



A National Amenity Society

Rachel Tyas
Development Management Officer
York City Council
By email: planning.comments@york.gov.uk

1st March 2023

19 To 33 Coney Street, York, YO1 9QL. Application No. 22/02525/FULM

Dear Ms Tyas,

Thank you for notifying The Council for British Archaeology (CBA) about the above case. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

Summary

There are positive aspects to these proposals but the cumulative level of harm to listed buildings and the conservation area is not justified or outweighed by public benefits. We consider these proposals are contrary to the requirements of paragraphs 194, 195, 190, 199 and 202 of the NPPF as well as sections 66 and 72(1) of the 1990 Planning Act. We recommend a revised scheme should substantially reduce the scale and massing of new buildings, vary the residential accommodation and reduce the level of harm to listed buildings within the site. The CBA object to the scheme in its current form.

Significance

The application site contains 9 distinct plots and has a time depth which is known to date back to the Roman period. The historical identity of Coney Street has been characterised by commercial use on the ground floor with wealthy merchants' houses above since at least the 12th century and a number of coaching inns for long distance travellers in the C17th and C18th. The majority of Coney Street facades are 18th and 19th century despite the plots being medieval. In the 14th century Coney Street, a corruption of 'King Street', was York's principal street. Earlier built fabric has historically been discovered behind later alterations, most notably ornate C17th plasterwork within the building previously at number 29-31, regrettably demolished in the early 1980s. Photographs and superficial assessment of the listed buildings demonstrate heavy alteration in the C20th. However, the potential for uncovering significant historic fabric during more invasive investigation cannot be ruled out and is almost certainly present in No.33.



The application site is within York's Area of Archaeological Importance. Only 5 cities in the country carry this designation, which identifies the rich layers of archaeology throughout the city centre as holding archaeological potential equivalent to a scheduled ancient monument. Previous development led archaeological evaluation along and behind Coney Street indicates that the site has high potential to preserve archaeological features and deposits of high significance. The application site contains 5 distinct Grade II Listed buildings, as well as encasing 2 more and being within the setting of a considerable number more. The site is within character area 11 of York's historic core Conservation Area.

The time depth of the site, its designated components and its heavily designated surroundings make this a sensitive series of sites to develop. Coney Street suffers from the economic downturn that high streets are experiencing nationwide. The commercial model that has determined the principal building use in the C20th has become outmoded and requires re-imagining into future focused sustainable uses. Vacant and underused upper floors have been identified as opportunity spaces for residential use. The orientation of buildings towards Coney Street with unattractive service facilities annexed to the rear results in off putting back-alleys running down to the river and no pedestrian access along the river front. The building that runs down to the river Ouse behind 43 Coney Street – 2 Spurriergate is identified as a detractor within the conservation area and the other rear plots as underutilised / redundant space that could make a greater contribution to the public realm.

Comments

The CBA welcome the intentions of this application to regenerate the commercial use of Coney Street and bring upper floors into residential use. We also support the removal of the building behind 43 Coney Street and 2 Spurriergate and opening up the river front behind this section of Coney Street to the public. However, we have multiple concerns about these proposals and object to the existing scheme, which we recommend requires revisions.

Impacts on Listed buildings and archaeology

The information about the 5 distinct listed buildings and proposals to alter them does not meet the fundamental requirements of paragraph 194 of the NPPF to describe their significance at a 'level of detail proportionate to their importance' and 'sufficient to understand the potential impact of the proposal on their significance'. The way in which proposed floor plans are presented across the plots of 21-33 Coney Street as a homogenised site, without differentiating which building is which, also inhibits your LPA's ability to discharge the duty placed on you by paragraph 195 to take the significance of each listed building 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.' Photographs of No.23 for example show early and late C19th fireplaces on upper floors and a significant staircase. No information is given about



their survival or removal in the proposals. The broad brush treatment of No.s 21-33 is wholly inappropriate for separately designated buildings which have distinct identities from each other. There is considerable potential to better reveal the significance of the 2 listed buildings at No.s 39-41 which would not be achieved by the current scheme. We support the proposed shop front replacements. Removing the C20th rear additions would also be positive, although enveloping No.41 in a replacement full height mock C18th extension would detract from this benefit.

