24 *OS Map showing Bootham Bar and site of former barbican, surveyed 1889 (NLS)*



2.25 *Alterations to Bootham Bar, 1888 (EYLA)*



2.26 *Alterations to Bootham Bar steps, 1888 (EYLA)*



2.27 *Alterations to Bootham Bar steps 2, 1888 (EYLA)*

2.2.5 20th and 21st Centuries

The 20th century saw substantial restoration of the bar in numerous phases from the 1950s onwards, with the most substantial works undertaken between 1950 and 1980. However, as these works have generally focused on protecting the integrity of the existing built fabric, changes to the building's planform have been much more limited than in previous restoration works.

Following a report by the city architect in 1949, which described the stonework of the bar as being 'in a poor state of repair' restoration works were carried out in 1951-2, which saw the north-east wall being largely rebuilt alongside extensive additional works.[32] Existing walls and turrets were regrouted during this phase of restoration, whilst the screed of the first floor was renewed and a reinforced concrete floor was inserted over the central arch (to prevent the spreading of the arch). The tying in of the side walls and abutments and restoration of the arches and spandrels also took place at this date.[33] During this period there were suggestions that the lead roof and flashings were 'in need of attention' and that work should be undertaken on them, whilst a door was fixed in the turret.[34]

Between 1969 and 1970 further remedial underpinning works in reinforced concrete were carried out on the bar following the observation of subsidence caused by shallow foundations. In the same phase of works the timber second floor and its joists were replaced, and the floor raised up to the previous location of the third floor (as it existed prior to the late 19th century alteration) **[Plate 2.28]**.[35]

Further remedial works were subsequently carried out 1978-79, when both west bartizans and all of the parapets were dismantled to roof-level, later being rebuilt with a stainless-steel ring beam and concrete floors **[Plates 2.29-2.34]**.[36]

The last major phase of works known to have been undertaken on Bootham Bar took place in 2000, with a 1999 feasibility study suggesting that a renewal of the existing portcullis took place in this period, with associated works including the addition of a new steel beam at turret level and first floor, as well as the addition of new lighting.[37] However, floodlighting was installed after this date, in 2005.[38]

Though only one planning application for the installation of lighting in 2004 is shown on the City of York planning portal, the dating of the rainwater goods suggests that these were renewed during the 1990s and early 2000s.

Summary of modern alterations and interventions into the built fabric:

- 1888-89 – extensive alterations and restoration – internal remodelling, new openings for public walkway, new statuary
- 1951-52 – extensive restoration works - repointing and reinforced concrete floor over central arch, tying in of side walls and abutments, restoration of arches and spandrels, new door to turret
- 1969-1970 - timber roof structure including joists and boarding renewed
- 1978-79 – west bartizans and all parapets dismantled to roof-level and rebuilt with steel ring beams and concrete floors
- 2000 - new steel beam at turret level and first floor, new lighting

32 City of York Council Planning documents, uncatalogued

33 Ibid

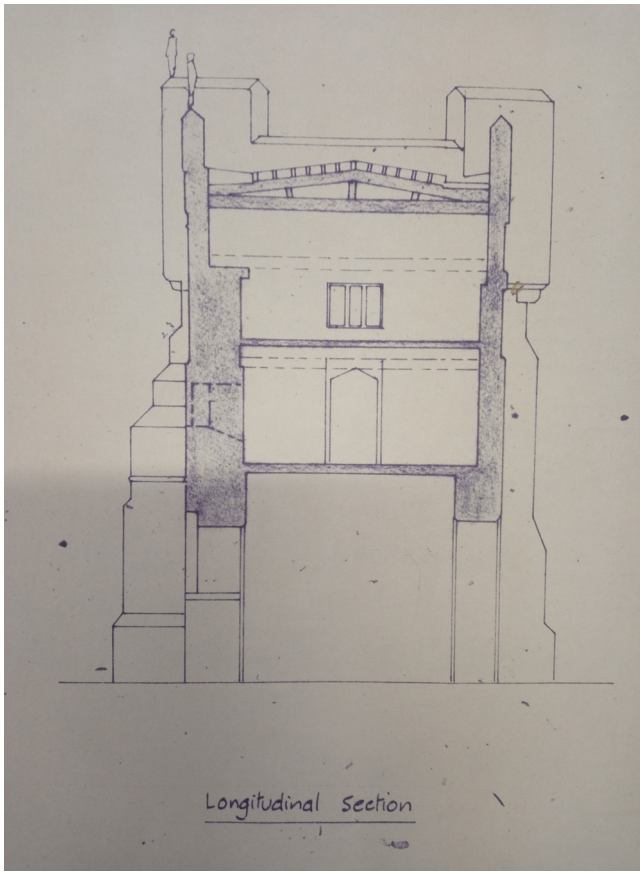
34 Ibid

35 Ibid

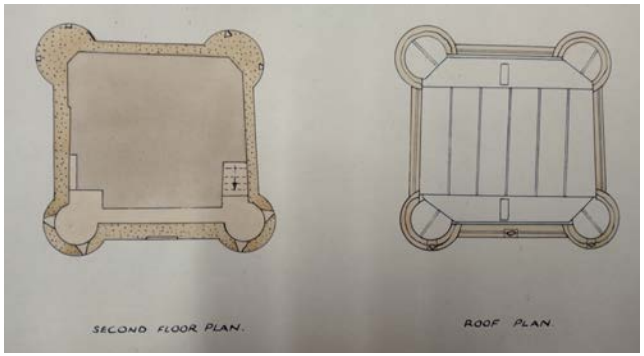
36 Pywell (1991), uncatalogued

37 Y/PPT/5/1/104, c. 2000. feasibility study produced by Paul Shepherd on the invitation of Dr John Shannon, Chairman of York Civic Trust.

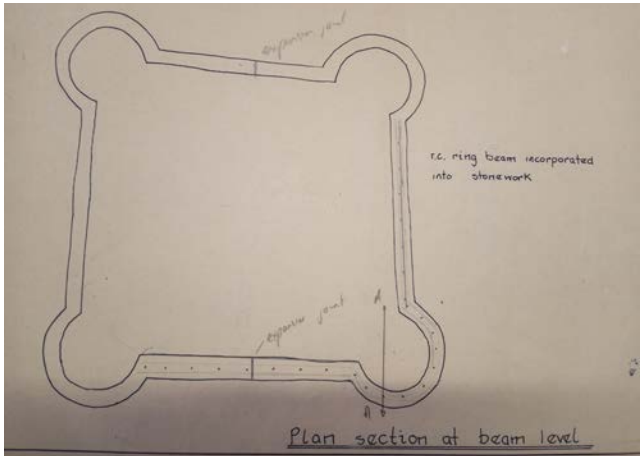
38 City of York Council, Planning Applications, https://www.york.gov.uk/SearchPlanningApplications



