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Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

**THE COUNCIL OF THE CITY OF COVENTRY (CITY CENTRE SOUTH) COMPULSORY
PURCHASE ORDER 2022**

and

Town and Country Planning Act

Stopping-up of public highway

Proof of Evidence

of

Richard Brown

of CBRE

On behalf of the Council of the City of Coventry

29th December 2022

1. INTRODUCTION

- 1.1 I am Richard Brown, a Director with CBRE Ltd. I have a BSc (Hons) in Town and Regional Planning from the University of Dundee, and I am a member of the Royal Town Planning Institute. I have over 25 years' professional town planning experience gained in both the public and private sectors. For approximately the last 20 years, I have been based in Birmingham and have gained particular experience of working on projects in the Midlands, including in Coventry.
- 1.2 I provide town planning advice to a wide range of commercial developers, landowners, investors and public sector organisations. I have experience in dealing with strategic planning policy matters, planning matters connected with residential, retail and large-scale mixed-use development, regeneration and infrastructure schemes, and also the completion of Environmental Impact Assessments.
- 1.3 From this experience, I have gained a strong appreciation of the necessary approach to balancing material planning considerations, including the weighting to be applied to national and local planning policies, including policies concerned with housing, design, retailing, and heritage amongst others, and the various components of sustainable development.
- 1.4 I started advising on the City Centre South site ("**the Site**") in circa 2011 whilst employed at Deloitte LLP, leading on the preparation of an earlier redevelopment scheme for the Site on behalf of Coventry City Council ("**the Council**") and Aviva Investors Pensions Limited, which was granted planning permission in 2012. Subsequently, whilst also with my previous employer and acting for the Council, I assisted in assessing bids (from a town planning perspective) from prospective developers to take forward development. From circa 2019, I led on the extant hybrid planning permission and associated listed building consents for the Site ("**the Consented Scheme**") on behalf of the Applicant (Shearer Property Regen Limited or "**SPRL**"¹). I am advising the Applicant on the current proposals to vary the Consented Scheme (generally referred to in my proof of evidence as "**the Refined Scheme**") by way of a minor material amendment to it pursued through an application made under Section 73 of the TCPA and I am also advising the Applicant in respect of future reserved matters submissions. Reference to "**the Scheme**" in my proof of evidence is normally used where referring to both the Consented Scheme and the Refined Scheme, where the principles and points being discussed are common to both.

¹ SPRL was set up by Shearer Property Group as a special purpose vehicle to deliver the City Centre South development.

1.5 I am therefore fully familiar with the Site, its surroundings, the detail of the original, consented and refined City Centre South proposals and also the contemporary and past site-specific and wider planning context.

2. **SCOPE OF EVIDENCE**

2.1 I give evidence on behalf of SPRL on the justification for the Council of the City of Coventry (City Centre South) Compulsory Purchase Order 2022 (“**the CPO**”), having regard to the planning policy framework and key planning considerations relevant to the CPO.

2.2 In preparing my evidence, I have considered the planning matters set out in the Guidance on Compulsory Purchase Process and the Crichel Down Rules, issued by the Department for Levelling Up, Housing and Communities (as it is now known) in July 2019 (“**CPO Guidance**”) (DR1.9). Further to paragraphs 12 - 14 of the CPO Guidance and notably, paragraph 106 in Section 1 (regarding orders made under s226 of the TCPA), in my evidence I give particular consideration to:

- (1) whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area; and
- (2) the extent to which the Scheme, whether the Consented Scheme or as amended by way of the Refined Scheme, will contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area.

2.3 For the reasons I shall state, I believe that there is a compelling need in the public interest for the redevelopment of the Order Land through the Scheme, whether that be the Consented Scheme or the Refined Scheme. In either case, the redevelopment will deliver substantial public benefits, contributing substantially to the economic, social and environmental wellbeing of the area, and will be in overall accordance with the Development Plan (in this case the adopted Local Plan and CCAAP) for the area. The redevelopment is also strongly supported by national planning policies. The planning balance is strongly in favour of the grant of planning permission.

2.4 Matters of viability and delivery are covered in the evidence of others provided on behalf of SPRL and the Council. My evidence considers whether there are any planning impediments to the Consented or Refined Schemes. I conclude that there are none.

2.5 In reaching my conclusions, I consider the following matters:

- (1) A description of the Site and surrounding land;

- (2) A review of the planning and related history relevant to past efforts to regenerate the land, including an overview of the indicators of the need for regeneration;
- (3) The planning policy framework, associated guidance and regeneration objectives related to Coventry city centre and the Site more specifically;
- (4) An overview of the Consented Scheme and the Refined Scheme, and how the development pursuant to each scheme complies with planning policy and objectives for regeneration;
- (5) The significant benefits associated with the Consented Scheme and the Refined Scheme, including its contribution to the economic, social and environmental wellbeing of the area; and
- (6) Those objections raised against the proposed CPO relevant to the scope of my evidence.

2.6 My evidence should be viewed alongside the further evidence prepared by and on behalf of SPRL:

2.6.1 Evidence on SPRL's commercial objectives for the development, including the development partner arrangements and delivery of the Scheme, together with an overview of SPRL's experience, is provided by Adam Markwell (DR2.3) and Andy Fancy (DR 2.4) of SPRL.

2.6.2 Evidence on viability provided by Tony Parker of SPRL (DR2.10).

2.6.3 Evidence on the design concept, design principles and design evolution is provided by Robert Maxwell of Allies and Morrison Architects (DR2.2).

2.6.4 Evidence on transport impacts, servicing arrangements and stopping-up of the highways, is provided by Russell Vaughan of TPP (DR2.7).

2.7 My evidence should also be viewed alongside the evidence that has been prepared by and on behalf of the Council, in particular that of: Liam D'Onofrio (the Council's planning officer) (DR2.6) to explain the planning position from the local planning authority's perspective; Alex Morton (Deloitte on behalf of the Council) (DR2.5) to explain the funding and viability elements of the Scheme; and Graeme Lawes (from Deloitte on behalf of the Council) (DR2.8) to cover the need for the CPO and negotiations with affected landowners.

2.8 In addition, **Appendix RB1** includes a report prepared by Chris Thomas, Senior Director at CBRE, which deals with retail matters, including in relation to changes in retailing and how this has influenced the level and nature of retailing being proposed in the Refined Scheme in particular. I have reviewed and understand the findings of this Report and make reference to these findings in my evidence. Details on changes to retailing within the Revised Scheme are also included in the evidence of Mr Markwell (DR2.3) and Mr Morton (DR2.5).

2.9 In my proof of evidence references to the Core Documents are made by the abbreviation, for example, "DR1.1". Specific abbreviations are noted in the text on first use, and these abbreviations are also set out in the CCS Proofs Glossary (DR2.9). The proofs of evidence of other witnesses are referred to by the name of the author.

3. THE SITE AND SURROUNDS

Site Location and Context

3.1 The Site, as defined by the red line boundary forming the Consented Scheme and Refined Scheme, which are identical in this regard, comprises a total site area of 6.36 hectares. It relates to the southern part of Coventry city centre's Primary Shopping Area as shown in the Development Plan and is predominantly occupied by 1950's and 1960's buildings that formed part of Coventry's post-war reconstruction.

3.2 The ground and first floors of the buildings are mainly in retail type use or are vacant. There are a number of other town centre uses within the Site including: offices, mainly at upper levels of the buildings, public car parking spaces, servicing areas, food and drink establishments, the HMV Empire live music venue and mixed community uses including social enterprises. The Site also includes a Shopmobility facility (on the ground floor of the Barracks Multi-Storey Car Park ("**Barracks MSCP**") servicing areas, and areas of public realm.

3.3 The Site is circa 600 metres north of Coventry mainline railway station. It forms an area that is generally bordered by Upper Precinct and Broadgate to the north, Hertford Street to the east, Warwick Row and Greyfriars Road to the south and Queen Victoria Road to the west.

3.4 The Site can be characterised as comprising the following four principal areas:

(1) Character Area A: Hertford Street;

(2) Character Area B: Bull Yard;

(3) Character Area C: Shelton Square, Market Way and City Arcade; and

(4) Character Area D: The Coventry Market and its Environs.

3.5 The following paragraphs in this section of my evidence provide a factual description of the above-mentioned Character Areas. For further context, I first describe separately notable heritage features within and close to the Site.

Heritage Features

3.6 A number of Grade II listed buildings are situated adjacent to the Site, notably the former Woolworths and BHS buildings fronting Market Way, the south link building (also known as the NatWest Bank building) within Upper Precinct, Broadgate House, and 5 Warwick Row (also known as the Reform Club).

3.7 The Site itself includes the following two Grade II listed buildings:

(1) The Coventry Market; and

(2) The William Mitchell Mural which forms part of the former Three Tuns Public House in Bull Yard.

3.8 In addition to the William Mitchell Mural, the Site accommodates several pieces of artwork which are non-designated heritage assets.

3.9 The route of the former medieval city wall also runs beneath part of the Site, notably in the vicinity of Bull Yard and Shelton Square (an alignment is currently indicated by brick paving bands which cross the surface of these existing public spaces).

3.10 The Site lies adjacent to two conservation areas (the Greyfriars Green Conservation Area and the High Street Conservation Area).

3.11 More widely, the Site sits within the context of the city centre's "Three Spires" of St Michaels, Holy Trinity and Christchurch. The local planning policy is to recognise and preserve key views of these spires.

3.12 A Plan defining the red line site planning boundary of the Scheme, and also illustrating the location of the above-mentioned heritage assets, is included at my **Appendix RB2**.

Character Area A: Hertford Street

- 3.13 Hertford Street rises in level from south-west to north-east. Changes in level within the public realm area of Hertford Street are accommodated by a series of steps and ramps. A canopy roof structure spans the middle section of Hertford Street.
- 3.14 Buildings on the eastern side of Hertford Street either fall outside the Site or are proposed to be retained and adapted, including by virtue of removal of the existing canopy roof structure.
- 3.15 Buildings on the western side of Hertford Street are mainly two storey retail-type units, although heights generally increase within the northern part of Hertford Street. This includes Hertford House, a six storey (vacant) office block, which is located above retail units on the western side of Hertford Street, and the HMV Empire, which is a live music venue also on the west side of Hertford Street.
- 3.16 At the north-eastern end of Hertford Street is Hertford Square, which is enclosed on three sides. Broadgate House (Grade II listed) forms the northern termination point of Hertford Street and provides a pedestrian link through to the Broadgate area to the north (a former Nationwide Bank building was removed from beneath Broadgate House in 2018 to improve the pedestrian linkage and permeability between Broadgate Square and Hertford Square). Properties on the eastern side of Hertford Square are situated within the north-western part of the High Street Conservation Area.
- 3.17 To the rear of buildings on the western side of Hertford Street is the Barracks MSCP, which is surrounded by circulation and servicing space to the rear of adjacent commercial properties. Part of the ground floor of the Barracks MSCP also accommodates a Shopmobility facility.
- 3.18 Vehicular access to the Barracks MSCP and adjacent service area is achieved via the Barracks Way tunnel, which runs beneath Hertford Street and connects to Greyfriars Lane to the east. A pedestrian link also exists between this car park and the Upper Precinct area of the city centre (which is outside the Site).

Character Area B: Bull Yard

- 3.19 The eastern side of Bull Yard is open to the junction of Hertford Street, New Union Streets and Warwick Row. It lies to the west of public realm works completed by the Council in 2020. These public realm works, which are located to the south of Methodist Central Hall (Christchurch Spire) and west of “the Wave” (a recently constructed indoor leisure waterpark), include water features, children’s play facilities and green

landscaping areas. The other three sides of Bull Yard are predominantly enclosed by two storey blocks, where the first floor overhangs the ground floor to form a canopy surrounding a public square

- 3.20 The western side of Bull Yard includes the Grade II listed William Mitchell mural (also referred to as the Three Tuns mural), which forms the façade to the former Three Tuns Public House. This mural is constructed of pre-cast concrete and is in an 'Aztec-style' with raised symbols. Bull Yard also contains existing (non-designated) public art including the Thread Through Time Sculpture, the Phoenix Sculpture and the Dun Cow Relief. The western side of Bull Yard provides a pedestrian route beneath a six-storey commercial / office building into Shelton Square. The north-western point of Bull Yard provides a pedestrian route through to the Barracks MSCP.
- 3.21 Immediately to the south of Bull Yard is the four storey brick-built building occupied by the Litten Tree Public House. Adjacent to the Litten Tree building (outside of the Site) is the Grade II listed 5 Warwick Row ('the Reform Club'), together with a number of other listed buildings along Warwick Row located within part of the Greyfriars Green Conservation Area.

Character Area C: Shelton Square, Market Way and City Arcade

- 3.22 The eastern side of Shelton Square, which links through to Bull Yard, comprises a ground floor and first floor retail frontage, with a further four storeys of office space above. The first floor retail frontage is accessed via a walkway which is accessed by stairs from ground floor level.
- 3.23 Properties on the western side of Shelton Square are predominantly two storeys in height. A similar building form extends northwards from Shelton Square on the western side of Market Way, which also includes a ground-level pedestrian link towards Coventry Retail Market. These properties include a roof-top car park which links to car parking over the Coventry Retail Market to the west and the City Arcade rooftop MSCP car park to the south. Properties north of Shelton Square on the eastern side of Market Way are similarly treated, with a rooftop car park (part of the Barracks MSCP) projecting out over the ground and first floor retail frontage, forming a canopy for this retail frontage.
- 3.24 Previously, a 14 storey office building (Coventry Point) was located on Market Way adjacent to the Grade II listed former Woolworths and BHS buildings. This building was demolished by the Council in 2020 to improve legibility, pedestrian permeability to facilitate and assist in the future delivery of the City Centre South development.

- 3.25 City Arcade, which includes a variety of retail units including an Argos store, is mostly enclosed by a vaulted double-height ceiling, on top of which sits the City Arcade rooftop MSCP car park accessed from Greyfriars Road.
- 3.26 City Arcade opens out onto Queen Victoria Road. To the north of this entrance, there is further retail frontage onto Queen Victoria Road in the Albert Buildings (currently occupied by Iceland Foods). An existing service area is located to the south of City Arcade, beyond which are residential apartments (Beauchamp House) located outside the application site on the northern side of Greyfriars Road.