The CBA object to knocking through party walls between the separate plots to enable corridors to run at the upper levels between the buildings facing onto Coney Street. The harm to the legibility of the buildings as distinct from each other is tantamount to facadism and contrary to the requirements of paragraph 199 to give 'great weight' to conserving the significance of the listed buildings. The requirements for adaptations placed on the listed buildings to meet the building regulations to become a student HMO that flows across the 5 consecutive plots and No 39, 41 and the new range prevents student accommodation from being the 'optimum viable use' for No.21-25 and 33 or 39 and 41. The introduction of bathrooms, service risers and drainage downpipes within handsomely detailed rooms in 39-41 similarly introduces a level of harm to significance and historic fabric that would be avoided by a less intensive scheme and more sympathetic use than student accommodation. Impacts to the listed buildings could be reduced by maintaining distinct dwellings on the upper floors. The extent of C20th alterations to the rear of the buildings would make this the best location for separate access points to upper residential units.

Crucial information about the site's archaeological significance is missing from the documentation supporting this application. A framework for archaeological assessment and evaluation has been submitted, which sets out the correct staged approach to "provide archaeological information to support the preparation and submission of a planning application for redevelopment at 21 - 43 Coney Street York." (Archaeological Framework Document, John Oxley, 2022) However, none of this work has been done. There is no DBA and no characterisation of the archaeology across the site from evaluation boreholes or trenches. This is contrary to the requirements of NPPF paragraphs 194 and 195. Arguably this application should not have been validated without a proportionate assessment of the significance of archaeology, which is known to be of national significance. Potentially international significance, depending on levels of anoxic preservation in waterlogged deposits. The application certainly cannot be decided without proportionate assessment and understanding of the site's archaeology.

New build components

The CBA support the removal of the various C20th rear extensions from No 21-33. There is potential for additional residential development here, although the current scheme appears as over development of the river frontage. The height and massing is over bearing and we do not agree that the proposed building respects the rhythm of the narrow historical burgage plots. In order to better reveal the significance of No. 21-25 and the legibility of the long narrow plots



down to the river a revised scheme should reduce the height and intensity of developing the rear plots, retaining visibility of the listed buildings on Coney Street. The successful recent development between the river, the guildhall and Museum Street exemplifies a sympathetic approach that introduces high quality contemporary design without over powering its setting. The diversity of buildings viewed from the opposite river bank, illustrating York's time depth and phased evolution, is an important characteristic of the conservation area. The structure currently proposed for the rear of No. 21-33 does not meet the 4 tests set out in NPPF paragraph 190.

The CBA recognise that No. 29-31 has very limited heritage significance. However, it does contain considerable embodied carbon and sits quietly within the streetscape. Replacing it with a facsimile building with an enlarged massing seems hard to justify against net zero carbon imperatives. A more sustainable strategy would adapt the standing structure. Alternatively, an interesting piece of C21st architecture could make a contemporary contribution to the street's time depth. The character area appraisal notes the importance of high-quality new buildings 'of their time' to development within the area, which maintain historic building heights and plot widths whilst avoiding pastiche. The City Screen cinema is an example.

The CBA support the principle that the currently amalgamated plot of No. 43 Coney Street – 2 Spurriergate offers the best opportunity for new development within the sensitive conservation area location. We appreciate the efforts to mask the imposing scale and massing of the proposed building here through its sideways orientation and stepped roof heights away from the street. However, there is no avoiding the fact that this hulking great structure is 3 plots wide and rises to 7 stories high. As such it would appear grossly out of scale with the character of this part of the conservation area, which it would harm, along with the setting of numerous listed buildings which it would dwarf. It is at odds with the city's historic grain and nothing about the design says 'York' as opposed to 'large scale C21st urban development'. As such the CBA recommend it would harm the character and appearance of the conservation area and be contrary to section 72(1) of the 1990 Planning Act. Recreating Waterloo Place does not offer sufficient public benefit to mitigate the level of harm this over scaled development would cause.

Public realm and public benefits

The CBA are impressed by the exemplary public consultation work that the University of York and York City Council have achieved as the 'StreetLife' project, supported by the applicants and used to gather public feedback about how people value Coney Street and their aspirations for its future. The opportunities presented for genuine public engagement with the street's history and proposals for its regeneration both as a drop in space on Coney Street and as a series of focused workshops is commendable.