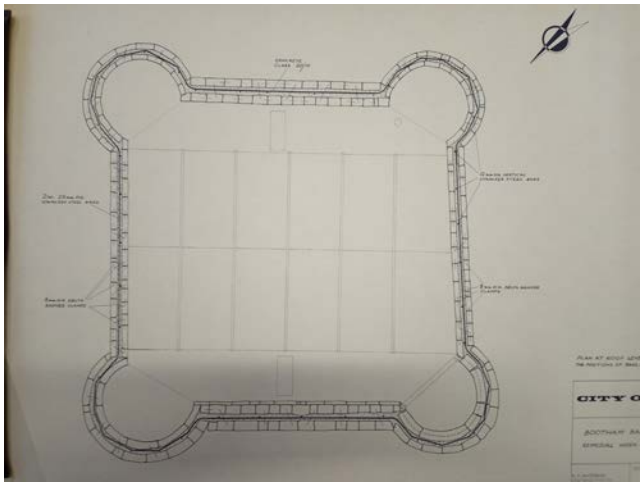
2.28 *Longitudinal section as existing, 1968 (EYAL)*



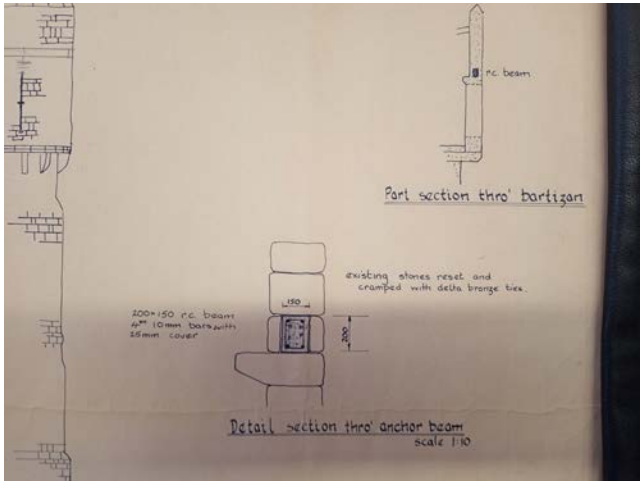
2.29 *Plans as existing of Bootham Bar roof, 1977 (EYLA)*



2.30 *Plan at beam level showing remedial works of 1978-9, 1977 (EYLA)*



2.31 *Plan at roof level showing remedial works of 1978-9 (EYLA)*



2.32 *Detail section of anchor beam for remedial works of 1978-9, 1977 (EYLA)*



2.33 *Image of cracks, Bootham Bar (EYLA)*



2.34 *Bartizan prior to 1978 remedial works, 1977 (EYLA)*

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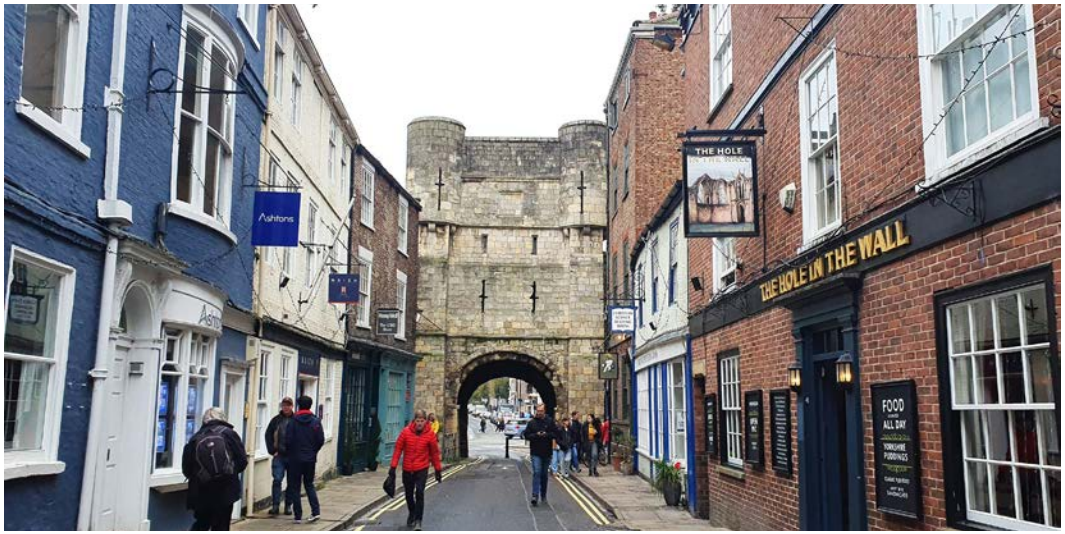
3.0 Site Survey Descriptions

3.1 Description of Bootham Bar

The following text is an extract from the listing entry for Bootham Bar City Wall From Bootham Bar to Layerthorpe Mank Bar Robin Hoods Tower (Grade I, NHLE: 1259293), which in turn has drawn on the entry in An Inventory of the Historical Monuments in the City of York: The Defences (1972, pp115-137).

Bootham Bar: 3 storeys. Round arch of 2 orders is flanked by buttresses with offsets, rising to circular bartizans at second floor level. On first floor are two small pointed windows: on second floor, two blocked rectangular windows beneath plain parapet between bartizans. Chamfered string courses on first and second floors extend full width of front, buttresses and bartizans. Beneath second floor string are two shields carved with the Arms of the City of York, both formerly painted; above is shield of the Stuart Royal Arms within moulded round-headed panel. Figures topping bartizans and parapet represent an Alderman, a mason and a knight. Inner side largely repeats the outer with cruciform arrow slits on first floor, narrow slits windows in chamfered openings on second floor and shallow recessed panel beneath parapet **[Plates 3.1-3.4]**.

INTERIOR: raised portcullis fixed in position behind outer arch. Robin Hood's Tower has high chamfered plinth, 2 tiers of cruciform slits and embattled parapet above string course, merlons pierced by slits and with gabled inside and out **[Plate 3.5]**.



3.1 *Bootham Bar viewed from High Petergate*



3.2 *Bootham Bar viewed from Exhibition Square*



3.3 *Bootham Bar within its wider setting, with the clutter of Exhibition Square in the foreground and the Minster Precinct in the background*



3.4 *Bootham Bar as viewed from the Bootham and Gillygate junction*



3.5 *Public space inside Bootham Bar*

4.0 Assessment of Significance

4.1 Assessing Significance

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as:

> *'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*

Historic England's Conservation Principles, Policies and Guidance of 2008 sets out current good practice for assessing the significance of historic buildings in England and is derived from the 1979 Burra Charter. It states that the following values should be considered in order to fully understand the significance of a place:

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present – it tends to be illustrative or associative.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

The Burra Charter introduced the concept of 'communal' or 'social value' as an equal category of value used to assess the 'cultural significance' of the historic environment - alongside historic, aesthetic and scientific value.[39] For the purposes of this report, the assumptions relating to the social value of the walls and Bootham Bar are based upon best practice in conservation management and the author's understanding of the role which heritage plays in terms of wellbeing, sense of identity, belonging and place, etc.