Character Area D: Coventry Market and its Surroundings

- 3.27 Coventry Market was designed as a rotunda to maximise the circulation within the building and to provide for several ground floor entrances.
- 3.28 The Market is Grade II listed and recognised as being important due to its level of originality and completeness, and is one of the few remaining post-war markets in the country to survive relatively unaltered. The rooftop car park, one of the features of its design, is also recognised within the Listing Description as being one of the first examples of roof-top parking in the country.
- 3.29 Access to the Market rooftop car park is obtained off Corporation Street as part of the Lower Precinct MSCP to the north-west of the Market building (this access will not be affected by the development and hence, the rooftop car park over the Market can remain in operational use).
- 3.30 There is an existing bridge linking the rooftop car parking on top of the Market to rooftop car parking located on top of existing units on the western side of Market Way (this bridge link, together with the adjoining units on Market Way, are proposed to be demolished as part of the development).
- 3.31 There is a vacant plot to the south-east of the Coventry Market (south of the Lower Precinct MSCP and north of Rover Road). This plot has been derelict for several years and is now overgrown in appearance.
- 3.32 Vehicular access to the Market basement is currently obtained via a ramp located within the service area to the south of the Market. This area is accessed via Rover Road, which connects to Queen Victoria Road. Rover Road also currently accommodates a taxi rank.

- 3.33 Properties on the western side of Queen Victoria Road (outside the Site) include a former Ikea store (which is planned to be re-purposed to create a national arts and cultural facility), and residential apartments, known as Vicroft Court.

4. NEED FOR REGENERATION

- 4.1 The following points summarise the key features of the Site which support the need for regeneration:

- (1) High building vacancy rates. As at March 2020, based on a predominantly visual inspection, it was estimated that the Site had a 26% vacancy rate. Given various factors, including the ongoing restructuring of the retail sector and the impact of the Covid-19 pandemic, the level of vacancy within the Site will now likely be higher. For example, as Mr Morton confirms in his evidence (DR2.5), Coventry experienced the 6th highest number of insolvencies of any UK city during the pandemic.
- (2) As highlighted in the evidence of others, including that of Mr Markwell (DR2.3) and Mr Morton (DR2.5), and also in the retail report of Mr Thomas (Appendix RB2), buildings are generally tired in appearance, and of a size, form and quality not suited to the needs of modern retailing. This impacts on the type of retailers represented within the Site.
- (3) A predominantly low-rise form of development across most of the Site, often comprising of building blocks of circa 2 storeys, which does not maximise the efficient use of land within the core of the city centre.
- (4) An urban realm that varies in quality, and which includes buildings and other publicly accessible areas situated in unattractive open service yards.
- (5) The current environment of the Site detracts from certain heritage assets within and adjacent to it. Coventry Market is currently situated within a poor quality and untidy urban environment, mostly comprising servicing and circulation space to the rear of commercial properties at Lower Precinct, Market Way and City Arcade.
- (6) Lack of permeability for pedestrians and users of the area. Post-war development has interrupted sight lines and through routes, creating a maze of spaces which are difficult to navigate.
- (7) A lack of existing conventional (Use Class C3) residential uses, and hence residential population, within the Site (and the city centre more widely). Housing

within centres is recognised within the Development Plan and by national planning policy as playing an important role in ensuring the vitality of city centres, maximising the use of brownfield land, existing services and infrastructure, and in providing a choice in new homes in a highly sustainable location that will contribute to meeting the housing needs of the area. The national housing delivery targets set by Government at various times in response to the current 'housing crisis' have not been met in any year, exacerbating the pressures on housing supply nationally.²

- 4.2 I consider that the above conditions detract significantly from the vitality and viability of the Site and the area more widely.
- 4.3 There is a well-established local and national planning policy basis which strongly supports the proposed development which I consider in Section 9 of my evidence. The contribution of the Scheme to the economic, social and environmental wellbeing of the area is explained at Section 10 of my evidence.

Site Regeneration History

- 4.4 The following points provide an overview of the regeneration history of the Site.
- (1) The principles and aspirations to regenerate the Southern part of the Primary Shopping Area, including the Site, were set out in the Jerde Masterplan (DR3.26) which was prepared for the Council in 2008/2009 to set out a 15-20 year masterplan and vision for the redevelopment of the city centre, including the Site.
 - (2) Following preparation of the Jerde Masterplan (**DR3.26**) an options appraisal looking at locations for the first phase of city centre regeneration was undertaken by the Council. The appraisal identified the southern area of the pedestrianised precinct (incorporating the Site) as the optimum location in this regard. The appraisal findings were endorsed by the Council's Cabinet in September 2009 (DR3.25).
 - (3) In March 2012 outline planning application OUT/2012/0575 was submitted for the comprehensive redevelopment of Coventry City Centre South area. This application was based on a Masterplan prepared by Benoy Architects, submitted by the Council and Aviva Investors Pensions Limited and was approved at Planning Committee on 31st May 2012. This permission (**DR3.1**) is now time

² Tackling the under-supply of housing in England - House of Commons Library (parliament.uk)³ I interpret the term 'comparison shopping' to mean the type of retail stores where the goods offered are not everyday items, and include items such as durables, apparel, and consumer goods where depth of selection, quality and price figure prominently in the decision to purchase.

expired (condition 2 of this permission required reserved matter submissions to be made by the end of May 2017 but no such submissions were made). The 2012 scheme was a mixed use scheme primarily comprised of larger format retail uses built around a large anchor department store, leisure uses including a potential cinema, and with a small number of residential units proposed, comprising up to 40 one and two-bedroom apartments. The 2012 scheme included the removal of the bridge link between the Grade II Listed Coventry Market and roof top car parking over existing units on Market Way, and the removal and relocation of the Grade II Listed Three Tuns Mural within Bull Yard. Listed Building Consent for these works was granted by the Secretary of State on 18th March 2013.

- (4) Both the Local Plan (**DR3.9**) and the City Centre Area Action Plan ("**CCAAP**") (**DR3.10**) were adopted by the Council in December 2017. These documents were informed by an evidence base including a Coventry City-Wide Shopping and Centres Study dated 2014 (**DR3.24**). CCAAP Policy CC19 identifies that the regeneration of the southern part of the Primary Shopping Area (which is broadly consistent with the extent of the Site) will be promoted, encouraged and supported. Based on my involvement in the approved 2012 permission referenced at (3) above and with reference to the CCAAP, including its paragraph 24.6, it is my understanding that the majority of the detail and criteria of Policy CC19 take into account the Benoy Masterplan provided as part of the 2012 application proposals for the Coventry City Centre South area.
- (5) Following a competitive public procurement process, Shearer Property Group ("**SPG**") (of which "Shearer Property Regeneration Ltd" ("**SPRL**") is a wholly-owned subsidiary), was selected by the Council in January 2017 as its Preferred Bidder to deliver the City Centre South development. SPG and the Council subsequently entered into a Development Agreement ("**the Development Agreement**") in March 2019. Amongst other things, the Development Agreement requires the developer to secure planning permission and for the Council to assemble the land.
- (6) In parallel to the procurement process, the Council advanced an application to the West Midlands Combined Authority ("**WMCA**") for grant funding to help facilitate the development. This resulted in an award of up to £98.8m and a Grant Agreement being entered into on 8 February 2018.
- (7) The Council removed the Nationwide building from beneath Broadgate House in 2018, improving pedestrian linkages between Hertford Square and Broadgate

Square. In 2020, the Council proceeded with the demolition of the Coventry Point office block, to enable an uninterrupted pedestrian thoroughfare from Market Way into the Site. These works were completed pursuant to the objectives and policies of CCAAP, including those which support the delivery of the redevelopment of the Site.

(8) A part-full, part-outline planning application OUT/2020/2876 for the comprehensive redevelopment of the Site was submitted by SPRL to the Council in November 2020. This application was resolved to be approved by the Council's Planning Committee on 22nd April 2021, subject to the completion of a Section 106 Agreement. Planning permission was granted on 27th January 2022 (the "2022 Permission") (**DR3.2(a)**), following the completion of the Section 106 Agreement dated 26 January 2022 (the "**s106 Agreement**") (**DR3.2(b)**). The development approved pursuant to the 2022 Permission is referred to herein as the "**Consented Scheme**". Similar to the 2012 scheme, the Consented Scheme included works to the Grade II Listed Coventry Market, and the removal and relocation of the Grade II Listed Three Tuns Mural within Bull Yard. Two Listed Building Consents for these works were granted by the Secretary of State on 24th June 2021 (LPA references: LB/2020/2857 and LB/2020/2860) (**DR3.4** and **DR3.5**).

(9) Following the issue of planning permission for the Consented Scheme, a competitive process was held to select a development / funding partner to deliver the regeneration proposals. Hill Residential Limited ("**HRL**"), a major residential and commercial mixed-use developer, was subsequently selected to work with SPG in this regard. HRL has provided investment funding to take forward the development via its parent company, Hill Holdings Limited.

(10) Following the selection of HRL, a Section 73 application was submitted to the Council and was validated on 11th November 2022 (the "**S73 Application**"). The purpose of this application, which is pending determination at the time of drafting my evidence, is to secure certain changes to the Consented Scheme.

4.5 My further consideration of how the Consented and Refined Schemes accords with the Local Plan, the CCAAP and national planning policies and objectives, and contributes to the improvement of the social, economic and environmental well-being of the area, is explained in subsequent sections of my evidence.

PLANNING POLICY FRAMEWORK

- 4.6 Within this Section of my evidence, I set out the planning policy framework that applies to the Scheme. This includes the Development Plan and other material considerations, including national planning policy. The CPO Guidance (**DR1.9**) is clear, at paragraph 106, that the degree to which the purpose for which the land is being acquired fits with the adopted Local Plan for the area, (and also fits with wider policy, particularly national planning policy), is an important consideration.

The National Planning Policy Framework

- 4.7 Section 70(2) of the TCPA and Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("**the 2004 Act**") require that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.8 The National Planning Policy Framework ("**NPPF**") (most recently published in July 2021) (**DR3.8**) reconfirms the statutory requirement set out in Section 38(6) relating to the determination of planning applications and also confirms that the NPPF must be taken into account as a material planning consideration in planning decisions (paragraphs 2 and 218).
- 4.9 The presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 8 sets out the economic, social and environmental objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across the objectives.
- 4.10 The NPPF states that: *"...decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*
- 4.11 Paragraph 11 sets out that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 4.12 Subsequent sections of the NPPF go on to set out the Government planning policy on various land uses and thematic planning issues, including inter alia: the delivery of housing; the vitality of town centres; promoting sustainable transport; making the effective use of land; good design; and conserving and enhancing the historic

environment. Specific national planning policy is referenced where applicable in my evidence.

NPPF Section 5: Delivering a Sufficient Supply of Homes

- 4.13 Paragraph 60 identifies that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. NPPF paragraph 73 goes on to note, in summary, that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, provided they are well located and designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

NPPF Section 7: Ensuring the Vitality of Town Centres

- 4.14 Paragraph 86 confirms that planning decisions should support the role that town centres play at the heart of their communities and take a positive approach to their growth and adaptation, including the promotion of their vitality and viability. This paragraph goes on to specify that planning policies should, inter alia:

- (1) Allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing for a suitable mix of uses, including housing;
- (2) Retain and enhance existing markets and, where appropriate, re-introduce or create new ones; and
- (3) Recognise the role of residential development in ensuring the vitality of centres and encourage residential development on appropriate sites.

NPPF Section 8: Promoting Healthy and Safe Communities

- 4.15 Paragraph 92 notes that planning decisions should aim to achieve healthy, inclusive and safe places which:

- 4.15.1 Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

- 4.15.2 Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- 4.15.3 Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

NPPF Section 9: Promotion of Sustainable Transport

- 4.16 Paragraph 105 identifies that the planning system should actively manage patterns of growth and that significant development should be focused at locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

NPPF Section 11: The Effective Use of Land

- 4.17 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119). Paragraph 120 goes on to set out that planning decisions should, inter alia: encourage multiple benefits from both urban and rural land, including through mixed use schemes; give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.18 Paragraph 121 confirms that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

NPPF Section 12: Achieving Well-Designed Places

- 4.19 Paragraph 130 requires that planning decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF Section 16: Conserving and Enhancing the Historic Environment

- 4.20 Paragraph 201 identifies that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or if all of the criteria listed subsequently in paragraph 201 apply.
- 4.21 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.22 Paragraph 203 deals with non-designated heritage assets and notes that where applications 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.

- 4.23 The Government has also published National Planning Practice Guidance (“**NPPG**”) to support the implementation of policies set out within NPPF, providing high level guidance on specific planning issues and processes.

The Development Plan

- 4.24 Section 38(3) of the 2004 Act (as amended) defines the Development Plan as:
- (1) The Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area; and
 - (2) The neighbourhood development plans which have been made in relation to that area.
- 4.25 As noted, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, the Development Plan for the Site comprises the Local Plan (**DR3.9**) and the CCAAP (**DR3.10**), both adopted in December 2017.
- 4.26 The Local Plan provides the overarching policy context for Coventry as a whole, as well as providing detailed policies and standards against which planning applications will be assessed. The CCAAP provides a framework specifically for the future growth and regeneration of Coventry city centre.
- 4.27 Policy R2 of the Local Plan and Policy CC1 of the CCAAP set out the development strategy for Coventry city centre. CCAAP Policy CC19 specifically considers the regeneration of the southern part of the Primary Shopping Area (i.e., broadly similar to the extent of the land comprised in the Site).
- 4.28 Development Plan policies relating to housing delivery are of importance to the consideration of the benefits of the development.
- 4.29 I consider these Development Plan policies to be of particular relevance to the development of the Site and the scope of my evidence. For ease of reference, I reproduce these policies below. For completeness, in addition to the policies considered below, I have included at my **Appendix RB3** a list of all other Development Plan policies I consider to be of relevance to the consideration of the Scheme, and a summary of how the Refined and Consented Schemes accords with their provisions.

The Development Strategy for the City Centre (Policies R2 and CC1)

4.30 Policy R2 states that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture. The policy provides that this will be achieved by:

- (a) enhancement of its position as a focus for the entire sub-region and as a national and international destination to live, work and play;
- (b) enhancement of its retail and leisure offer to strengthen the city's sub regional role;
- (c) provision of high-quality office space;
- (d) becoming a hub for education;
- (e) including a variety of places to live which cater for different needs;
- (f) preserving or enhancing the character and setting of the historic built landscape and the archaeological environment;
- (g) a connected public realm including public squares and green spaces, easily accessible through the creation of desirable and legible pedestrian routes;
- (h) accessible for all;
- (i) providing an attractive and safe environment for pedestrians, cyclists and motorists;
- (j) provide a high-quality public transport system that benefits from seamless integration and is well connected to existing and new infrastructure
- (k) high quality sustainable built design;
- (l) continuing to develop a vibrant and attractive night-time economy;
- (m) providing opportunities to improve health and wellbeing;
- (n) continuing to support greater integration of the university within the wider city centre in accordance with the policies in the CAAP;
- (o) recognising and preserving key views to the iconic three spires of St Michaels, Holy Trinity and Christchurch; and

- (p) supporting the reintroduction of green and blue infrastructure throughout the city centre, including opportunities for de-culverting wherever possible.