The CBA support the continued use of ground floor space for retail, however we are concerned about the use of all upper floor space across the site for student accommodation and question the



public benefit of this. A single designed use composed of tiny individual units lacks resilience to changes in student numbers and their accommodation requirements in the city. It also overlooks the needs of local residents. Public consultation feedback identified adequate housing provision, along with independent business and retail as the most important uses for the site. Private landlord provision of 418 student beds seems a disingenuous response to this feedback. City centre locations are excellent places for residential accommodation designed for old people, who require local amenities within walking distance and minimal parking and private garden space. Arguably an element of social care provision would carry a lot more public benefit for the city. Mixed residential uses would ensure greater resilience to changes in types of residential demand and better secure the area's future.

The CBA welcome the adaptive reuse of 19 Coney Street, an Art Deco purpose-built department store, for residential reuse. We agree that later alterations are poor and the top floor extension could be improved. Fundamentally it is a handsome structure that adds to the street's legible narrative as a commercial centre into the C20th. It also contains considerable embodied carbon in its construction. Not wasting embodied carbon is a crucial strand of net zero carbon strategies and an inherently sustainable approach to the built environment.

There is scope for achieving enhanced public benefit through public participation with the archaeological evaluation that will be required as part of any development. We note that the application is currently supported by an archaeological framework document but no archaeological assessment or evaluation has been carried out to date. This will be necessary to inform foundation designs for any permitted scheme and should adhere to the 5% rule for archaeological impacts set out in York's Local Plan. Previous archaeological work across the application site has identified deposits that can be dated to the post-medieval, medieval and Roman periods. Development within the rear of the plots, where there have not been basements, are expected to impact rich archaeological deposits relating to all these periods. The CBA champion that proportionate public benefits from the substantial harm that inevitably results from archaeological excavation should go beyond recording finds with the HER and deliver genuine public participation. The public engagement with the StreetLife project demonstrates the local appetite for engaging with discovery of York's history. ALGAO Scotland have recently published guidance [Delivery of Public Benefit and Social Value Guidance for Archaeology in the Planning Process](#) that sets out a staged approach for best practice in involving the public with archaeological works that develops place-shaping strategies and reinforces local identity. Despite being Scottish planning guidance the CBA recommend that this represents a proportionate approach to the delivery of public benefits to the high significance of York's archaeological deposits within its Area of Archaeological Importance.

New connections that improve access to the river side behind Coney Street are a positive benefit from this scheme. The public/ private nature of the spaces proposed is not clear. A lockable gate



presents an unknown level of restricted access. The impact of over 400 students living here would heavily impact the character and atmosphere of the open realm which the Master Plan describes 'dwell spaces'. The breaks they create in built forms is positive, but public benefit will be curtailed by restricted public access. Do 'dwell spaces' genuinely benefit the city or just residents of the new developments and customers of the retail premises? We suggest this requires clarification within a revised scheme.

Recommendations

The CBA support the principle of development of the application site, however we object to the current proposals as contrary to paragraphs 194, 195, 190, 199 and 202 of the NPPF along with sections 16, 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. We do not believe that the public benefits this scheme would deliver in its current iteration outweigh the harm to listed buildings or the conservation area.

We recommend that an improved scheme should be less intensive both in height, scale and massing of new build components and the adaptive re-use of the listed buildings within the site. Crucially, although this is a single application site it has 9 distinct component sites within it. Their significance and contributions to the character and appearance of the conservation area would be considerably harmed by homogenising these separate sites into large student halls of residence to create 418 student bed spaces.

There are opportunities to deliver greater public benefit from redevelopment of the application site through an archaeological strategy that builds on the public engagement generated by the StreetLife project. A more varied approach to residential use across the site could also reduce the level of harm caused to the listed buildings and provide an appropriate mix of housing types to meet the needs of local communities.

The CBA strongly recommend that no development can be permitted at this site without an assessment of the site's archaeological deposits that is proportionate to its national (or international) significance.

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

Kind Regards,

Council for British Archaeology



Buildings Archaeology Team

Catherine Bell. MA (cons), ACIfA
Listed Buildings Caseworker

The Council for British Archaeology (CBA) is the national amenity society concerned with protection of the archaeological interest in heritage assets. Local planning authorities have a duty to notify the CBA of applications for listed building consent involving partial or total demolition, under the procedures set out in, **Arrangements for handling heritage applications – notification To Historic England and National Amenity Societies and the Secretary of state (England) direction 2021.**

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