This significance of a heritage asset should also be considered spatially, as well as conceptually, because significance is not always manifest in equal measure in all parts of a building or place. In some situations, for example, all four categories of heritage values are present; in others, fewer; in some places the heritage values might even be in conflict. For the purposes of this report, the four core values above have been augmented or subcategorised as follows:

- Engineering value (Historical)
- Group value (Aesthetic / Historical)
- Education / Research value (Evidential / Historical)
- Environmental value (Communal)
- Economic value (Communal)

A hierarchy of relative significance is an essential tool for managing change. Areas of the highest or high significance are most sensitive to change; areas of medium and low significance are correspondingly more adaptable. Negative elements, and to a lesser extent areas of medium or low significance provide the clearest opportunities for change.

- **Highest** – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II* listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.
- **High** – a designated asset important at a regional level and also at a national level, including Grade II listed buildings and conservation areas. The NPPF advises that substantial harm should be exceptional.
- **Medium** – an undesignated asset important at a local to regional level, including local (non-statutory) listed buildings or those that make a positive contribution to the setting of a listed building or to a conservation area. May include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.
- **Low** – structure or feature of very limited heritage or other cultural value and not defined as a heritage asset. May include insignificant interventions to listed buildings, and buildings that do not contribute positively to a conservation area. The removal or adaptation of structures in this category is usually acceptable where the work will enhance a related heritage asset.
- **Negative** – structure or feature that harms the value of a heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.

39 Jones and Leech (2015), p.35

4.2 Summary of Significance of the York City Walls

The York City Walls are one of the defining features of York's historic townscape and are at once an essential piece of civic infrastructure and a major tourist attraction. They are of outstanding importance as one of the most complex and best-preserved examples of city walls and associated structures. Their overall significance is wide-ranging, formed of multiple, overlapping and evolving heritage values, but in essence:

> *York City Walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of the City of York and its wider, universal context.*

4.3 The Significance of Bootham Bar

The significance of Bootham Bar has been assessed and articulated in the York City Walls Conservation Management Plan (Donald Insall, 2012).

The **aesthetic value** of Bootham Bar is considerable, despite its relative plainness when compared with York's other main medieval bars. It is a crucial part of the character of Exhibition Square and provides a highly distinctive focal point for the views along High Petergate and Bootham. It is a key access point for the walls and many local and tour buses stops here. The signs and clutter of the junction and pedestrian crossings outside the gate detract considerably from this aesthetic value.
The structure contains, despite extensive restoration, some of the earliest medieval stonework on the walls and it has been extensively documented in early photographs. The restoration work itself is of **historical / archaeological / engineering value** as a demonstration of Victorian methods of repairs and conservation philosophy and how this demonstrated a growing appreciation of the historic environment.

The existence of a gateway on this site for over 1,900 years, the evidence of its development and its present state provide valuable insight into the design and use of city gates and their role in the **social**, **political and cultural** development of towns and cities generally – this affords it **educational value** and **research potential**.

The Bar has **considerable group value**, as one of the four surviving main medieval bars of York and due to its historical links with St Mary's Abbey and the Roman fortress. In addition, the Bar's connection with historical figures such as Thomas Mowbray – whose severed head was fixed here in 1405 after he had joined Archbishop Scrope's rebellion against Henry IV - adds to its **historical value**.

Bootham Bar also contributes to the moderate **economic value** of the walls indirectly, however, the interior of it is underused and offers the opportunity to enhance its **educational value**, access key views from its roof and boost its **economic value**. The café and WCs set within the walls have been neatly introduced and have enhanced its economic value and visitor provision.

Evidential value: High

Engineering value: Moderate (potential)

Historical value: High

Aesthetic value: Moderate / High

Group value: High

Communal / Cultural value: High

Education / Research value: High

Environmental value: Moderate

Economic value: Moderate (potential)

5.0 Client Brief and Design Development

5.1 Understanding the Brief

Donald Insall Associates were appointed in January 2022 by the City of York Council (CYC) to investigate the replacement of the lead roof of Bootham Bar due to significant water ingress and damage to the Scheduled Ancient Monument as a result of failed repairs and inadequate bay widths, falls and failed internal cast iron rainwater goods. In the CMP that was developed by Donald Insall Associates in 2020, it was identified that the roof to Bootham Bar was leaking due to damaged lead and failed repairs and was causing rot to the existing timber roof structure.

A summary of the proposals is as follows:

- The repair and replacement of the failed existing lead roof to be replaced in new lead to comply with the Lead Sheet Association guidance.
- Repairs to the existing timber roof structure.
- New lead lined gutters and sumps laid to new falls.
- New lead chutes and weir. New cast-iron hopper and external rainwater pipe painted to match stone colour and connected into existing below ground drainage.
- Raised lead roof to the stair turret to accommodate a new enlarged roof access door for maintenance access.

5.2 Design Development

The poor condition of the roof was identified during the 2020 Conservation Management Plan that was developed by Insalls for the CYC alongside historic research and site visits. Following this, a detailed Condition Survey was carried out between November 2022 and February 2023 to assess the condition of the existing fabric, highlighting the failed repairs to the roof and issues with the existing rainwater goods including saturated and rotten timber roof structure from extensive water ingress.

Following the Condition Survey, feasibility sketch designs were produced and discussed with Historic England (HE). Feedback from these then informed the detailed proposal drawings which were then reviewed by HE again before submitting for Planning and SMC.

A number of options were developed, exploring reusing or diverting the RWGs and guttering within the constraints of the existing timber roof structure whilst improving the lead detailing.

The project has been discussed with Keith Emerick of Historic England during the design process prior to this application.

Mason Clark Associates (structural engineers) have advised on repairs to the existing timber roof structure and the raising of the bartizan roof. They have also given structural advice on the relocation of the statue and Christmas light fixings and advised on the capping off of the redundant cast iron pipe protruding from the roof.

5.3 Description of the Proposals

The proposed roof will utilise the existing timber roof structure with replacement timber substrate and structure where found to be rotten, following guidance from Mason Clark Associates (structural engineers). The replacement lead to the roof will provide improved bay and gutter widths, falls, drips and new wood core rolls in accordance with Lead Sheet Association guidance.

Following development of the proposed options in discussion with Historic England, the decision was made to relocate the downpipes to the external northeast elevation to mitigate against future water ingress issues and to provide easier maintenance visibility of the rainwater goods and roof condition. The new RWGs are proposed to be constructed in cast iron to match the existing material and will be painted to match the stone colour. An overflow chute, weir and hopper will be installed so that any issues or blockages will be visible from ground level. The proposed chute through the existing stone is necessary to allow water to be directed away from the interior and will follow the existing stone course, providing easy maintenance access for clearing out the hopper and weir if necessary.