4.31 The final part of the policy states that an Area Action Plan will be developed to help deliver this strategy and support and guide development within the city centre. I understand that this refers to the CCAAP which was adopted at the same time as the Local Plan.

4.32 Policy CC1 is virtually identical to Policy R2, apart from that Policy CC1 includes an additional criterion which seeks the provision of a gigabyte city that offers high speed Wi-Fi and broadband facilities throughout the city centre.

The Regeneration of the Southern Part of the Primary Shopping Area (Policy CC19)

4.33 Policy CC19 states that the regeneration of the Southern part of the Primary Shopping Area (3) for predominantly comparison shopping³ will be promoted, encouraged and supported. This should be delivered in accordance with a Masterplan which supports the approved planning permission or replacement document. This will provide for:

- (a) an increase of at least 10,000 sq.m gross retail floor space;
- (b) a range of shop sizes that reflect market requirements;
- (c) high quality entrances from the Precinct, Queen Victoria Road and Bull Yard;
- (d) the redevelopment of the Barracks car park and the relocation of the parking spaces as part of a new multi storey car park incorporated within the development;
- (e) the relocation of the listed mural situated in Bull Yard to a new and prominent site situated within the new development;
- (f) the retention of the listed market building, with improvements made to its setting and connectivity to Queen Victoria Road and Market Way;
- (g) associated residential provision of at least 40 homes as part of upper floors above retail uses; and

³ I interpret the term 'comparison shopping' to mean the type of retail stores where the goods offered are not everyday items, and include items such as durables, apparel, and consumer goods where depth of selection, quality and price figure prominently in the decision to purchase.

- (h) complementary leisure, office and hotel uses as part of upper floors above retail uses.

Local Plan Housing Policies (Policies H1, H3, H4 and H6)

- 4.34 Policy H1 'Housing Land Requirements' states that provision must be made for a minimum of 24,600 additional dwellings between 2011 and 2031 in the Local Plan area.
- 4.35 Policy H3 'Provision of New Housing' states that new residential development must provide a high-quality residential environment, which assists in delivering urban regeneration or contributes to creating sustainable communities and which overall enhances the built environment. A suitable residential environment will be provided within a sustainable location and will include safe and appropriate access, have adequate amenity space and parking provision and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.
- 4.36 Policy H4 of the Local Plan requires proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city.
- 4.37 Policy H6 of the Local Plan requires developers to ensure affordable housing contributions comprise dwellings of the right size, type, affordability and tenure to meet local needs. Policy H6: Affordable Housing. New residential schemes of 25 dwellings or more (excluding student accommodation), or more than 1ha, are expected to provide 25% of all dwellings as affordable homes. Where this level of affordable housing cannot be provided, including for reasons of viability, robust evidence must be presented to justify a reduced or alternative form of contribution.

Other Material Policy Considerations

- 4.38 There are a number of adopted Supplementary Planning Guidance and Supplementary Planning Documents ("SPD") which are (or are capable of being) material policy considerations in the determination of planning applications for the Site:
 - (a) Affordable Housing SPD adopted March 2022 (**DR3.17**);
 - (b) Air Quality SPD adopted Aug 2019 (**DR3.11**);
 - (c) Coventry Connected (Transport and Accessibility) SPD adopted Jan 2019 (**DR3.12**);
 - (d) Delivering a More Sustainable City SPD adopted Jan 2009 (**DR3.13**);

- (e) Design Guidance for New Residential Development Supplementary Planning Guidance adopted Jan 1991 (**DR3.14**);
- (f) Energy SPD adopted March 2022 (**DR3.27**);
- (g) Health Impact Assessment SPD (adoption date not specified) (**DR3.18**);
- (h) Open Space SPD adopted March 2022 (**DR3.16**); and
- (i) Trees and Development Guidelines for Coventry SPD adopted October 2020 (**DR3.28**).

4.39 In addition, a Coventry View Management Framework (undated) (**DR3.22**) has been prepared by the Council. Unlike an SPD, this has not been through a formal process of consultation and adoption, and hence does not carry the same weight as an SPD in planning decisions. It is however still a material consideration, particularly in informing the implementation of Development Plan policies dealing with key views across the city centre of the Three Spires of St Michael, Christ Church and Holy Trinity.

4.40 A Tall Buildings Design Guide & Three Spires View Management Framework draft SPD was issued for consultation on 3rd August 2022 (**DR3.19**). The consultation closed on 14th September 2022. This draft SPD provides generally similar information to that included in the Coventry View Management Framework, including in relation to the view cones of the Three Spires when viewed from the Butts, which is to the west of the City Centre South development.

4.41 A Design Guidance for New Residential Development draft SPD (**DR3.20**) and a separate Biodiversity Net Gain draft SPD (**DR3.21**) were issued for consultation from June 2022 until 17th August 2022. The former provides detailed design guidance in respect of residential development and the majority of its provisions will be of more direct relevance to the consideration of detailed proposals at the Site (i.e. reserved matters applications).

4.42 The above draft SPDs are a material consideration insofar as relevant to the consideration of the Refined Scheme but as they are still to be adopted by the Council, they carry less weight than an adopted SPD.

5. THE SCHEME & ITS EVOLUTION

Description of the Consented Scheme

5.1 The 2022 Permission was issued by the Council on 27 January 2022 (**DR3.2(a)**), following the completion of the necessary Section 106 Agreement ("**s106 Agreement**")

(**DR3.2(b)**). Two associated Listed Building Consents concerning works to Coventry Market and removal and relocation of the William Mitchell Three Tuns Mural were issued on 21st June 2021 (see **DR3.4** and **DR3.5**). The Planning Officer's Report to the Council's Planning Committee concerning the Consented Scheme (OUT/2020/2876) is **DR3.3**.

5.2 The Description of Development ("**DoD**") for the 2022 Permission, is as follows:

"Full application:

A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;

Outline application:

B. For part of the site (Parameters Plans Document March 2021 Revision B) for the demolition of all existing buildings and redevelopment of the land for mixed uses, including details of the layout and scale of new development, with details of access, appearance and landscaping reserved; and

C. For part of the site for the demolition of all existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment of up to 1,300 residential units (Class C3), up to 150 hotel rooms (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway."

5.3 Part A of the DoD deals with those matters where full planning permission has been granted and corresponds to works proposed to listed buildings within the Site, mirroring the works proposed through the two associated Listed Building Consents.

- 5.4 Parts B and C of the DoD are concerned with the outline components of the 2022 Permission. Part B relates to those parts of the development which are generally located adjacent to listed buildings and where layout and scale are fixed but where other matters (i.e. access, appearance and landscaping) are reserved for future consideration. Part C constitutes the majority of the Site and relates to those locations not covered by Parts A and B. All matters are reserved for future consideration in those locations covered by Part C. A plan indicating the various locations within the Site where the different components of the DoD apply in relation to the 2022 permission is included at my **Appendix RB4**.
- 5.5 Part C of the DoD also refers to the stopping up of existing highway. Certain areas of public highway require to be stopped up to facilitate the Consented Scheme (and is similarly required for the Refined Scheme). The extent of public highway to be stopped up is described in the evidence of Mr D’Onofrio (**DR2.6**) and Mr Vaughan (**DR2.7**). Mr D’Onofrio also notes that the Council as both Local Planning Authority and Local Highway Authority are content that the stopping-up of public highway is necessary for the scheme to be implemented and agree that the order should be confirmed.
- 5.6 The 2022 Permission is subject to 49 no. planning conditions and the s106 Agreement. Planning conditions defining the approved plans and documents to which development must accord, are summarised below:
- (a) A Parameter Plans Document (which reserved matters must comply with) – Condition no. 6(i);
 - (b) A Development Principles Document (which reserved matters must comply with or where there is a conflict, to suitably justify such conflict) – Condition no. 6(ii);
 - (c) Cundall Flood Risk Assessment (which development must accord with) – Condition no. 24;
 - (d) Cundall Preliminary Geo-environmental risk assessment and associated unexploded ordnance assessment (which development must accord with) – Condition no. 36; and
 - (e) Approved detailed drawings and the Environmental Statement / Environmental Statement documents (development to be implemented in accordance with details / ES conclusions and mitigation measures) – Condition no. 46.

5.7 The s106 Agreement associated with the 2022 Permission deals with the following two main matters:

(a) The undertaking of viability reviews at defined triggers (namely on submission of the first reserved matters application and then on the submission of reserved matters containing the 500th and 800th dwelling) and, if there is a development surplus, to contribute towards / provide affordable housing or other defined development infrastructure; and

(b) Agreement of a Relocation Strategy for the Three Tuns Mural.

5.8 In relation to 5.6 (a) above, the application was determined based on a financial viability appraisal provided with the application. It was accepted by the Council (as local planning authority) that the proposed development could not provide affordable housing, so provision was made in the s106 Agreement for the viability position to be reviewed at the defined later stages to re-assess this position.

5.9 Schedule 2 of the s106 Agreement sets out a requirement for the developer to submit to the Council for approval an Affordable Housing Scheme to define the tenure, mix and certain other details concerning any future affordable housing to be provided as part of the development. Schedule 3 of the s106 Agreement outlines the alternative locations where the Three Tuns Mural could be located within the development, corresponding to the similar details included in the Development Principles Document referenced at condition no. 6 (ii) of the 2022 Permission.

5.10 Section 19 of the s106 Agreement deals with the possibility of any future s73 permissions. This identifies that the obligations set out in the s106 Agreement shall also relate to and bind any such subsequent s73 permission, also noting that a separate planning obligation by deed of agreement may be entered into in connection with a s73 permission if the Council (acting reasonably) considers it desirable to do so.

5.11 The Consented Scheme is underpinned by a series of parameter plans approved by virtue of Condition 6(i) of the 2022 Permission. These parameter plans deal with the following matters and aim to provide flexibility in future building layouts and heights over the majority of the site.

(a) Land use;

(b) Building plots, including lateral limits of deviation;

(c) Minimum and maximum building heights;

(d) Access and movement; and

(e) Extent of demolition.

5.12 The 2022 Permission also provides for flexibility in the location and quantum of different uses to be provided within the Consented Scheme. Further detail on the degree of flexibility provided by the various scheme parameters is included in a Parameter Plans Document approved as part of the permission. In addition to replicating the aforementioned parameter plans, the document includes cross-sections and other drawings to further articulate the parameter plans. It also defines the minima and maxima quanta of different land uses capable of being provided as part of the Consented Scheme, with the maximum quanta also included within the DoD.

5.13 The accompanying Development Principles Document provides further detail on the design principles to be applied to future development. In particular, this document sets out mandatory and recommended principles covering the following main items to be reflected in reserved matters submissions brought forward pursuant to the 2022 Permission:

(a) Architectural diversity and form;

(b) Active frontages;

(c) Mix of uses;

(d) Scale, height and roofscape;

(e) Materials;

(f) Public realm;

(g) Permeability;

(h) Hierarchy of spaces;

(i) Access strategy and accessibility;

(j) Material and street furniture;

(k) Green infrastructure;

(l) Public art strategy, designated and non-designated public art; and

- (m) Area specific design principles applying to different locations within the Scheme.

5.14 The application for the 2022 Permission was accompanied by an Environmental Statement. In accordance with the Scoping Opinion Request submitted by the Applicant and the Scoping Opinion issued by the Council on 8th September 2020 (Council reference: SCO/2020/1537), the Environmental Statement comprised the following principal technical chapters:

- (a) Socio-economics;
- (b) Archaeology;
- (c) Transportation and access;
- (d) Noise and vibration;
- (e) Air quality;
- (f) Water resources, flood risk and drainage;
- (g) Daylight, sunlight and overshadowing;
- (h) Wind micro-climate; and
- (i) Townscape, heritage and landscape impact.

5.15 In addition, the following assessments were included as part of the Environmental Statement: Human Health; Risk of Major Accidents and Disasters; and Climate Change. The following topics were scoped out of the Environmental Statement and, where relevant, covered in other supporting technical documents submitted as part of the application: Ground Conditions; Biodiversity; Land; and Waste Management.

5.16 Tables summarising the structure and content of the Environmental Statement, and the plans, drawings and other documents submitted as part of the application for the 2022 Permission and associated listed building consent applications, are reproduced at **Appendix RB5**.

5.17 The Consented Scheme was considered by the Council's Planning Committee on 22nd April 2021. A registered speaker was present at the meeting and spoke in respect of his objections to the application (Mr Trevor Cornfoot, speaking on behalf of the Coventry Society). Councillor Jim O'Boyle, Cabinet Member for Jobs and Regeneration, attended

the meeting and spoke in support of the application. The Applicant's representative also spoke in support of the application.

- 5.18 The Officer Report to the Planning Committee (**DR3.3**) listed the relevant provisions of the Development Plan and other material planning considerations relating to the application, noting the economic, social and environmental benefits of the proposals, and setting out the planning balancing exercise applied, including in relation to impacts on heritage assets. The planning balance exercise, including in the context of the application of heritage policies, was also explained by Officers at the Planning Committee meeting.
- 5.19 The evidence of Mr D'Onofrio and the Outline Statement of Case provides further details in relation to the Council's determination of the Consented Scheme and the planning balance exercise undertaken.
- 5.20 In overall summary however, the Officer Report concluded that the application was in accordance with policies within the Local Plan, the CCAAP and the NPPF. In accordance with the Officer recommendation set out in the Report, the Council's Planning Committee resolved that the granting of planning permission be delegated to the Strategic Lead for Planning, subject to the conditions listed in the report and the completion of the s106 Agreement.

Description of the Refined Scheme

The Planning Strategy

- 5.21 Following the selection of HRL as the development / funding partner for the development, work formally commenced on a review of the Consented Scheme to ensure that it optimised the development opportunity to deliver a comprehensive regeneration scheme for the Site which also maximised the overall benefits that would be provided by the Scheme.
- 5.22 This review process, which culminated in the Refined Scheme, was undertaken on an iterative and collaborative basis with the Council, led by HRL, Allies and Morrison as the architect, and informed by CBRE as the Planning and Environmental Impact Assessment advisor, and also various other environmental and technical specialists.
- 5.23 In terms of the commercial rationale for the changes proposed through the Refined Scheme, evidence on Scheme delivery and viability considerations is provided by others acting on behalf of the Applicant and the Council. Information on retail matters, including in relation to the restructuring of retailing that has informed changes to the commercial

components of the Refined Scheme, is provided in the report of Chris Thomas of CBRE which is appended to my evidence as Appendix **RB1**.