All vegetation is to be cleared where noted in the proposed roof plan and redundant RWGs are to be removed down to first floor level. Sky facing surfaces will be repointed in NHL lime mix and vertical faces in hot lime mix.

The existing height of the stair access roof within the south western bartizan is proposed to be raised to allow for an improved roof access hatch for easier maintenance access to the new roof. The existing roof access hatch was found to be rotten and insufficient at providing security or keeping moisture and pigeons out of the interior of the building. The proposed replacement access hatch will be an oiled oak door with strap hinges and the raised roof above will accommodate the existing statue and Christmas light fixings, reducing the strain on the parapet of the bartizan from the existing mortar joint fixings.

Associated plans and drawings:

- YBB02-DR-1000-3P-0-RoofPlan_Existing
- YBB02-DR-1200-3P-0-NE_ElevationandSection_Existing
- YBB02-DR-2000-3P-0-RoofPlan_Proposed
- YBB02-DR-2200-3P-0-NE_ElevationandSection_Proposed
- YBB02-DR-2201-3P-0-SESection_Proposed

6.0 Further Design Considerations

6.1 Access

The proposed raised roof to the bartizan allows for an improved roof access hatch for future maintenance and repair. The height of the hatch will be raised by 400mm and the drip below the door raised to 170mm to prevent water ingress from the gutter.

6.2 Sustainability

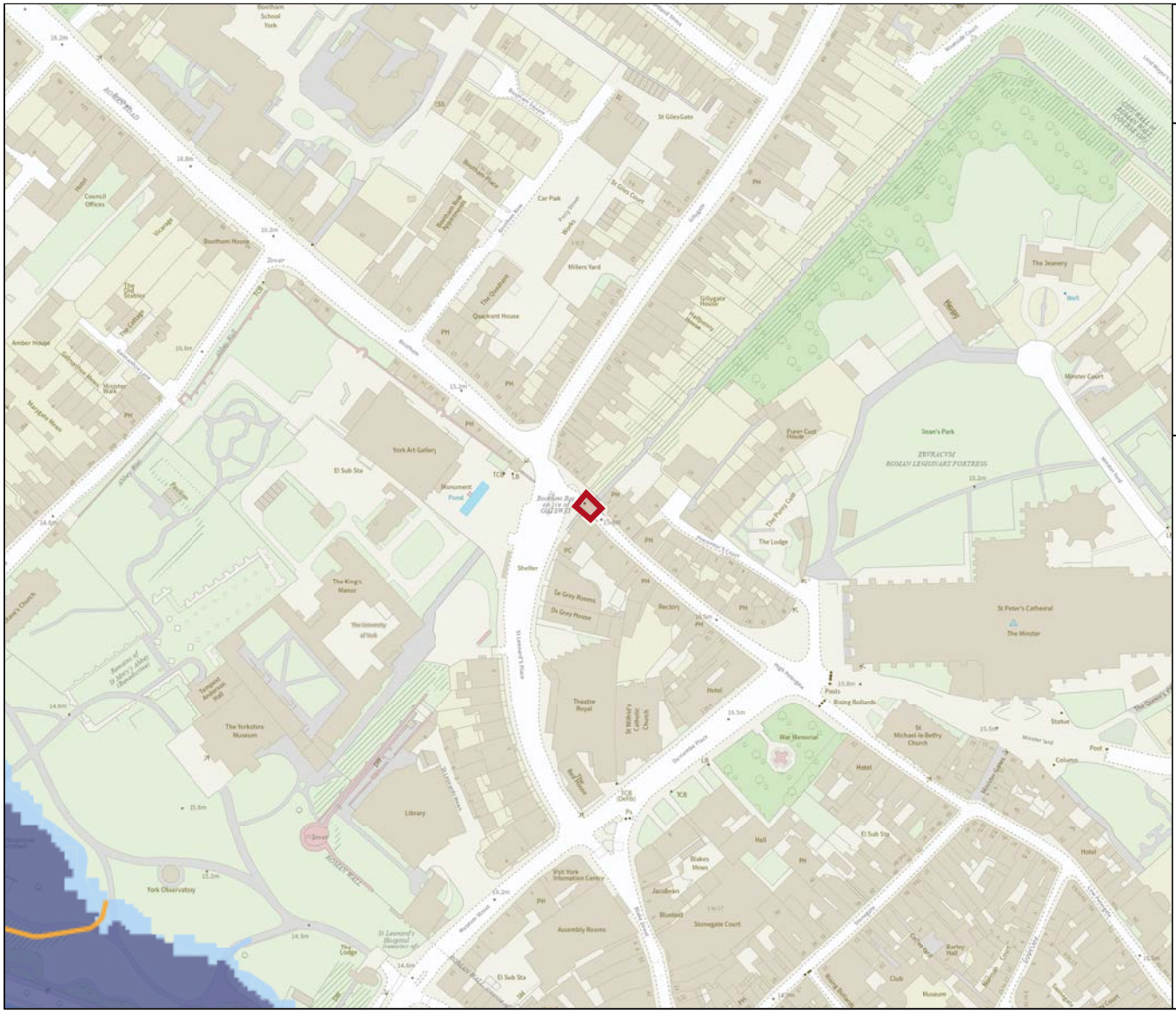
The proposal utilises materials that have a long life expectancy with the intention to last another 200 years. The roof will be re-clad in lead with improved details to extend its lifespan and the new RWGs are to be in cast iron and moved externally to ensure the current issues of internal water ingress are mitigated against. The new roof hatch of oiled oak will be sustainably sourced and is a suitable and long lasting material.

6.3 Flood Risk Assessment

The site is in flood zone 1, an area with a low probability of flooding. The proposal also does not impact the future risk of flooding elsewhere and surface water will be disposed of via the existing main sewer **[Plate 6.1]**.

6.4 Drainage

The new external rainwater goods will be connected into the existing below ground drainage to the north east of Bootham Bar via the existing gully. The existing external RWP from the walkway of the walls will be rerouted to connect into the proposed RWP with a rodding eye installed.



Environment Agency

Flood map for planning

Your reference
Bootham Bar

Location (easting/northing)
460127/452235

Scale
1:2500

Created
5 Oct 2023 10:07

- Selected area
- Flood zone 3
- Flood zone 2
- Flood zone 1
- Flood defence
- Main river
- Water storage area

0 20 40 60m

Page 2 of 2

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6.1 *Flood Risk Map*

7.0 Commentary on the Proposals

7.1 Impact on Bootham Bar

7.1.1 Repair and replacement of failed lead roof in new lead, with new lead-lined gutters and sumps laid to new falls

Proposals to replace the lead roof of Bootham Bar follows the principle of periodic renewal, as described in Historic England's Conservation Principles (2008), which may result in some short-term loss of heritage value but is required to preserve the heritage asset in the long term. The current lead roof is thought to date to 1969-70, when the timber roof structure was renewed **[Plate 7.1]**. The physical fabric therefore holds limited historic value but does contribute partly towards evidence of previous restoration and evidential / engineering value.

The current lead roof is poorly detailed and contributing to water ingress through inadequate falls and drips, with failed/cracked sheeting. The proposed design will improve the ability of the roof to discharge water away from the historic fabric by using two new gutters (Code 9 lead) falling to the north-east with welted lead sections adjacent to the parapets to reduce its width, and new lead sheeting (Code 7) to the ridge with rolled wooden cores.

Proposed replacement lead sheeting will conform to Lead Sheet Association guidance, which aligns with the best practice policies set out in the York City Walls Management Plan (including A.3, B.3 and B.7). The roof is generally not visible from the conservation area or surrounding properties and as lead is being replaced with lead, there will be no impact on aesthetic value.

Overall, the proposals to replace the current roof covering with a new design in the same material will result in no harm to the Scheduled Monument nor designated heritage assets within its setting, such as the wider walls, listed buildings or the conservation area.



7.1 *Roof of Bootham Bar*

7.1.2 Repairs to existing timber roof structure

Repairs and renewal of the timber substrate and structure is required following the condition survey, which found areas of rot following water ingress. Issues relate to decayed truss tie beams, gutter support timbers, gutter joists, rafters and purlins. An allowance has been made in the proposals to replace 25% of gutter timbers and boards, and 10% of common rafters, purlins and bearing plate timbers. The two decayed truss tie beams will be repaired.

The existing timber roof structure was last renewed in 1969-70 but retains some significant historic timbers **[Plate 7.2]**. The current proposals represent the minimum intervention necessary to ensure a sound structure with elements of repair and replacement, which aligns with the policies set out in the York City Walls Management Plan (including A.3, B.3 and B.7). The fabric holds some historic value and contributes partly towards evidence of previous restoration and evidential / engineering value. There will be no impact on aesthetic or wider values and no impact on the setting of surrounding designated heritage assets.



7.2 *Roof void of Bootham Bar*

7.1.3 Renewed rainwater goods - new lead chutes and weir, new cast-iron hopper and external rainwater pipe, connected to below-ground drainage

The current rainwater goods are inadequate in removing water from Bootham Bar, resulting in damaging water ingress. This is occurring at high-level, where gutters and hoppers are poorly designed or too small to deal with the rainfall levels. Rainwater currently discharged from the roof into an internal cast-iron downpipe and into below-ground drainage. This is regularly blocked due to difficulties with access for maintenance, resulting in internal damage also **[Plate 7.3]**.

Following discussions with Historic England, the scheme proposes to create two small new openings within the existing parapet stonework on the north-east elevation, allowing gutters to drain from sumps into new lead chutes, which discharge into new cast-iron hoppers and downpipes, or overflow away from the building during periods of heavy rainfall. This arrangement will be easier to maintain and will be connected into the existing below-ground drainage. The internal downpipe will be capped and removed to first-floor level.

This proposal would result in the removal of a small area of historic stone masonry, which was rebuilt in 1978-79 when the parapets were dismantled to roof-level. This loss is outweighed by the heritage benefits of installing a new (but traditional and well-tested) arrangement of external chutes and downpipes on a secondary elevation. The cast-iron will be painted to blend in with the stonework, reducing visual impact, which will only be minimally visible from one location – on the city walls to the north.

Overall, this proposal is not considered to result in any harm to the Scheduled Monument nor designated heritage assets within its setting.



7.3 *Internal rainwater goods*

7.1.4 Raised lead roof to stair turret to accommodate a new enlarged roof access door

This proposal represents a new design to aid safe access to the roof for future maintenance **[Plate 7.4]**. The height of the stair turret will be raised to provide space for a new oak door, replacing a smaller access hatch arrangement. The new arrangement will remain well below the parapet level and will not be visible from the ground or surrounding designated heritage assets. Minor amendments to the fixings for the statues and winter lights are subject to the structural engineer's specifications but will avoid impact on historic masonry, reducing strain on the parapet of this bartizan.

Overall, there will be no loss of fabric or inherent heritage values associated with the proposal and therefore no harm to significance has been identified.



7.4 *Roof access hatch*

7.1.5 General maintenance and minor repairs

A number of minor repairs and high-level maintenance issues were identified as part of the condition survey, including open joints, leadwork repairs, eroded and missing stone details, vegetation growth and redundant M&E. The current project represents an opportunity to deal with some of the high-level issues safely, as well as install safer roof access to facilitate future maintenance. Proposals include the removal of moss and vegetation and repointing to open joints using NHL lime (sky facing) or hot lime (vertical faces).

These works are considered appropriate and follow best conservation practice, in line with the policies set out in the York City Walls Management Plan. No harm to heritage values will arise from these works.

7.1.6 Setting

Consideration has been given to the impact of the proposals on the setting of Bootham Bar and the York City Walls, as well as wider listed buildings and the conservation area (YCHCCA). The proposals relate to high-level roof repairs and renewal. There could be glimpsed long-distance views of the new access arrangement from the private spaces of the bell-ringing chamber in the west towers of York Minster but not from any public spaces (see plate 7.1). Beyond this, the works will be no more visible than the current arrangement. York has a tight urban grain and uniform building heights of 2-3 storeys within the historic core, which gives further emphasis to the monumental height of the Minster at its heart. There are no further identified places from which the roof of Bootham Bar is visible, including the adjacent walls walkway, and therefore no harm will arise from these works. The south-west turret roof will be raised to provide safer access, but this will remain well below the parapet height and invisible from the ground/surroundings.

7.2 Policy Justification of the Proposals

7.2.1 Local and national planning policy and legislation

The Act forms the legal basis for decision making where a proposed development will impact listed buildings or a conservation area. For listed buildings it sets out that the decision maker 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'* (s. 16 and 66) and for conservation areas, that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area'* (s. 72).

It is considered that the proposals would overall preserve the Scheduled Monument and listed buildings within its setting and would preserve the character and appearance of the YCHC Conservation Area in accordance with the statutory duty imposed by Sections 16, 66 and 72 (I) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals also comply with the requirements of the Ancient Monuments and Archaeological Areas Act 1979.

As explained above, the proposals would result in no harm to the significance of heritage assets. They would accord with the relevant policies of the NPPF, including policies 199-200 and with the relevant policies of the York Local Plan (2005). The proposals are therefore considered to be acceptable in heritage terms.