- 5.24 A key objective of the Applicant has been to seek to ensure that the changes sought to the Consented Scheme through the Refined Scheme optimise delivery and viability and are also of a scale and nature that can be dealt with as a 'minor material amendment' to the Consented Scheme planning permission. The latter consideration is important for the Applicant's delivery programme as this planning process is likely to be speedier than if seeking to prepare an entirely fresh application.
- 5.25 The overall planning strategy has therefore been to devise proposals through the Refined Scheme that do not fundamentally alter or significantly differ from the Consented Scheme so that changes can be advanced as an application under Section 73 of the TCPA.
- 5.26 In anticipation of securing consent for the Refined Scheme, work has been undertaken by SPRL to commence developing details for a reserved matters applications ("RMAs") for the first phase of development and other details required to discharge pre-commencement planning conditions. This approach has been adopted by SPRL to minimise the period between approval of the s73 Application for the Refined Scheme and the subsequent submission of reserved matters and pre-commencement condition details, so that site clearance and development can start. SPRL's intention is that RMAs and applications for pre-commencement conditions will be submitted the second quarter of 2023.
- 5.27 Additionally, SPRL has submitted a separate detailed planning application for a new shop mobility facility on land at Salt Lane Car Park in Coventry City Centre (which is outside but close to the Site). This application was pending determination at the time of drafting my evidence. The purpose of this application is to secure planning permission to relocate the shop mobility facility currently situated within the Barracks MSCP which will be demolished as part of the Scheme. This is required by virtue of Condition no. 38 of the Consented Scheme, and which will also be a requirement of any Refined Scheme permission. Again, this approach is being adopted by SPRL so that site demolition and development can start promptly.

Section 96A Non-Material Amendment Application

- 5.28 As a first procedural step and prior to submitting a Section 73 application, a change to the current DoD has been secured to move certain operative elements, including the defined maximum quantitative development parameters, from the DoD into new / altered planning conditions via an application for a non-material amendment under Section 96A

of the TCPA. This is because the maximum quantitative development parameters defined in the DoD require revision as part of the Refined Scheme and it has been held that a Section 73 application cannot alter a DoD. In this case, necessary changes to the DoD were therefore first secured through a Section 96A application before submitting the Section 73 Application.

5.29 A copy of the CBRE covering letter accompanying the Section 96A application is included at my **Appendix RB6**. This describes the specific changes to the DoD and new / modified planning conditions proposed. In summary, the changes proposed through the Section 96A application relate to:

- (1) Removing certain operative elements, including the maximum quanta of residential units, hotel rooms and non-residential floorspace, from the existing Description of Development and transposing these figures into a new planning condition;
- (2) Amending Part B of the Description of Development, which currently fixes the 'scale', to instead reserve 'scale' (within the defined parameters) as a matter for future consideration;
- (3) Amending Condition no. 2 of the permission to clarify that it relates to the submission of all reserved matters (in accordance with Part C of the Description of Development); and
- (4) Altering the timing trigger for when details require to be submitted for approval in relation to an energy assessment (Condition no 7 part (vi)) and in relation to the noise and vibration minimisation scheme (Condition no. 9).

5.30 In relation to the first and second points in the above paragraph, the DoD has been amended as a result of the Section 96A application as follows (text deleted shown as ~~striketrough~~, text to be added shown as underlined).

"Full application:

A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to

Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;

Outline application:

*B. For part of the site (~~Parameters Plans Document March 2021 Revision B~~) for the demolition of **all** existing buildings and redevelopment of the land for mixed uses, including details of the layout ~~and scale~~ of new development, with details of scale, access, appearance and landscaping reserved; and*

*C. For part of the site for the demolition of **all** existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment ~~for of up to 1,300~~ residential units (Class C3), ~~up to 150 a~~ hotel ~~rooms~~ (Class C1), ~~up to 37,500 sqm of~~ mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.”*

- 5.31 The Section 96A application was validated by the Council on 15th September 2022 (application reference NMA/2022/2523) and was approved on 11th October 2022. A copy of the Council’s decision notice is included at **DR3.6**.

Section 73 Application - Approach

- 5.32 Through the Section 73 Application, the following main changes to the Consented Scheme have been proposed:
- (a) Changes to the approved development parameters, as shown on the parameter plans, to alter certain minimum and maximum heights and minimum and maximum footprint deviations identified, and to introduce some additional flexibility in locations where scale and layout is fixed as part of the Consented Scheme; and
 - (b) Changes to certain development quanta as included in the DoD and shown in the Parameter Plans Document notably a decrease in the minimum and maximum quanta of commercial space and an increase in the maximum number of residential units able to be provided in the scheme.

5.33 The detail of the above changes has been discussed extensively between the Applicant and the Council. In relation to the first point above, a plan indicating the various locations within the Site where the different components of the updated DoD apply (updating the corresponding plan at my Appendix RB4 which was provided with the Consented Scheme), is included at my **Appendix RB7**.

5.34 Further detail on the changes proposed to the parameter plans on a block by block basis is set out in the evidence of Robert Maxwell of Allies and Morrison (**DR2.2**). In summary, the principal changes can be described as follows:

- (a) Introduction of vertical deviation of circa. 2m on Blocks A1, A2 and parts of B and C where building heights were previously fixed but where details of scale are now reserved;
- (b) Increase in height to portions of Blocks D, B, & C
- (c) Alterations to the extent of existing height zones in Block A2 and parts of Block B;
- (d) Reduction in height to Block E and the north of Block B
- (e) Increase in footprint of Block B and C and commensurate reduction in footprint of Block E; and
- (f) Small changes in footprint of Blocks A1 and A2.

5.35 In relation to the changes in development quanta, my **Table 5.1** compares the Consented Scheme and the Refined Scheme in terms of the minimum and maximum levels of floorspace / units that can be provided at the Site post implementation.

Table 5.1: Comparison of Minimum and Maximum Development Quantum

Land use	Consented Scheme: Minimum Development Parameter	Consented Scheme: Maximum Development Parameter	Refined Scheme: Minimum Development Parameter	Refined Scheme: Maximum Development Parameter
Car Parking	90 spaces	300 spaces	No change	No change
Residential (Class C3) units	900 units	1,300 units	No change	1,500 units
Hotel (Class C1) keys/rooms	0	150	No change	No change

Land use	Consented Scheme: Minimum Development Parameter	Consented Scheme: Maximum Development Parameter	Refined Scheme: Minimum Development Parameter	Refined Scheme: Maximum Development Parameter
Use Class E Commercial, Business and Service / Use Class F.1 Non-Residential Institutions / Sui Generis (Cinema / Pub or Drinking Establishment / Hot Food Takeaway Uses)	22,000sqm GIA	37,500sqm GIA	13,275sqm GIA (incl. 9,800sqm new build and retained 3,475sqm)	20,000sqm GIA (incl. 16,525sqm new build and retained 3,475sqm)

- 5.36 I consider that the changes proposed represent an amendment to the Consented Scheme capable of being dealt with through an application under Section 73 of the TCPA. In coming to this view, I have considered the scale and nature of changes proposed and whether the changes would fundamentally alter or result in a substantially different scheme to the one approved.
- 5.37 In assessing whether the Refined Scheme would fundamentally alter or result in a substantially different proposal to the Consented Scheme, I have compared how both proposals perform against relevant Development Plan policies and also considered the differences in associated economic, social and environmental benefits, and a summary of this comparative exercise is included in my **Table 5.2** below.
- 5.38 My more detailed assessment of how the schemes compare against key relevant Development Plan policies and objectives, and also their environmental, economic and social benefits, is set out Section 6 of my evidence.

Table 5.2: Summary overview of Scheme Compliance against Key Development Plan Policies

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with City Centre	The Refined Scheme contributes strongly to the	The Refined Scheme performs overall in a similarly highly

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Strategy (CLP Policy R2 and CCAAP Policy CC1)	objectives of these policies and also positively addresses the majority of the defined policy criteria (noting that not all of the policy criteria are relevant to the Scheme).	positive way to the Consented Scheme in respect of relevant City Centre Strategy Development Plan policies and associated objectives.
Compliance with City Centre South Policy (CCAAP Policy CC19)	The Refined Scheme contributes strongly to the objectives of this policy and to the majority of the defined policy criteria. The main criteria where the Scheme differs to the policy is in relation to the criterion requiring an increase of at least 10,000 sq.m. gross retail floor space and the criterion concerning the relocation of car parking arising as a result of the demolition of the Barracks MSCP.	<p>The Refined Scheme performs overall in a similarly highly positive way to the Consented Scheme in respect of CCAAP Policy CC19 and its objectives.</p> <p>The Consented Scheme could potentially have provided a similar level of retail floorspace to that provided at the Site although like the Refined Scheme, the Consented Scheme does not provide an increase of at least 10,000 sq.m. gross retail floor space.</p> <p>The Refined Scheme will provide a lesser amount of retail floorspace to that which is currently provided but this is considered an appropriate response to changed circumstances. These circumstances and the compatibility with Policy CC19 is considered in detail from paragraphs 6.6 to 6.18 below.</p> <p>It is also worthy of note that given the flexibility in quantitative parameters applying to both Schemes, the Consented Scheme and Refined Scheme could provide a broadly similar level and balance of uses in planning terms.</p>
Compliance with CLP Housing	The Refined Scheme makes a substantial contribution to meeting the area's housing needs, in terms of general	The Refined Scheme performs better than the Consented Scheme against the Local Plan's housing policies, as well

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Policies (Policies H1, H3, H4 & H6)	housing needs, affordable housing specifically (of up to 20% provision) and through the introduction of housing into the city centre where provision is currently limited.	as against national planning policies on housing. The Consented Scheme makes a large contribution to meeting the area's future housing needs, although the level of maximum housing proposed is lower in comparison to the Refined Scheme. The Consented Scheme is not able (currently) to provide any affordable housing.
Economic Benefits	See Section 7.2 for details of principal economic benefits arising from the Refined Scheme.	Compared to the Refined scheme, the Consented Scheme delivers a greater level of benefit in terms of job creation once the development is occupied.
Social Effects	See Section 7.3 for details of principal social benefits arising from the Refined Scheme.	The inclusion of additional housing and the increased potential for provision of affordable housing within the Refined Scheme are additional substantial public benefits compared to the Consented Scheme.
Environmental Effects	See Section 7.4 for details of principal environmental benefits arising from the Refined Scheme.	<p>The Refined and Consented schemes perform similarly with regards to flood risk, wind microclimate and townscape.</p> <p>The Refined scheme performs marginally better than the Consented Scheme in terms of traffic and air quality.</p> <p>The Consented Scheme performs marginally better than the Refined Scheme in terms of construction noise, archaeology, and daylight, sunlight and overshadowing (DSO).</p> <p>In terms of Heritage, the Consented Scheme performs</p>

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
		marginally better in some areas and slightly worse in other areas compared to the Refined Scheme.

5.39 My view is that whilst there are differences between the Consented and Refined Schemes arising from (a) the differences in the maximum and minimum development quanta applied to different land uses; and (b) the differences in terms of the physical parameters of development, the Schemes are not fundamentally or substantially different to one another.

5.40 Whilst the level of commercial (retail) space in the Refined Scheme is lower than provided for in the Consented Scheme, both schemes are still comprehensive mixed-use regeneration schemes with a large component of residential, together with extensive areas of active frontages at street level to create a vibrant city centre environment. The extent of active ground floor frontage to be provided is broadly similar across both schemes, although the commercial space in the Refined Scheme has been reduced, including as a result of the general removal of first floor retail space. Other changes are also provided for in the Refined Scheme including the provision of covered rear servicing areas to all commercial space in Blocks B, C and D. These changes have been made to optimise delivery by reflecting the scale and nature of retail and other commercial units that are likely to be the most attractive to the market.

5.41 Although changes are proposed to the physical parameters of the development provided as part of the Consented Scheme, the magnitude of proposed change has been influenced by policy and other design / heritage considerations that apply such as:

- (a) Retention of views of the 'Three Spires' particularly from the Butts to the East;
- (b) The desire to greatly improve the setting of the Grade II listed Coventry Market;
- (c) The need to sensitively address the relationship of the development to other listed buildings adjoining the site, including the former BHS and Woolworths buildings on Market Way, Broadgate House and the Reform Club; and

- (d) Improving the pedestrian permeability of this part of the city centre with the creation of more legible and attractive public realm, and a pedestrian circuit using Market Way, Hertford Street and a new east / west link across the Site between the junction of Hertford Street, New Union Street and Warwick Row.

- 5.42 These factors have helped to ensure that the scale and type of impacts arising as a result of the physical changes to development parameters in terms of the massing and siting of development blocks, including those impacts identified in the respective Environmental Statements and other assessments prepared for the Consented and Refined Schemes, whilst not identical, remain broadly similar overall.
- 5.43 Importantly the Council, as the local planning authority and decision maker on this matter, agrees and accepts that the proposals can be dealt with via an application under Section 73 of the TCPA to amend the 2022 Permission (as already amended by the s96A application).

Section 73 Application – Form and Content

- 5.44 The Section 73 Application was validated by the Council on 11th November (application reference S73/2022/3160); a copy of the local planning authority's online portal confirmation of the validation date is included at **DR3.7**.
- 5.45 Prior to the submission of the Section 73 Application, a scoping note prepared by CBRE was submitted to the Council. The purpose of the note was to set out the scope of changes to be carried out to the approved Environmental Statement (presented in the form of an Environmental Assessment Addendum) and associated technical assessments.
- 5.46 The Section 73 Application for the Refined Scheme includes the following key components:
- (a) Updated Parameter Plans, covering similar matters to those described for the 2022 Permission at paragraph 5.11 of my evidence;
 - (b) An updated Development Principles Document, covering similar matters to those described for the 2022 Permission at paragraph 5.13 of my evidence; and
 - (c) An Environmental Statement Addendum, updating relevant chapters and assessments included in the Environmental Statement provided for the Consented Scheme.

- 5.47 Further details on the scope of the documents and assessments that have been updated to accompany the Section 73 Application for the Refined Scheme is included at my **Appendix RB8** and is explained in the Planning Statement to the application.
- 5.48 Additionally, it is proposed that the s106 Agreement will be varied to reflect the revised Financial Viability Appraisal and to identify an alternate potential replacement location for the Three Tuns mural on the western side of Block B. This is to replace the location identified in the existing s106 Agreement within the north eastern part of Block B which is no longer available due to the retention of the HMV Empire building which is now being proposed through the Refined Scheme.