7.2.2 York City Walls Management Plan

Policy B.3 of the York City Walls Management Plan offers a useful test against which to measure these proposals for acceptability in heritage terms:

> ***B.3*** *The design of new interventions into buildings, historic structures and parts thereof must achieve the following objectives:*
>
> *i) respect the existing fabric of the structure*
>
> *ii) avoid alteration or damage to the existing fabric*
>
> *iii) carefully consider the interface between a new element and the existing fabric to avoid damage both in terms of fixings and potential for future decay*
>
> *iv) be clearly identifiable both physically, by dating, and by documenting the construction and alteration process*
>
> *v) be of high design quality and utilise good quality and long lasting materials*

The proposals are considered to respect the existing historic fabric and associated heritage values embodied within the Bootham Bar, by ensuring minimum intervention and carefully considered repair and replacement where possible, in compliance with part i and ii of policy B.3. The renewed roof covering and rainwater goods have been re-designed to enhance the discharge of water from the Bar, ensuring its longevity, in line with part iii. A clear schedule of works and process for conservation works has been provided to allow the new works to be clearly identifiable, and based on a sound understanding of historic fabric, in line with part iv. Finally, the use of lead and cast-iron, and the proposed specification of works complies with part v.

7.3 Conclusion

In conclusion, the works would enhance the heritage values of Bootham Bar by ensuring a long-term design solution to existing inadequate design and fabric, allowing its heritage values to be preserved and enhanced for the long term. The works will not be visible from surrounding designated heritage assets. The proposals therefore comply with the heritage policies in local and national policy, and primary legislation.

Appendix I - Statutory List Description

Bootham Bar City Wall From Bootham Bar to Layerthorpe Mank Bar Robin Hoods Tower
Grade-I listed building
List Entry Number: 1259293
Date first listed: 14-Jun-1954
Listing NGR: SE6028852410

Includes: Monk Bar GOODRAMGATE. Includes: Robin Hood's Tower LORD MAYOR'S WALK. Includes: Bootham Bar HIGH PETERGATE. Defensive walls, towers, gates and gatehouses between Bootham Bar and Layerthorpe, including 10 intermediate towers, in addition to the 3 main towers. 1250-70. Wall between Monk Bar and Layerthorpe restored 1877-78, between Bootham Bar and Monk Bar restored 1888-89. Bootham Bar repaired 1645 following Civil War damage; barbican removed 1831; inner side remodelled and flanking arches created 1834; major restorations of 1889 and 1969: figures carved in 1894 by George Milburn. Robin Hood's Tower rebuilt 1889. Monk Bar early C14, raised in late C15, refenestrated in C16; barbican removed 1825; flanking arches 1845 and 1861; restorations of 1952-53 and 1966. MATERIALS: magnesian limestone ashlar; Bootham Bar incorporates reused Roman gritstone: Bootham and Monk Bars have lead roofs. EXTERIOR: walls battered to full height in places, with chamfered plinth, strengthened by buttresses with weathered offsets. Crenellations have sloped copings and some merlons pierced by musket loops or gunports. On inner side, stone paved wallwalk largely carried on series of round arches, protected by cast-iron railings. Towers are half-hexagonal, semicircular, rectangular or irregular in shape, most having cruciform arrow slits with oillets: one along Jewbury has musket loops. Most have embattled parapets with merlons pierced by arrow slits: one in angle of the wall along Jewbury has corbelled string course beneath reconstructed C19 merlons. Towers along Lord Mayor's Walk and Jewbury have C19 bartizans, the former embattled, the latter with plain copings. Former has carved shield with cross in relief. Tower at Layerthorpe end is supported on 2 buttress bases and reused corbels, and incorporates head of pointed arch of 5 orders: on outer side, water spout survives. Adjacent wall is stepped down to chamfered gateway with 2-centred head closed by iron bar gate.

Bootham Bar: 3 storeys. Round arch of 2 orders is flanked by buttresses with offsets, rising to circular bartizans at second floor level. On first floor are two small pointed windows: on second floor, two blocked rectangular windows beneath plain parapet between bartizans. Chamfered string courses on first and second floors extend full width of front, buttresses and bartizans. Beneath second floor string are two shields carved with the Arms of the City of York, both formerly painted; above is shield of the Stuart Royal Arms within moulded round-headed panel. Figures topping bartizans and parapet represent an Alderman, a mason and a knight. Inner side largely repeats the outer with cruciform arrow slits on first floor, narrow slits windows in chamfered openings on second floor and shallow recessed panel beneath parapet. INTERIOR: raised portcullis fixed in position behind outer arch. Robin Hood's Tower has high chamfered plinth, 2 tiers of cruciform slits and embattled parapet above string course, merlons pierced by slits and with gabled inside and out. Monk Bar: 4 storeys. Round carriage arch 2 plain orders recessed beneath giant 2-centred arch of 2 chamfered orders springing from 2-storey projecting pilaster buttresses with moulded and weathered bases. First floor of buttresses pierced by shouldered doorways to original barbican: above carriage arch, 2 tiers of cruciform arrow slits. Buttresses rise into corbelled-out 3-stage embattled bartizans joined at second stage by gallery with embattled parapet, at third stage by plain parapet. Bartizans have cruciform arrow slits to each stage, also to second stage, behind gallery, over square gunports. Heraldry includes 2 painted and carved shields of the Arms of City of York and shield of the Royal Arms of England beneath crowned helm with crest, all beneath canopies. Both bartizans topped by 3 carved figures of wildmen holding boulders. Inner side has giant segmental chamfered arch over recessed carriageway arch with pointed arched staircase door at left. Above carriage arch is corbelled gallery beneath low round-headed doorway, central window of 2 tiers of 3 round-headed lights and 1-light window to left, in chamfered surrounds. Second floor has square-headed window of 3 trefoiled lights in centre, niches with cinquefoiled heads at each end. Third floor has square-headed window of paired shouldered lights at each side of shallow trefoil-headed niche in round-headed moulded surround. INTERIOR: staircases to all floors contained in wall thickness. All upper floors are stone-flagged and roofs to ground, first and second floors are vaulted with chamfered stone ribs. Garderobes and fireplaces survive on first and second floors. On first floor, raised portcullis is visible: on second floor, wooden windlass for portcullis survives. (An Inventory of the Historical Monuments in the City of York: The Defences: HMSO: 1972-: 115-137).

York Minster Cathedral precinct: including Bootham Bar and the length of city walls extending round the precinct up to Monk Bar
Scheduled Monument
List Entry Number: 1017777
Date first listed: 08-Oct-1937

The present cathedral church known as York Minster is at least the fourth major church to have stood on this site. The earliest ecclesiastical use of the site can be traced back to the early seventh century when Paulinus baptised King Edwin of Northumbria in a wooden oratory considered to have been located in the vicinity of the present Minster. This event was of particular importance as it marked the post-Roman rebirth of Christianity in northern Britain. As a result of the adoption of Christianity by the Northumbrian kings, a bishopric was established in York, this being one of the earliest such foundations in post-Roman England. Pre-Conquest cathedrals are a rare and poorly understood monument class, there having been only twenty-four known examples. York is of particular note because its chief incumbents were archbishops second in ecclesiastical authority only to the archbishops of Canterbury. Evidence for the ecclesiastical importance of York in the pre-Conquest period is provided by contemporary references to its library, the episcopal see and, in particular, its monastic school whose most famous pupil, Alcuin, became Charlemagne's adviser. This importance has been maintained down to the present day. Even during the Viking period, when York was conquered and became part of an independent Viking kingdom that lasted from 866 to 954, there was an unbroken succession of archbishops suggesting that the pagan Vikings quickly converted to Christianity. After the Norman Conquest, the see rose in power and prosperity when its Norman archbishops began a series of major building works which culminated in the construction of the present Minster in the thirteenth century and after. During the medieval period, the cathedral gained considerably from its position within a thriving and wealthy town; one of the most flourishing urban centres in England and the major town of the North. The wealth of York was reflected in the magnificent, extensive and costly building programme which characterised much of the cathedral precinct throughout the medieval period. These works were funded in part by pious donations and endowments to the church made by leading secular individuals. With the exception of the present Minster many of the buildings and features of the pre- and post-Conquest cathedral precinct are no longer visible. However, extensive below-ground deposits are known to survive across the majority of the precinct area. This is due in part to the fact that the area has remained largely in ecclesiastical hands since earliest times. This has limited development within the precinct; hence, below-ground archaeology survives here in much better condition than in other more intensively developed areas of the city. In some areas of the precinct, up to 4m of archaeological deposits are preserved. Because of this depth of stratigraphy, extensive remains will survive well beneath the present ground surface and will include not only those of the pre- and post-Conquest cathedrals and their ancillary buildings but also the Roman legionary fortress which formerly occupied the site and the remains of the seventeenth century Ingram Mansion. The survival of the Roman fortress is of particular note as it was one of the earliest military foundations in the north of England and also one of the most long-lived. It led to York being granted the status of colonia and also, in the fourth century, to it becoming, for a time, the Imperial capital of the Emperor Constantine. This and the degree to which its remains are preserved make it a monument of national importance in its own right.

Details

York Minster cathedral precinct is a multi-period site comprising a single area containing a number of nationally important archaeological features which also extend beyond the area of the scheduling. These include part of the Roman legionary fortress at Eboracum, the site of the Anglian and early Norman minsters, the sites of the Anglian and medieval churches of the Alma Sophia, St Sepulchre and St Mary ad Valvas, the sites of the medieval archbishops' palace and deanery, St William's College, the precinct boundary, gates and gatehouses, part of the City Wall including Bootham Bar, cemeteries dating from the ninth to fifteenth centuries, the site of the Ingram Mansion and the sites of the cathedral prebendal houses. The boundary of the scheduling has been drawn to identify the main area of the cathedral precinct. The legionary fortress, founded in AD71 by Petilius Cerialis, occupied a roughly square site on the north-east bank of the River Ouse above its confluence with the Foss. The cathedral precinct lies largely within the north quarter and includes the remains of barracks, the commandant's house, the principia or headquarters, sections of the road known as the Via Decumana and parts of the north-west and north-east walls. In the seventh and eighth centuries AD the Roman fortress was taken over as a royal centre by the Anglian Kingdom of Northumbria. The principia survived in use as a palace down to c.AD800 and the commandant's house is thought to have been reused as the Anglian archbishop's residence. The fortress walls were maintained throughout the Anglian

period and refortified with a new rampart and palisade during the Viking era. After the Norman Conquest the Viking defences were added to and, during the twelfth century, the four main city gateways, or Bars, were built. Of these, Bootham Bar lies adjacent to the Minster precinct at the junction of Bootham and High Petergate. The walls form the northern part of the cathedral precinct boundary while the southern part correlated with the boundaries of adjacent parishes. Four cathedral precinct gates were still extant in 1736: Peter Gate, the main gate at Minster Gates, a gate `in Ogleforth' and a gate at the junction of College Street and Goodramgate. The latter allowed access from the main precinct to the Bedern, a cluster of buildings which housed the Vicars Choral who supported the medieval cathedral canons in services in the Minster. Although a Bishop of York is known to have existed in AD314, no Roman church has so far been identified. The present see was founded in 625 when Paulinus, arriving from Kent to convert the Northumbrians to Christianity, built a small wooden church dedicated to St Peter within the Anglian royal centre. This church was restored and repaired several times in the succeeding centuries until, in 1069, work began on the first Norman minster. The remains of Paulinus's church and its Anglian and Viking successors have not yet been located, but fragments of sculpture have been recovered from the cemeteries of both periods and include seventh and eighth century grave-slabs, and Viking grave-markers have been excavated from beneath the south transept of the present Minster. Excavation has shown that the pre-Conquest cathedral does not underlie the Norman foundation and therefore it is presumed to lie either south of the south transept or north of the present church beneath Dean's Park. The latter is considered the most likely since it would explain the alignment of the medieval archbishops' palace which does not match that of the medieval church. The substantial stone foundations of the first Norman minster have, however, been found beneath the present church, overlying the north corner of the Roman principia and adjacent barrack blocks. Begun by Archbishop Thomas of Bayeux in 1069, this church was extended by Archbishop Roger of Pont l'Eveque in the mid-twelfth century. The present Minster dates from the second quarter of the thirteenth century and is not included in the scheduling, being in current ecclesiastical use. The remains of a number of churches dating to the Anglian and medieval periods are also known to survive within the cathedral precinct. These are the Alma Sophia, or church of the Holy Wisdom, built between 767 and 780 and so far not precisely located, the church of St Mary and the Holy Angels, also known as St Sepulchre, founded in the late twelfth century, and the church of St Mary ad Valvas, demolished in the 1380s. One wall of the latter was uncovered in the late 1960s, close to the east end of the Minster, and remains relating to St Sepulchre were found near the gate of the archbishops' palace, partially built over by the fourteenth century extension of the cathedral nave. The post-Conquest palace of Archbishop Thomas and his successors lay to the north of the Minster and comprised an open court surrounded by buildings. Its visible remains consist of six bays of a late twelfth century blind arcade, known as the `Cloister', and an L-shaped block to the north which housed the thirteenth century chapel and is now the Minster Library. Documentary sources refer to an aisled medieval hall, a south-west range and a buttressed building to the south-east of the chapel. During the fourteenth and fifteenth centuries, the palace fell out of use and, by 1600, had become ruinous. In 1618 the site was leased to Sir Arthur Ingram who incorporated the south-west range into a mansion known as York Palace. Plans and surveys show the layout of the mansion but, by the eighteenth century, this too was in ruins and was demolished and the site cleared in 1814. Other features of the cathedral precinct include the site of the medieval deanery, originally constructed in the reign of William II at the junction of Minster Yard and Deangate, St William's College, built in 1465 to provide accommodation for the chantry priests, and numerous prebendal houses, some of which, like St William's College and some of the service buildings of the deanery, are still extant or incorporated into current buildings. The remains of the medieval Treasurer's House survive beneath the extant seventeenth century building and adjacent Gray's Court while a late medieval cemetery lies around the east end of the current Minster. The current seventeenth century Treasurer's House is considered adequately protected by its Grade I Listed status and is not included in the scheduling, although the ground beneath is incorporated. This also applies to St Williams College, the Minster Library, Gray's Court and the present Minster, which are protected by Grade I Listed status. In addition other buildings, considered adequately protected by Listed status are excluded from the scheduling, although the ground beneath them is included: York College for Girls (Grade II*), the Minster Song School and the Purey-Cust Chambers (both Grade II), together with other buildings including private houses and premises Listed Grade I, II* and II). Also excluded from the scheduling are the present Deanery, the Purey-Cust Nursing Home, all buildings, the surfaces of all paths, roads and driveways, all modern walling and railings; all fixtures such as lamp-posts, bins, benches and signs, although the ground beneath all these exclusions is included.