The Evolution of the Consented and Refined Schemes

- 5.49 Both the Consented and Refined Schemes have been subject to significant and comprehensive pre-application engagement with the Council, as the local planning authority, together with engagement with other stakeholders and consultees, to reach agreement on various matters. Both Schemes have also been subject to a programme of co-ordinated public consultation and engagement events to explain the proposals and invite feedback in advance of the submission of associated applications. The public consultation and engagement activities carried out for the Consented and Refined Schemes are summarised in my **Table 5.3** below:

Table 5.3: Summary of Public Consultation and Engagement Activities

Scheme	Summary of Public Consultation and Engagement
Consented Scheme	<ul style="list-style-type: none"> • Several pre-application meetings with the local planning authority covering a range of planning, design and other related matters. • Meetings with various stakeholders held between April and September 2020 including with Historic England, Coventry Civic Society, Coventry City of Culture Trust, the Twentieth Century Society, Coventry Cycle Mayor and Royal London. • Various meetings and briefings with political representatives of the Council. • Two webinars for members of the public held on 1st and 4th July 2020 and a market traders webinar held on 30th June 2020. • Scheme publicity including digital and print articles in various local and national publications.

Scheme	Summary of Public Consultation and Engagement
	<ul style="list-style-type: none"> • Preparation of a web site to provide details of the proposals, together with feedback forms (of which 281 were received).
Refined Scheme	<ul style="list-style-type: none"> • Several pre-application meetings with the local planning authority covering a range of planning, design and other related matters. • Meetings with Coventry Retail Market, local businesses and stakeholder groups such as the Coventry Civic Society. • An exhibition to local businesses within the Site held on 2nd November 2022. • Two public exhibitions held on 3rd and 5th November 2022. • Consultation event for Coventry Retail Market traders held on 5th November 2022. • Preparation of a web site to provide details of the proposals.

5.50 A Planning Performance Agreement between the Council and the Applicant was entered into for both the Consented and Refined Schemes.

5.51 Pre-application engagement with the Council has included:

- (1) Frequent pre-application meetings to agree the format of the applications, and the form and content of the Parameter Plans and other application documents.
- (2) Further separate meetings with various Council Officers to discuss and agree technical matters relevant to the proposals.
- (3) Engagement through the Environmental Impact Assessment Scoping process, to agree the scope of the Environmental Statement / Environmental Statement addendum.

5.52 A proactive approach towards engagement between the Applicant and the Council was carried forward during the determination period for the Consented Scheme up to formal grant of planning permission issued on completion of the s106 Agreement. At the time of drafting my evidence, the S73 Application for the Refined Scheme has been submitted but is still under determination by the Council as local planning authority although a similarly proactive approach towards pre-application engagement for the

Consented Scheme has been adopted for the Refined Scheme during its determination period to date.

5.53 Despite the size, comprehensive nature and high profile of the proposed development, the application for the Consented Scheme, and associated applications for listed building consent, attracted a low number of objections. A summary of the objections received are set out in the Planning Officer's Committee Report (**DR 3.3**).

5.54 To date, very low number of objections have been received to the Refined Scheme. My **Table 5.4** below provides my summary of the consultee comments received to the Section 73 Application as of 19th December 2022.

Table 5.4: Refined Scheme – Summary of Consultee Responses

Consultee	Summary of Consultee Response
LLFA	<ul style="list-style-type: none"> No objection subject to conditions (proposing a broadly similar condition to that attached to the Consented Scheme planning permission).
Coventry City Council Housing and Homeless Services	<ul style="list-style-type: none"> No objection noting in relation to affordable housing that the Consented Scheme included no affordable housing and although 20% is less than that what we would normally expect (SPD6 states 25% affordable provision) the additionality of 20% units of affordable housing as part of the Refined Scheme would be of great benefit to meet housing need. It is accepted that 20% is the maximum viable alternative for this specific site and is an obvious improvement on the previous application.
Coventry City Council Economic Development Services	<ul style="list-style-type: none"> No objection subject to a condition to require a social value plan to seek to ensure that local people and communities benefit from employment opportunities, apprenticeships, primary and secondary school liaison, workforce development, local supply chain spend, community engagement and environmental initiatives.
Health and Safety Executive	<ul style="list-style-type: none"> No objection / comment as the application does not fall within any HSE consultation zones.

Consultee	Summary of Consultee Response
Historic England	<ul style="list-style-type: none"> Confirmation that there are no comments to make further to those raised in their response to the earlier Scheme which was approved (i.e. 2022 permission). HE would expect any planning agreement in relation to the demolition and reinstatement of the Three Tuns murals to link in to this s73 application should it be granted in due course.
Coventry City Council Environmental Protection	<ul style="list-style-type: none"> Further information requested regarding mitigation measures to be used to minimise noise on residents arising from deliveries to Coventry Market, the HMV Empire and other entertainment establishments on Hertford Street.
Coventry City Council Street Lighting PFI Team (Balfour Beatty)	<ul style="list-style-type: none"> No objection. Note requirement for engagement with Street Lighting team prior to construction.
NHS Coventry and Warwickshire Integrated Care Board	<ul style="list-style-type: none"> Request for additional s106 financial contribution above the amount requested as part of the Consented Scheme associated with the increase in maximum residential parameter.
Royal London	<ul style="list-style-type: none"> Object to the application, including on the basis that development is not comprehensive, deliverable or viable and notes issues regarding servicing impact on the Lower Precinct shopping centre and Coventry retail market.
Coventry Society	<ul style="list-style-type: none"> Object to the application, including with reference to the level and mix of affordable housing proposed, that the minimum housing parameter should be increased, concerns over the massing of Blocks B, C and E, and requesting that provision is made for 'affordable retailing'.

6. COMPLIANCE WITH PLANNING POLICY AND OBJECTIVES FOR REGENERATION

6.1 As already explained, the principal Development Plan policies of relevance to my evidence are Policy R2 of the Local Plan and Policy CC1 of the CCAAP which set out the development strategy for Coventry city centre, together with CCAAP Policy CC19

which specifically considers the regeneration of the southern part of the Primary Shopping Area where the Site is situated. Other Development Plan policies are also of relevance to the Scheme and its benefits, including those relating to housing.

- 6.2 The following parts of my evidence assesses how the Refined Scheme complies with planning policy and objectives for regeneration and also my commentary on how this compares to the Consented Scheme.
- 6.3 In overall terms, I consider that the Refined and Consented Schemes perform in a broadly similar manner with regards to their compliance with planning policies and objectives for regeneration. This is to be expected as the underlying Development Plan applying to both Schemes has not altered and, whilst I acknowledge that there are differences between the Consented and Refined Schemes, they are not fundamentally or substantially different. I do consider however that the increased potential for the provision of affordable housing within the Refined Scheme is a substantial material benefit when compared to the Consented Scheme.
- 6.4 With regard to Policies R2 and CC1, it should be acknowledged that these relate to Coventry city centre as a whole. Thus, whilst the overarching objectives of these policies, which are to ensure that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture, are applicable to the Scheme, it does not follow that the Scheme must address every policy criterion listed to contribute to these objectives. Some are not relevant to the Scheme. In my opinion however, the Refined Scheme contributes strongly to the objectives of these policies and as noted in my **Table 6.1** below, also positively addresses the majority of the defined policy criteria.

Table 6.1: The Development Strategy for the City Centre (Policies R2 and CC1)

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
1.	Focus as a national and international destination to live, work and play	The Refined Scheme provides for the comprehensive regeneration of the area, including provision for a mixture of residential, commercial and other uses. It makes a significant positive	The Refined and Consented Schemes both make a significant positive contribution to this policy criterion.

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
		contribution to this policy criterion.	
2.	Enhancement of the retail and leisure offer	The parameter plans for the Scheme have been devised to provide for a large degree of flexibility in terms of their ability to accommodate a range of shop sizes that reflect market requirements and enhance the quality of the retail and leisure offer. The Refined Scheme also makes specific provision for the retention of the HMV Empire. It makes a significant positive contribution to this policy criterion.	The Refined Scheme includes a lower quantity of commercial type space than the Consented Scheme but both Schemes provide for the delivery of a substantially similar overall proportion of ground floor active frontages to the street.
3.	Provision of high quality office space	The parameter plans for the Scheme provide for the ability to accommodate high quality office space in a range of locations. The Scheme has the potential to make a positive contribution to this policy criterion.	The Refined Scheme includes a lower quantum of commercial space than the Consented Scheme, but the Parameter Plans for the Refined Scheme provide for a similar degree of flexibility in terms of the potential to accommodate high quality office space in a range of locations.
4.	Becoming a hub for education	Not applicable	Not applicable
5.	Including a variety of places to live which cater for different needs	The Refined Scheme makes a substantial contribution to this policy criterion, providing for up to 1,500 new homes, of which there is the potential for up to 20% to be in the form of affordable housing. The precise mix of housing will be determined at the reserved matters stage,	In comparison, the Refined Scheme makes a more substantive contribution to this policy criterion, particularly in terms of the potential for delivery of up to 20% affordable housing.

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
		although the intention will be to deliver a variety of housing types and tenures.	
6.	Preserving / enhancing the character and setting of the historic environment	A key objective of the Refined Scheme is to consider the character and setting of the historic environment, including its relationship to adjacent listed buildings, views of the 'Three Spires' from outside the Site, improvements to the setting of the Grade II listed Coventry Market, public art across the Site and in the strategy for the relocation of the Three Tuns Grade II listed mural. Whilst the development causes certain heritage impacts, these are outweighed by the substantial benefits of the Scheme.	The Consented and Refined Schemes perform in a broadly similar way against this policy criterion, noting that in some locations, the Consented Scheme performs marginally better whereas in some other locations, the Refined Scheme performs marginally better.
7.	Creating a connected public realm including public squares and green spaces, desirable and legible pedestrian routes	The Refined Scheme includes comprehensive proposals to regenerate the public realm and urban environment more widely, including the creation of public squares, green spaces and legible pedestrian routes. These, and other important design principles, are incorporated into the Development Principles Document and parameter plans. The Scheme makes a significant positive contribution to this policy criterion.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard.
8.	Being accessible for all	This is a principle of the Refined Scheme. The associated Development Principles Document	Both the Consented and Refined Schemes are underpinned by similar principles and objectives

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
		includes requirements associated with accessibility.	in this regard. Both schemes comply with this policy criterion.
9.	Providing an attractive and safe environment for pedestrians, cyclists and motorists	This is a principle of the Refined Scheme. The associated Development Principles Document and parameter plans include requirements associated with the access strategy, permeability, public realm features etc.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard. Both schemes comply with this policy criterion.
10.	Providing a high-quality public transport system	Not directly applicable although like the Consented Scheme, the Refined Scheme considers the possibility for future proposals for Very Light Rail through the city centre and also requires reprovision of the existing taxi rank on Rover Road which is located within the Site.	Both Schemes perform in a similar manner against this policy criterion.
11.	High quality sustainable built design	This is a principle of the Refined Scheme. The associated Development Principles Document includes a wide range of requirements aimed at securing high quality sustainable built design as part of future reserved matters applications.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard. Both schemes comply with this policy criterion.
12.	Continuing to develop a vibrant and attractive night-time economy	The parameter plans for the Refined Scheme have been devised to provide for a large degree of flexibility in terms of their ability to accommodate a range of unit sizes and uses, including those that can contribute to a vibrant	The Refined Scheme includes a lower quantity of commercial type space than the Consented Scheme but both Schemes provide for the ability to contribute to developing

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
		and attractive night-time economy, such as drinking establishments and restaurants. The Refined Scheme also makes specific provision for the retention of the HMV Empire as part of the development. The Scheme has potential to make a positive contribution to this criterion.	a vibrant and attractive night-time economy. Unlike the Refined Scheme, the Consented Scheme proposes the demolition of the HMV Empire and therefore made a less positive contribution to this criterion.
13.	Providing opportunities to improve health and wellbeing	The Refined Scheme includes a mixture of uses and major improvements to the public realm, accessibility and legibility of the area which will help to promote social interactions. The Refined Scheme also includes the potential to provide a medical centre.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard. Both schemes comply with this policy criterion.
14.	Continuing to support greater integration of the university within the wider city centre in accordance with the policies in the CAAP	Not applicable	Not applicable
15.	Recognising and preserving key views to the iconic three spires of St Michaels, Holy Trinity and Christchurch	The need to retain views of the Three Spires, particularly from the Butts to the west of the Site, has been an important consideration in defining the maximum Scheme massing parameters.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard. Both schemes have regard to this policy criterion.
16.	Supporting the reintroduction of green and blue infrastructure	The Refined Scheme proposes the introduction of green and blue infrastructure as part of	Both the Consented and Refined Schemes are underpinned by similar principles and objectives

No.	Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
	throughout the city centre, including opportunities for de-culverting wherever possible	future reserved matters applications, including through the delivery of associated requirements set out in the Development Principles Document (for example, this document includes a specific section on Green Infrastructure).	in this regard. Both schemes comply with this policy criterion.

- 6.5 With regards to heritage impacts referenced in row 6 of my **Table 6.1** above, any negative heritage impacts from the Scheme are assessed as being less than substantial with only one particular impact being assessed as substantial, which arises from the removal of the Grade II listed Three Tuns Mural from its current setting. As I describe elsewhere in my evidence when discussing the planning balance, the substantial benefits of both the Consented and Refined Schemes outweigh any less than substantial and substantial harm arising, and the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Additionally, the relocation of the Three Tuns Mural is a specific requirement of CCAAP Policy CC19 and this relocation is an integral part of the Consented and Refined Schemes. The mechanisms for achieving this relocation were approved as part of the Consented Scheme, which were defined through engagement with the Council's Conservation officer and Historic England. Identical mechanisms for relocation are proposed for the Refined Scheme.
- 6.6 With regard to Policy CC19, as this is specific to the Site, in terms of policy compliance, I consider that the Scheme should be assessed against the objective of the policy and compliance with all of the criteria listed within it.
- 6.7 Policy CC19 states that the regeneration of the southern part of the Primary Shopping Area (3), for predominantly comparison shopping will be promoted, encouraged and supported.
- 6.8 The reference to '*Primary Shopping Area (3)*' in Policy CC19 refers to the areas marked (3) on Plan 17b '*Primary Shopping Area – Development Guidelines*' included on page 84 of the CCAAP (**DR3.10**).
- 6.9 The boundary of the Refined Scheme is identical to that of the Consented Scheme and is in broad accordance with the extent of the areas marked (3) on Figure 17b. The Scheme falls entirely within the Primary Shopping Area as defined by the Development

Plan. The main difference between the Scheme boundary and Figure 17b is that the Refined Scheme boundary excludes the former Woolworths and BHS buildings on the northern section of Market Way. This is explained by the fact that these buildings are now listed, and this change in circumstance occurred after the adoption of the CCAAP.