Appendix II – Planning Law, Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment. Sections 16, 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] in considering whether to grant listed building consent for any works the local planning authority or 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.

Similarly, section 66 of the above Act states that:

In considering whether to grant permission 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.
Similarly, section 72(l) of the above Act states that:

[...] 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 a conservation area.

Ancient Monuments and Archaeological Areas Act 1979

The current legislation for Scheduled Monuments is the Ancient Monuments and Archaeological Areas Act 1979. This builds on the 1913 Ancient Monuments Consolidation and Amendment Act, which was the first legislation in Britain to require consent for works to monuments of national importance (Scheduled Monuments on which a preservation order had been served). The legislation stemmed from the original the 1882 Ancient Monuments Protection Act.

Any works that result in demolition, destruction or damage, removal, repair, alteration or addition to a Scheduled site require
Scheduled Monument Consent (SMC) under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

Scheduled sites are considered to be irreplaceable monuments of national importance and the consent system therefore requires detailed technical consideration and early-stage pre-application discussions with statutory consultees.

To ensure the heritage significance of the Monument is properly safeguarded, other information may also be required. This may include a statement of significance, a condition report, a statement of justification, or an impact assessment and mitigation strategy.

As set out in the Ancient Monuments and Archaeological Areas Act 1979 (s.2 part (2)), carrying out an activity without consent where it was needed is a criminal offence. Consent must be obtained from the Secretary of State for Digital, Culture, Media and Sport through Historic England for any of the following:

- Works resulting in the demolition or destruction or any damage to a scheduled monument
- Works for the purpose of removing, repairing, adding to or altering a scheduled monument
- Flooding or tipping operations on land in, on or under which there is a scheduled monument.

The DCMS Policy Paper, *Scheduled Monuments Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979,* 2013 is also of relevance to works to Scheduled Monuments

Local Policy

<u>The City of York Draft Local Plan 2005</u>
The *City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)* has never been formally adopted but has been approved by the Council for development control purposes, nevertheless, the policies contained within it largely align to national planning policy (NPPF, 2021). The following policies are of relevance:

SP3 Safeguarding the Historic Character and Setting of York

A high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will apply the following principles:

a) The protection of key historic townscape features, particularly in the City Centre, that contribute to the unique historic character and setting of the City.

b) The protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape.

c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended. They also include areas of open countryside, which provide an impression of a historic city, such as locations which allow good views of the Minster or an urban edge including a Conservation area, and views into the City from a number of main transport routes.

d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required

GP1: Design

Development proposals will be expected to:

a) respect or enhance the local environment;

b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; [...]

GP18: External Attachments to Buildings

Where planning permission or listed building consent is required for external attachments to buildings, such as securityalarms, CCTV cameras, light fittings and roller blinds, permission will be granted where their design, location, materials and colouring do not significantly detract from the visual appearance of the building or the visual amenity of the area, or the character and appearance of conservation areas.

HE2: Development in Historic Locations

Within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

HE3: Conservation Areas

Within conservation areas, proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area:

demolition of a building (whether listed or not); external alterations;

changes of use which are likely to generate environmental or traffic problems.

Applications for development in conservation areas will only be considered if full design details are included.

HE4: Listed Buildings

With regard to listed buildings, consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the building :

development in the immediate vicinity of listed buildings;

demolition;

internal or external alterations;

change of use;

erection of satellite antenna

HE9: Scheduled Ancient Monuments

Planning permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting

<u>York Central Historic Core Conservation Area</u>

The City of York HER and the York Central Historic Core Conservation Area Appraisal, prepared for the City of York by Alan Baxter Associates in 2012. Bootham Bar is located within Character Area 4: Museum Gardens and Exhibition Square. The relevant descriptions of the York Central Historic Core Conservation Area are summarised below:

This area defines the old City of Roman, Viking and Medieval York, for the most part contained inside the city walls. The Conservation Area was designated in 1968 and extended after public consultation in 1975 to include the bars, walls and their approaches and surroundings. The area contains the greatest concentration of listed buildings in the city. The main elements of the character and appearance of the area area:

1) The Walls

2) The scale and size of the Minster

3) Clifford's Tower and the Castle Area

4) The nucleus of historic civic buildings

5)The large scale of the old and new railway station areas

6) The St Leonard's Hospital area

7) Bootham Hospital

8) The city's skylines and vistas

9) The complex townscape

10) The River Ouse and The Foss

11) The strong landscape associated with York's open spaces

12) The residential areas in brick and slate or pantiles.

13) The commercial/shopping areas

14) Other smaller areas which don't fit into the above but have their own character arising from the quality of buildings/spaces

Character Area 4: Museum Gardens and Exhibition Square Appraisal

Bootham Bar is defined as a landmark feature within the YCHCCAA and views of it from Exhibition Square have been depicted in many different images. It is depreciated by the spacious but cluttered junction in front of it, with a staggered pedestrian crossing which hinder movement and impinges on views of the Bar.

The CAA recommends that unnecessary street clutter in front of Bootham Bar be removed and crossing simplified to improve views and pedestrian experience in general.

<u>National Planning Policy Framework</u>

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (July 2021). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.
At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

195. 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 197 of the NPPF identifies the following criteria in relation to this:

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

With regard to applications seeking to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), paragraph 198 states that:

...local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 199 the framework states the following:

...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.

The Framework goes on to state at paragraph 200 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;
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.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 201 of the NPPF states that:

...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; 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

With regard to 'less than substantial harm' to the significance of a designated heritage asset, of the NPPF states the following;

202. 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.

In terms of non-designated heritage assets, the NPPF states:

203. 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.

The Framework requires local planning authorities to 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. Paragraph 206 states that:

... 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.

Concerning conservation areas and world heritage sites it states, in paragraph 207, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. 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 200 or less than substantial harm under paragraph 201, 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.

Concerning enabling development, it states, in paragraph 208, that local authorities should:

assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) 2021 and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.
Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199)

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **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 skill, 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.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Paragraph 7: Why is 'significance' important in decision-taking?

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.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.
The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 199-203 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 199-203) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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 additions to historic buildings where those additions are inappropriate and harm the buildings' 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, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms 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). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 200).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

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

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

Historic England: Conservation Principles and Assessment (2008)

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