6.10 The reference to the '*approved planning permission*' in Policy CC19 is the earlier outline planning permission for the Site approved in 2012. As noted, this permission formed an important basis to the requirements set out in the policy. As Mr Thomas explains in his report (**Appendix RB1**), since this date and also after the date of adoption of the CCAAP and Local Plan in 2017, high street retailing has seen a significant structural shift, recently further exacerbated by the impacts of COVID. At the same time, there has also been a shift towards a growth in city centre living over recent years.

6.11 Mr Thomas and others further explain that the UK Retail Market is in a period of significant change and adaptation after several years of contraction. The contraction in the retail offer of Towns and Cities reflects wider structural changes in the retail industry, particularly the diversion of retail sales to online, accelerated by the COVID 19 pandemic.

6.12 Such shifts were reflected in the Consented Scheme which moved away from a mixed-use scheme anchored with large retail formats and very limited residential provision to a mixed-used scheme with a reduced amount of retail space, albeit with a maintained focus on the creation of active frontages to the street across majority of the Scheme, and a significantly greater proportion of residential as part of the overall mix of uses.

6.13 Following approval of the Consented Scheme, the retail market has continued to restructure, most recently (and since the approval of the Consented Scheme), in response to inflationary pressures which have reduced disposable household incomes. These continued changes in retail are a key driver to the make-up of the Refined Scheme in terms of the lesser amount of commercial / retail space now proposed. Similarly, the continued growth in demand for city centre living has influenced the increase in the maximum quantitative residential parameter proposed in the Refined Scheme, together with the desire for affordable housing provision and optimising overall development delivery and viability. The driver towards residential in the city centre also accords with Government national policy, objectives and commitments as explained elsewhere in my evidence.

6.14 I do not consider that Policy CC19, or any other relevant Development Plan policies, are out of date, and this position is not disputed in the evidence of the Council's Planning Officer, Mr D'Onofrio. The overall regeneration objectives of Policy CC19 and the

majority of its associated criteria remain relevant and appropriate. It is accepted however that *'the world has moved on'* in terms of high street retailing since the adoption of the Local Plan, meaning that the first criterion of Policy CC19 requiring an increase of at least 10,000 sq.m gross retail floor space is not deliverable in the contemporary retail situation, and nor was it at the time of the Consented Scheme. Thus, whilst this change in circumstances does not render Policy CC19 out of date, the specific requirements of this Policy criterion does not reflect the current position with regards to the town centre retail market. I would also make the point that there was no local or national policy requirement to undertake a retail impact (or need) assessment as part of the applications for either the Consented or Refined Schemes, by virtue of the Site's location within the city centre.

- 6.15 If it were alternatively concluded that Policy CC19 (or any other Development Plan policy that was judged to be important for determining the application) is out-of-date, Paragraph 11 of the NPPF would be engaged which requires that planning permission be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. If this position was taken for the Refined Scheme, I do not consider that this would result in a different conclusion to the one I have already reached (i.e.) that there are no planning impediments to the Scheme and that the planning balance is strongly in favour of the development. The Refined Scheme will still create substantial public benefits that would not be outweighed by adverse impacts, contributing substantially to the economic, social and environmental wellbeing of the area and it will be strongly supported by national planning policies.
- 6.16 Notwithstanding the fact the Refined Scheme (and Consented Scheme) do not accord with the quantitative retail floorspace uplift criterion of Policy CC19 (and also do not fully re-provide for all of the parking spaces lost arising from the redevelopment of the Barracks MSCP as noted in my **Table 6.2** following paragraph 6.18 below), it is my opinion that the Refined Scheme accords with the overall objective of this policy to regenerate this part of the city centre and also accords with the majority of its criteria save for those mentioned. The Refined Scheme will make major qualitative improvements to the retail provision of the area and in this regard, like the Consented Scheme, provides an enabling framework that will support, encourage and promote comparison and other forms of retailing, alongside a range of other uses necessary to regenerate the area and create a vibrant city centre.

- 6.17 It is my opinion that, as with the Consented Scheme, the Refined Scheme is in overall accordance with the Development Plan as a whole, including in relation to the regeneration objectives for the city centre and the City Centre South area in particular. The Council's Planning Officer, Mr D'Onofrio, also agrees (**DR2.6**) that the Refined Scheme will be in accordance with the Development Plan and regeneration aims for the City Centre South area, that the changes compared to the Consented Scheme will not diminish the broad scale of economic, social and environmental benefits that will be generated, and that there is no planning impediment to the grant of permission for the Refined Scheme.
- 6.18 I have set out in my **Table 6.2** below an analysis of the Refined Scheme's compliance with Policy CC19, and also how this compares to the Consented Scheme.

Table 6.2: The Regeneration of the Southern Part of the Primary Shopping Area (Policy CC19)

Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
Regeneration of the area for predominantly comparison shopping will be promoted, encouraged and supported.	<p>The Refined Scheme provides an enabling framework to promote, encourage and support the regeneration of the area, which will be able to include comparison shopping as part of an overall mix of uses.</p> <p>There has been structural shift in retail since the policy was drafted and adopted. This shift is reflected in national policy and other changes such as the introduction of Use Class E which provides for greater flexibility to change between business, commercial and service uses, including retail.</p>	<p>The Consented Scheme could potentially have provided a greater level of comparison shopping by virtue of the great level of commercial space proposed but the Refined Scheme is considered an appropriate response to changed circumstances as detailed above.</p> <p>It is worthy of note however that given the flexibility in quantitative parameters applying to both Schemes, the Consented Scheme and Refined Scheme could provide a broadly similar level and balance of uses in planning terms.</p>
An increase of at least 10,000 sq.m gross retail floor space	The Refined Scheme does not comply with this aspect of the Policy (nor does the Consented Scheme). This is because of the structural shift in retail since the adoption of the Development Plan in	Like the Consented Scheme, the Refined Scheme does not provide an increase of at least 10,000 sq.m gross retail floor space.

Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
	2017 and the underpinning retail evidence base prepared in 2014. Due to this change in circumstance, the level of uplift in retail floorspace envisaged by the Policy is not now deliverable and as such, the amount of retail proposed in the development is set at a lower level.	The Consented Scheme could potentially have provided a similar level of retail floorspace to that currently provided at the Site. The Refined Scheme will provide a lesser amount to that which is currently provided but this is considered an appropriate response to changed circumstances as detailed above.
A range of shop sizes that reflect market requirements	The parameter plans for the Refined Scheme have been devised to provide for a large degree of flexibility in terms of their ability to accommodate a range of shop sizes that reflect market requirements.	Both the Consented and Refined Schemes provide for parameter plan flexibility including the potential to accommodate shop sizes that reflect market requirements. Both schemes comply with this policy criterion.
High quality entrances from the Precinct, Queen Victoria Road and Bull Yard	The Refined Scheme includes comprehensive proposals to regenerate the public realm and urban environment more widely, including the creation of high quality entrances in the locations defined. This, and other important design principles, are incorporated into the Development Principles Document and parameter plans.	Both the Consented and Refined Schemes are underpinned by similar principles and objectives in this regard. Both schemes comply with this policy criterion.
The redevelopment of the Barracks car park and the relocation of the parking spaces as part of a new multi storey car park incorporated within the development	The Refined Scheme includes the redevelopment of the Barracks car park and the provision of new car parking in the Site. The Refined Scheme (like the Consented Scheme) does not fully re-provide for spaces lost due to the redevelopment of the Barracks car park, but transport evidence to both the Consented and Refined Schemes conclude that the	The Consented and Refined Schemes identify the same minimum and maximum car parking spaces.

Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
	loss of public car parking spaces would be sufficiently compensated for in alternative car parks in the area and therefore parking replacement is not necessary in transport terms. This alternative parking includes the Salt Lane MSCP, which is located close to the Site and was constructed after adoption of the Local Plan.	
The relocation of the listed mural situated in Bull Yard to a new and prominent site situated within the new development	The requirement to relocate the William Mitchell Three Tuns listed mural situated in Bull Yard to a new and prominent site situated within the new development is set out in the Development Principles Document and the s106 variation associated with the Refined Scheme. These documents, together with the associated Listed Building Consent, will ensure the careful removal, temporary storage (if required) and ultimate permanent re-siting of the mural.	The Consented and Refined Schemes make similar provisions for the relocation of the listed mural situated in Bull Yard to a new and prominent site situated within the new development. Both schemes comply with this policy criterion.
The retention of the listed market building, with improvements made to its setting and connectivity to Queen Victoria Road and Market Way	Like for the Consented Scheme, requirements and principles concerning the retention of the listed Coventry Market building, together with improvements to its setting and connectivity to Queen Victoria Road and Market Way, are embodied in the parameter plans and Development Principles Document provided with the Refined Scheme. The creation of a new high quality public realm around the Market, which currently sits in a poor quality and untidy urban environment, mostly comprising servicing and circulation space to the rear	The Consented and Refined Schemes make similar provisions for the retention of the listed Coventry Market building, together with improvements to its setting and connectivity to Queen Victoria Road and Market Way. Both schemes comply with this policy criterion.

Main Policy Issue	Assessment of Refined Scheme Compliance	Comparison to Consented Scheme
	of commercial properties, is a key objective of the Refined Scheme.	
Associated residential provision of at least 40 homes as part of upper floors above retail uses	The Refined Scheme quantitative parameters provide for between 900 and 1,500 residential units. This complies with this policy objective which sets a minimum number of homes to be provided.	The Refined Scheme provides a similar lower but higher maximum level of residential units compared to the Consented Scheme although both schemes comply with this policy criterion.
Complementary leisure, office and hotel uses as part of upper floors above retail uses	The Refined Scheme quantitative parameters provide for between 13,275sqm and 20,000sqm of retained and new commercial space (including retail, offices, various leisure and other similar uses), together with the potential for a hotel of up to 150 rooms.	The Consented and Refined Schemes provide for the same potential level of hotel provision. The Refined Scheme provides a lower level of commercial floorspace compared to the Consented Scheme although both schemes comply with this policy criterion.

Local Plan Housing Policies

- 6.19 In comparison to the Consented Scheme, I consider that the Refined Scheme provides even greater positive impacts in relation to its contribution to housing delivery overall and significant benefits in relation to its improved potential for a contribution to affordable housing.
- 6.20 Policy H1 states that provision must be made for a minimum of 24,600 additional dwellings between 2011 and 2031 in the Local Plan area. This equates to an annualised average delivery rate of 1,230 dwellings over the Plan period. It should also be noted that the written justification to the Policy explains that Coventry's Objectively Assessed Need ("OAN") for housing over this period is actually much higher (at a figure of at least 42,200 additional dwellings) but that the lower minimum target of 24,600 was selected for the Policy due to constraints on land supply and other considerations.
- 6.21 A higher level of housing is also reflected in the DLUHC Standard Method to calculating Local Housing Need which identifies 2,325 as the current annualised housing need

figure for Coventry. This higher level also reflects the Government's commitment to apply a 35% uplift in housing in Greater London and the country's 19 other most populated cities and urban areas, which includes Coventry. In the delivery of this uplift, the Government notes that this is expected to be met by the cities and urban centres, rather than surrounding areas and, that in considering how this need is met in the first instance, brownfield and other under-utilised sites should be prioritised to promote the efficient use of land. The Government's stated rationale for doing this is threefold⁴:

- (a) Building in existing cities and urban areas ensures that new homes can maximise existing infrastructure;
- (b) There is potentially a profound structural change working through the retail and commercial sector, and we should expect more opportunities for creative use of land in urban areas, which allows priority to be given to the development of brownfield land, thereby protecting green spaces; and
- (c) Climate aspirations demand a spatial pattern of development that reduces the need for unnecessary high-carbon travel.

6.22 The Refined Scheme (and also the Consented Scheme) directly responds to these Government commitments. The Scheme will deliver a minimum of 900 new high-quality homes as part of a sustainable mixed-use neighbourhood. If the proposed maximum parameter of 1,500 residential units were delivered as part of the Refined Scheme, it would enable Coventry to meet over 6% of its minimum housing target defined in the Policy. This contribution exceeds the potential maximum contribution of the Consented Scheme (which includes a lower maximum parameter of 1,300 residential units). Similarly, the Refined Scheme has a greater potential to contribute to expressed higher housing need requirements and deliver Government regeneration objectives for urban areas.

6.23 Policy H6 states that schemes of 25 dwellings or more (excluding student accommodation), or more than 1ha, are expected to provide 25% of all dwellings as affordable homes. The Refined Scheme includes the potential for up to 20% affordable housing. I consider the improved potential for the provision of affordable housing to be a significant additional positive benefit of the Refined Scheme, particularly in the context of past levels of under-supply in the area. Whilst this fact does not have an impact in terms of the mix of uses proposed in the Refined Scheme (i.e. the overall level of residential to be provided is not affected by whether some of this total is affordable

⁴ [Government response to the local housing need proposals in "Changes to the current planning system" - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-the-current-planning-system)

housing), it does provide further positive support to the Refined Scheme in the overall planning balance exercise to be applied when assessing whether planning permission ought to be granted.

- 6.24 In addition to being in overall accordance with the Development Plan, as set out in my **Table 6.3** below, it is also my opinion that the Scheme (which includes both the Consented and Refined Scheme) is strongly supported by key relevant national planning policies as described in Section 4 of my evidence.

Table 6.3: Compliance with the National Planning Policy Framework

Policy Theme	Assessment of Scheme Compliance
Delivering a Sufficient Supply of Homes	The Scheme will support the Government's objective of significantly boosting the supply of homes, and will contribute to meeting the needs of groups with specific housing requirements including (the Refined Scheme makes a further significant contribution in this regard through the inclusion of affordable housing).
Ensuring the Vitality of Town Centres	The Scheme is necessary to ensure the growth and adaption of the city centre and promote vitality and viability. Particularly, the Scheme has been designed to allow the area to respond to rapid changes in the retail and leisure industries, allowing for a suitable mix of uses, including housing, together with the retention of the existing Coventry Market, together with a significant enhancement to its surroundings.
Promoting Healthy and Safe Communities	The Scheme, through the comprehensive mixed-use renewal of the area with new high quality buildings and well laid-out attractive open spaces, public squares and legible connections through and out of the area, will promote social interaction, create a safe and accessible environment for people, and help to support healthy lifestyles.
Promotion of Sustainable Travel	The Scheme, which is significant in scale, is located in a highly sustainable location supported by necessary infrastructure and facilities, including a genuine choice of transport modes.
Effective Use of land	The Scheme, which is mixed-use and of a substantially higher density than the current Site

Policy Theme	Assessment of Scheme Compliance
	use, promotes an effective use of under-utilised brownfield land and buildings in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
Achieving Well-Designed Places	The Scheme, which is comprehensive in nature, will create a well-designed place that will: function well, create a strong sense of place and add to the overall long-term quality of the area; be visually attractive; have regard to and be sympathetic to its context; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create a place that is safe, inclusive and accessible and which promotes health and well-being.
Conserving and Enhancing the Historic Environment	The Scheme has been planned and designed to seek to conserve and enhance the historic environment as far as possible. Where impacts are unavoidable, in accordance with national planning policy, the harm is necessary, and it is shown that the substantial and other public benefits of the Scheme outweigh this harm.

6.25 In relation to Supplementary Planning Documents and Guidance, these do not have the same status as the Development Plan but are a material consideration. In so far as they are relevant to the Scheme, the Development generally complies with their provisions. There is a potential design guidance conflict with regards to the minimum distances specified between windows of residential habitable rooms. It should be noted however that these distances are based on suburban residential typologies rather than city centre apartments where development is normally at a higher density. Additionally, a purpose of the Development Principles Document, to be applied to reserved matters submissions, is to ensure a satisfactory design response to address matters such as potential for over-looking.

7. BENEFITS OF THE SCHEME

7.1 The following paragraphs of my evidence summarise the anticipated economic, social and environmental benefits of the Refined Scheme, noting that the final quantification of benefits will often relate to the amount and precise mix of floorspace delivered and that is a matter of detailed design and reserved matters approval.

Economic Benefits

7.2 The Delivery of the Refined Scheme represents a direct investment of approximately £450 million in Coventry, which will comprehensively regenerate and transform the Site. More particularly, the Refined Scheme will deliver the following main economic benefits:

7.2.1 **Construction employment:** 180 No. gross full time equivalent construction jobs per annum over a circa 10 year construction period. It is estimated that 47 of these full time equivalent jobs would be taken up by the local community living within the Council's area. Construction activities would also provide apprenticeship and other training and skills development opportunities.

7.2.2 **Operational employment:** Up to 1,090 full time jobs on completion in the development: This benefit should also be seen in the context of: average economic activity amongst the working-age population being significantly lower at the local neighbourhood (52.8%) and local authority (72.4%) than the national average of 76.8% (Census data); and that the existing Development Site is characterised by a high level of vacancy in the retail and office units representing a lost opportunity to support economic activity and jobs. As at March 2020, the estimated vacancy rate was 26%. As discussed earlier in my evidence, the level of vacancy has likely increased since this time, affected by the on-going structural changes which have been exacerbated by the COVID pandemic and as such, existing jobs supported at the Site will likely be lower than previously.

7.2.3 **Improved city centre vitality and viability:** The Refined Scheme will provide for modern purpose built commercial floorspace and new high quality public realm, creating a high quality environment that improves the functioning of the city centre to attract a range of new and high quality occupiers. The Scheme will also create a new residential community in this part of the city centre, providing up to circa 3,660 new residents generating a commensurate increase in household expenditure. These factors will assist in attracting increased footfall and vibrancy throughout the daytime and into the evening, and also support the viability of businesses within the area and the wider city centre.

7.2.4 **Other economic benefits:** Whilst not generally material planning considerations in the determination of the Application, I would also note that the Refined Scheme will generate substantial receipts to support Council service delivery including annual business rates, annual Council Tax and New

Homes Bonus, payable to the Council. For example, based on the maximum residential parameter, additional Council tax receipts are estimated to total at least £3m annually⁵, supporting local Council service delivery.

Social Benefits

7.3 The Refined Scheme will deliver the following main social benefits:

7.3.1 **Provision of new high-quality homes in a sustainable city centre**

location: The Site currently provides no housing and the wider city centre's housing offer predominantly comprises purpose-built student accommodation. Nationally, there is a pressing need and national planning policy imperative to deliver more homes, particularly in urban areas through the more effective use of previously developed land. The Refined Scheme will create of a mix of new market and affordable homes, increasing housing choice within the city centre and supporting the needs and aspirations of Coventry residents.

7.3.2 **Meeting housing needs:**

The Refined Scheme will deliver a minimum of 900 new high-quality homes as part of a sustainable mixed-use neighbourhood. If the proposed maximum parameter of residential development (1,500 units) were delivered, it would enable the Council to meet over 6% of its minimum housing target defined in CLP Policy H1 (and Policy DS1), making an important contribution to the Council's unmet housing need, including when measured against the DLUHC Standard Method to calculating Local Housing Need which identifies a much higher level of housing need than the minimum housing target included in the CLP.

7.3.3 **Meeting affordable housing needs:**

The Refined Scheme will increase the variety of provision in the local housing market, including the potential provision of up to 20% affordable housing (i.e. up to between 180 and 300 affordable homes), to contribute to the creation of a mixed and balanced community in the city centre. There is also a recognised need for affordable housing in Coventry, and which is exacerbated by past levels of under-provision of affordable housing in the area. The Local Plan confirms a minimum average level of affordable housing provision of 348 units per year over the Plan period. However, up to 2021, the Council's most recent Annual Monitoring Report confirms that an average of only 236 affordable dwellings per year have been delivered since 2011.

⁵ Based on Band D Council Tax band for Coventry City Council for 2022/23

- 7.3.4 **Health and wellbeing:** The Refined Scheme will deliver circa. 2.4 hectares of open space for residents and visitors to socialise, relax and dwell in, of benefit to the health and wellbeing of existing local residents and visitors, and future residents of the Scheme. New public realm will be well-defined and well-designed as a place to pass through and a place to dwell, centred on two new public squares and improvements to the existing space at Hertford Street, linked by legible and attractive routes, providing improved opportunities for walking and socialising, improving the perception and functioning of the area.
- 7.3.5 **Improved surveillance:** As secured by the Parameter Plans Document and Development Principles Document, the Refined Scheme will improve passive surveillance through the removal of inactive frontages and ill-defined servicing areas and through the introduction of a new residential population on-site, thereby benefitting public safety.
- 7.3.6 **Improved perceptions of the area:** the Scheme will provide an overall enhancement of the city centre offer with a range of new retail, leisure and community facilities, along with the introduction of high quality residential development into the area, improving the external perception of Coventry as a place to live, work and visit, attracting new residents, visitors and investment

Environmental Benefits

- 7.4 The Refined Scheme will deliver the following environmental (including heritage), benefits:
 - 7.4.1 **Effective sustainable use of previously developed land:** bringing underutilised land in a city centre location back into productive use, maximising the use of brownfield land in a way which will enhance the quality of the built environment to the benefit of existing and new residents in Coventry. The Refined Scheme will minimise the requirement to deliver an equivalent number of homes and other uses on greenfield land, with its associated loss of biodiversity and amenity value.
 - 7.4.2 **Built environment renewal:** Substantial improvements to the quality of the built environment within the Site, through the removal of current poor quality buildings and public realm with new, high quality public spaces and buildings, also enhancing historically important north-south connectivity along Hertford Street and Market Way, as well as establishing new and legible east-west connectivity through the Site.

- 7.4.3 **Creation of a larger amount and better quality of public space:** the Site's current layout hinders pedestrian connectivity through the site and into the city centre, with an illegible mixture of servicing areas, pedestrian precincts and lower-quality public spaces. A comprehensive approach to the redevelopment of the Development Site will enable the delivery of a legible and attractive public realm with soft landscaped areas and planting. The Scheme will provide a qualitative improvement to the publicly accessible space within the Site and is organised to maximise the benefits of recent public realm improvements immediately adjacent to the Site, such as the new children's play area and water feature adjacent to the Wave and Christchurch Spire.
- 7.4.4 **Encouragement of sustainable modes of travel:** By removing surplus car parking capacity in the city centre and replacing with productive uses.
- 7.4.5 **Potential for Biodiversity Net Gain:** through the creation of new planting, and the inclusion of green and brown roofs at detailed design (reserved matters) stage. Whilst landscaping is a reserved matter, it is anticipated that the biodiversity net gain of the Proposed Development will meet or exceed the 67% net biodiversity gain established by the Consented Scheme, far exceeding the 10% increase to be required as a result of the Environment Act 2021.
- 7.4.6 **Positive townscape effects:** The Refined Scheme will deliver:
- (a) Beneficial townscape effects within the Coventry Central Retail townscape character area, with the re-introduction of historic north-south routes across the site (Market Way and Hertford Street) and creation of new east-west routes, improving the permeability and legibility of pedestrian circulation;
 - (b) Beneficial townscape on the adjacent Greyfriars Green townscape character area, with the introduction of varied rooflines and façade treatment and use of high-quality materials; and
 - (c) Beneficial effects in the Coventry West and Coventry South Mixed Use townscape character area south and west of the Development Site, with the removal of the inactive frontage associated with City Arcade and its multi-storey car park and replacement with high-quality buildings with active street frontages set within a high-quality public realm.

7.4.7 Enhancement of setting of designated heritage assets: At present, the Grade II Listed Coventry Market is relatively obscured from public view situated to the rear of the primary pedestrian thoroughfare along Market Way and is surrounded by vehicle parking and servicing areas, in a poor-quality environment. The Refined Scheme will enhance the situation of the Market relative to the retail circuit and public realm; the southern Market frontage will face onto one of the new public squares highlighting the prominence of the Market as a retail destination and enabling its architectural and communal values as a designated heritage asset to be experienced in a more open manner. The Refined Scheme will also result in an enhanced setting for the Grade II listed NatWest Bank building.

7.5 In overall terms, the Refined Schemes will deliver similar economic, social and environmental (including heritage) benefits to those associated with the Consented Scheme. In terms of benefits, the headline differences between the Consented and Refined Schemes can be succinctly summarised as being:

- (a) The Refined Scheme offers greater social benefits in terms of the increased level of housing proposed, and notably the substantial benefits associated with the improved potential for the provision of up to 20% affordable housing compared to the contribution from the Consented Scheme; and
- (b) The Consented Scheme provides a greater level of employment during the operational phase, arising from the greater level of potential commercial space compared to the Refined Scheme, but this fact must be balanced with the additional benefits associated with the delivery of housing, and particularly the potential for increased levels of affordable housing, by the Refined Scheme.

7.6 It is my opinion that both the Consented Scheme and Refined Scheme make a significant contribution to the achievement of the promotion and improvement of the economic, social, and environmental well-being of the area.

7.7 In relation to the planning balance, the Council's consideration in this regard in the context of the Consented Scheme is set out in the Committee Report (**DR 3.3**). It is my opinion that an overall similarly positive planning balance applies to the Refined Scheme. In particular, the Scheme (both Consented and Refined) is in accordance with the Development Plan overall, the NPPF, and key local policy material considerations. Any adverse effects arising from the Scheme are considerably outweighed by the substantial economic, social and environmental benefits that will be provided, which

carry significant weight. With regards to heritage policy, the substantial harm, which is limited to one designated asset, is necessary to achieve the substantial public benefits of the Scheme that outweigh that harm. Similarly, the benefits of the Scheme outweigh any less than substantial harm to designated heritage assets and outweigh any harm to non-designated heritage assets. Further information with regards to the planning balance is described in the planning statements prepared in support of the applications for the Consented and Refined Schemes.

8. OBJECTIONS TO THE CPO

- 8.1 The majority of the objections made to the CPO do not touch on matters relevant to my planning evidence. Certain practical points, such as in relation to servicing and access, stopping up of highways, and design considerations, are dealt with in the evidence of others.
- 8.2 The principal objection of relevance to my evidence is a point raised by Royal London who contends that the Scheme is not comprehensive, notably by virtue of excluding the Lower Precinct shopping centre area from its boundary. I disagree with the position of Royal London.
- 8.3 I do not dispute that it is necessary to take a comprehensive approach to secure the regeneration of the southern part of the city centres' primary shopping area. Such an approach will create holistically a new public realm and urban environment and as can be explained by the evidence of others, it is also necessary from a commercial perspective in terms of being able to attract the quality of occupier needed for the success of the scheme and the scale of improvement sought for the area.
- 8.4 Adopting such a comprehensive approach is precisely what the Refined Scheme achieves, in a similar manner to the Consented Scheme. The boundary of the Site reflects the general extent of the land and buildings envisaged for the City Centre South scheme detailed in CCAAP Policy CC19 and as shown on CCAAP Figure 17b. The main difference between the Site boundary and CCAAP Figure 17b is that the Site excludes the former Woolworths and BHS buildings on Market Way whereas these buildings are shown as included on CCAAP Figure 17b. Their exclusion from the Site is explained by the fact that these buildings have been statutorily listed since the adoption of the CCAAP.
- 8.5 Neither Policy CC19 nor CCAAP Figure 17b envisages or requires the inclusion of the Lower Precinct shopping centre area to secure the regeneration of the southern part of the Primary Shopping Area, and to deliver the relevant policies and objectives for the area. The Lower Precinct area is different in character to the Site; it is not in the same

generally poor condition as the Site and is not needed for the proper planning of the area to deliver the relevant Development Plan policies and regeneration objectives. The Refined Scheme will create a substantial new city centre resident population together with modern retail, leisure and other commercial space, and will also contribute to the vitality of the wider area, with potential to support other parts of the city centre, including those adjacent to the Site such as the Lower Precinct Area.

- 8.6 As explained elsewhere in my evidence, the Refined Scheme, like the Consented Scheme, is in accordance with the Development Plan overall and will contribute substantially to the economic, social and environmental wellbeing of the area.

9. **CONCLUSION**

- 9.1 The desire to comprehensively redevelop and regenerate the southern part of Coventry city centre has been a long-held ambition and regeneration objective of the Council. This has been articulated over a period of circa 15 years in different masterplans, previous application proposals, the adopted Development Plan for the area and its associated evidence base, procurement and other processes progressed by the Council to facilitate the development, including to secure a developer and funding partner, obtain grant funding towards the development, and the undertaking of demolition and other works.
- 9.2 The Refined Scheme has been developed as an evolution of the Consented Scheme in partnership with the Council as landowner. It represents the further major proactive step to realise the policy objectives and ambition for the delivery of the City Centre South scheme, which is identified in the adopted CCAAP as a priority to the delivery of the plan.
- 9.3 Whilst the Refined Scheme differs from the Consented Scheme in certain respects, they are not fundamentally or substantially different. As such, the types and broad scale of economic, social and environmental benefits attributed to each are also generally similar.
- 9.4 I recognise that, compared to the Consented Scheme, the Refined Scheme is unlikely to generate as much employment during the operational phase. Conversely however, the Refined Scheme does generate new positive benefits. Of particular note is that it proposes affordable housing at a level of up to 20%. I consider this fact to be a significant additional benefit when compared to the Consented Scheme, in terms of the contribution the Refined Scheme makes towards addressing the need for affordable housing in the area. The additional potential level of housing in general provided for by the Refined Scheme is also a positive comparative benefit.

9.5 In overall conclusion, it is my opinion that the Refined Scheme, like the Consented Scheme, is in accordance with the Development Plan overall, will make a significant contribution to a number of the Plan's policies and objectives, and will contribute substantially to the economic, social and environmental wellbeing of the area. In my view, the overall planning balance lies strongly in favour of granting planning permission for the Refined Scheme, similar to the position reached for the Consented Scheme.

9.6 Given this position, together with the fact that the proposals perform similarly overall in terms of compliance with relevant local and national planning policies, and that the Development Plan has not materially changed since approval of the Consented Scheme, I consider that the Council would grant planning permission for the Refined Scheme. As such, and as with the Consented Scheme, I consider that there is no planning impediment to the delivery of the Refined Scheme.

10. STATEMENT OF TRUTH

10.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



Richard Brown

29 December 2022

**Appendices to Proof of Evidence
of
Richard Brown
of CBRE**

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Appendix RB1

Retail Report of Chris Thomas of CBRE

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

**THE COUNCIL OF THE CITY OF COVENTRY (CITY CENTRE SOUTH) COMPULSORY
PURCHASE ORDER 2022**

and

Town and Country Planning Act

Stopping-up of public highway

Retail Report

of

Chris Thomas

of CBRE

On behalf of the Council of the City of Coventry

December 20th 2022

1. INTRODUCTION

- 1.1 This Report has been prepared Chris Thomas, a Senior Director with CBRE Ltd who leads the CBRE Midlands and South retail team based out of both the Bristol and Birmingham offices. Chris has an MA (Hons) in Land Economy from the University of Cambridge, and has over 30 years' professional experience in the Retail Sector.
- 1.2 It describes the recent changes in the commercial retail market, which has been influenced by a wide range of factors. This has significantly changed the face of town centre retailing and what retailers now require in such locations. Specific regard is also had to the retail situation in Coventry city centre and at the Site.
- 1.3 The UK Retail Market is in a period of significant change and adaptation after several years of contraction. The contraction in the retail offer of Towns and Cities reflects wider structural changes in the retail industry, particularly the diversion of retail sales to online, accelerated by the COVID 19 pandemic.
- 1.4 These changes have led to a fundamental shift from the initial CCS Scheme approved in 2012 to the subsequent Consented Scheme approved in January 2022. The changes in retailing have continued, including as a result of the continuing impacts of COVID, and most recently, the impact of rising inflation on household spending and retailer profitability. As a result, refinements are needed to the Consented Scheme to ensure that the development is fully reflective of contemporary retail needs.

2. REPORT SCOPE

- 2.1 This Report considers the following main areas:
- (1) The current nature and condition of the site, and how this detracts from attracting retail operators;
 - (2) The commercial retail vision for the Scheme and the potential retail opportunity presented by the proposed development;
 - (3) The general changes in retailing that have occurred, particularly more recently, and how these changes are reflected in the current market context; and
 - (4) An overview of the Consented Scheme and the Refined Scheme in terms of their key common features and level and nature of potential

retail space that is provided for, explaining why the changes to retail space as provided for in the Refined Scheme is appropriate.

- 2.2 Defined terms used in this report are as set out in the proof of evidence of Mr Richard Brown.

3. THE CURRENT NATURE AND CONDITION OF THE SITE

- 3.1 The Site comprises a total site area of 6.36 hectares. It relates to the southern part of Coventry city centre's defined Primary Shopping Area and is predominantly occupied by 1950's and 1960's buildings that formed part of Coventry's post-war reconstruction.
- 3.2 The ground and first floors of the buildings are mainly in retail use or are vacant. There are a number of other town centre uses within the Site including: offices, mainly at upper levels of the buildings, public car parking spaces, servicing areas, food and drink establishments, the HMV Empire live music venue and mixed community uses including social enterprises. The Site also includes a Shopmobility facility (on the ground floor of the Barracks Multi-Storey Car Park), servicing areas, and areas of public realm.
- 3.3 Buildings are of poor quality, tired in appearance, and of a size and form not suited to the needs of high quality modern retailing, similar to other cities in the UK devastated by bombing in the second world war such as Swansea, Plymouth, Southampton and Bristol. Retailers will not invest in a dated environment that doesn't offer the ability to showcase their product to its best, which requires modern, fit-for-purpose units.
- 3.4 Additionally, the existing public realm at the Site is often relatively poor and confusing, with a lack of permeability for pedestrians and users of the area, detracting from the quality of experience now expected from town and city centres and offered by Regional Shopping Centres such as Meadowhall / Bluewater / Merry Hill and Cribbs Causeway, plus strong local competition from Solihull (Touchwood Shopping Centre).
- 3.5 The city centre offers a basic range of mass market Multiples and high street Fashion retailers set within a compact, almost fully pedestrianised, area that provides a shopper friendly but very dated and rundown retail environment. Major closures such as IKEA and Debenhams have not assisted the attraction of the city centre as a retailing location.
- 3.6 The poor quality of buildings and the urban environment generally therefore impacts on the type and brand quality of retailers represented within the Site and is reflected in the fact that Coventry has been identified for several years in PROMIS Reports as having a significantly below average volume and quality of retail provision relative to the size and affluence of the shopping population.

3.7 Coventry city centre has experienced trends and issues similar to those seen nationally which are outlined in Section 5 of this Report. PROMIS information also confirms the following which illustrate the issues facing the city centre:

3.7.1 On average, the PROMIS Non-Food Retail Score fell by 2.8% between Q2 2021 and Q2 2022 across the PROMIS 200 centres. Coventry has seen a change to its Non-Food Retail Score that was comparable with the average over that period.

3.7.2 At Q2 2022, Coventry ranked 70th on the basis of its Non-Food Retail Score and 60th on the Fashion Score and the City ranked 60th on the Anchor Score.

3.7.3 At Q2 2022 the vacancy rate of Coventry city centre stood at 18% of units, which is comparable with PROMIS 200 centre average, and a slight increase on the level recorded at Q2 2021.

3.7.4 The net balance of take up (in movers minus out movers) between Q2 2021 and Q2 2022 was -1.9% of units worse than the PROMIS average for this period. In addition, the vacancy rate in the Prime Pitch in Coventry city centre increased in same period due to closures and occupiers relocating such as River Island and O2.

3.8 Coventry is common of most city centres with very weak occupational demand and ongoing rent renegotiations as occupiers seek to reduce their occupational costs in some cases resulting in turnover deals or exiting the market if terms cannot be agreed. This has meant a market with few examples of consistent rental tome due to the fragmentation of ownerships and different drivers/pressures of retail owners.

4. THE RETAIL VISION FOR CITY CENTRE SOUTH

4.1 In terms of the retail vision, it is understood that the proposals for the Site are seeking to deliver the following objectives:

- (1) Create a diverse retail and leisure offer to complement the rest of the city centre and High Street;
- (2) Attract a balanced tenant mix between desirable national operators and an increased focus on independent retailers; and

- (3) Promote a 24-hour economy with other initiatives to include family orientated uses.

4.2 The vision is to create a new destination in the heart of the city centre with a diverse mix of retail, leisure and residential uses that strikes the right balance between desirable national occupiers and independent retailers. The proposals for the Site will create several distinct spaces which will, in turn, help to create a varied retail and leisure offer, which in combination will attract a wide audience and drive footfall throughout the day and night throughout the city.

4.3 Key to achieving this vision will be shaping a curated destination to sell the 'place' rather than the 'development' and creating a point of difference but also complimenting the rest of the city centre.

4.4 This is because retail has become less about shopping. Destinations need to be at the heart of the community, providing places in which to explore and discover and enjoy with family and friends. Town centres rather than traditional shopping centres are a more attractive place for retailers to offer customers a modern and exciting experience with a mixture of uses for people to live, work and play. Successful retailing destinations that will thrive in the future will have a clear purpose and be based on a balanced approach to physical footprint, digital alignment and logistical execution.

4.5 The proposed development has the ingredients to create a new, successful place with modern retail, leisure and residential spaces at its heart, aided by the following positive factors:

- (1) An existing large catchment area and varied demographic profile, with the potential for new catchments and younger demographics to be introduced through the delivery of significant residential development as part of the development. In combination, these demographics will create a diverse audience for retail and leisure operators to attract – helping to create a 24/7 sustainable town centre economy; and
- (2) A spacious part pedestrianised area that presents an excellent basis to create a high-quality and flexible public realm that provides an attractive setting for retail and leisure operators and residential uses.

4.6 Notwithstanding these positive factors, which will support demand for better quality retailing and leisure uses in Coventry city centre, high street retailing has seen dramatic changes over recent years, including since the approval of the Consented Scheme.

This translates into the scale of the town centre retail market and the amount and type of town centre space now required by operators in 2022/23 and long into the future.

5. THE MARKET CONTEXT

Retailing and General Trends

- 5.1 The retail market in the UK, and globally, has been undergoing huge change over the last 15 years and especially in the last 7 to 8 years as retailers grapple with the change in consumer shopping patterns and ensure they have a multi omni channel offering, which includes a physical store portfolio¹, that satisfies these demands.
- 5.2 COVID-19 accelerated these changes and brought forward the demise of certain occupiers through CVA's or Administrations. What has changed and is more difficult to predict going forward is future consumer shopping patterns as, while internet sales have grown considerably in the last 3 years, retailers and consumers still see the importance of physical stores as part of that offer. What is becoming clear however is that there is a flight to quality and not all locations are benefitting from continued investment by occupiers and Landlords.
- 5.3 The other main fundamental change as a result of COVID-19 is the increased use by customers of Retail Park destinations as these are seen as 'safer' place to shop, have free car parking, and the majority of Retail Parks are anchored by Essential Retailers such as a Food Store or DIY, and offer easy Click and Collect options for occupiers.
- 5.4 The spin off effects of the failures of Beales, BHS and Debenhams, Administration of House of Fraser and store rationalisation of the John Lewis Partnership and ongoing M&S closure programme has sent shock waves through the whole of the UK retail sector. The full effects are still to be felt as a lot of these properties are still empty or have long term redevelopment plans which predominantly are of a mixed use nature to reflect market conditions and demand including from all town centre uses, including residential. The fundamental issue is that these developments take a long time and as a result certain locations in the UK are declining quicker than others due to the reduction in footfall in these locations and over supply of retail space / accommodation.
- 5.5 To give some context to the Department store changes, the UK has lost 83% of its main Department stores since the collapse of BHS 6 years ago. Since 2016, 388 Department stores have shut with currently only about 90 trading although repurposing plans for

¹ 56% of shoppers still like to visit a store before making a purchase online. 67% of luxury consumers still identify that they need to touch and feel products before purchase –

mixed use schemes are at various planning stages. Almost none of them will come back into use as 100% retail sites or Department stores.

- 5.6 Total retail sales in the UK increased by close to 6% pa in 2021, compared with a negligible 0.5% growth in 2020 during the worst of the COVID-19 related lockdowns and store closures. Latest figures based on data from Summer 2022 suggest a decline in total retail sales volumes of -2.8% pa in 2022, given the inflationary pressures related to rising Global commodity prices and the war in Ukraine. Forecasts produced by CBRE assume continued significant diversion of retail sales to online, albeit lower than the level seen in 2021 as some consumers return to physical stores.
- 5.7 F&B spend in cafes and restaurants, and leisure spending, recovered some lost ground in 2021 but the squeeze on disposable incomes is likely to slow the pace of further recovery in 2022 and 2023.
- 5.8 The COVID-19 pandemic had a significant impact on travel and tourism, with international and domestic travel having been either barred or heavily discouraged at various stages of the pandemic. Although domestic tourism bounced back over 2021, the recovery was uneven, with some larger cities still seeing low levels of UK visitors, whilst many smaller towns and cities close to popular holiday destinations saw high visitor numbers.
- 5.9 International tourism and business travel remains significantly below 2019 levels. While demand for domestic and international travel continues to recover in 2022, the squeeze on incomes as a result of rising inflation may curtail the return to pre-pandemic levels, placing sustained stress on retailing and the F&B sector. A clear pattern of shopper missions is emerging with polarising drivers which include destination, experience orientated visits, product specific purchasing and community-based convenience trips.
- 5.10 This has translated in the flight to quality by occupiers with those with strong balance sheets using the rebasing of rents and market conditions to allow them to upsize and relocate within the stronger City locations in the UK which are seeing increased demand for space, albeit the deals agreed reflect market conditions and with majority now involving some form of turnover element either turnover only or with base rent with a turnover top up. Certain retailers such as H&M, Next and Zara are looking to agree TOC deals (Total Occupational Cost deals inclusive of service charge, insurance and where possible rates).

Food and Beverage ("F&B")

- 5.11 The national restaurant market understandably experienced challenging times during COVID. The regions have been particularly impacted, with many well-known brands putting plans to expand outside the UK's key cities on hold. The past five years of growth for the restaurant sector has been driven by increased spending on eating out at different times throughout the day. This pattern has been down to people being away from home for longer periods and being time-poor, as well as a cultural link to food as people become more well-travelled. Millennials and Generation Z have grown up eating out frequently and represent a sizeable portion of this increased spend. Put street food and Instagram into the mix and it's easy to see how the way we eat has changed significantly.
- 5.12 Responding to an ever-increasing consumer demand, the restaurant sector became flooded with new restaurants, resulting in an oversupply in certain locations and the growth in home delivery has also taken its toll. Whilst demand has bounced back after COVID however, the war in Ukraine, and increasing costs has caused several occupiers to reconsider their growth strategies.
- 5.13 Today's consumer wants to know where their food has come from. Now, more than ever before, people value sustainability and zero waste approaches. To varying degrees, consumers are all more conscious of their individual impact on the environment and community. These are the kinds of things that more and more people are basing their choices upon, and this movement is being led by the younger demographic groups.
- 5.14 A well-established desire for authenticity is driving a market where people want to see their bread baked, coffee roasted, beer brewed, and food cooked in front of them. This shift in expectations has played a large part in the street food revolution, which has evolved this type of dining sector. It has progressed from a bustling, messy experience to something more refined, taking place in undercover communal spaces such as food halls of which there are many opening throughout the UK.
- 5.15 Local operators and authentic experiences are therefore critical to creating a successful dining destination now and in the future. People are looking for something that is unique, bespoke and sustainable, not only in eco-terms but in type and business model. There are many operators out there trading exceptionally well at present. They are in tune with today's consumers and how their tastes are progressing and evolving.

Leisure

- 5.16 The cinema market has undergone a transformation in recent years. Traditionally, the market has been dominated by the expansion of large multiplex cinemas in traditional

leisure park locations. Due to a number of factors, such as saturation and lack of demand from complimentary restaurant offers, this growth has slowed considerably. There is still activity in this sector, but it's much less active than in previous years.

5.17 At the same time, we have seen the emergence and now dominance of the 'boutique' cinema market. These are cinemas which put an emphasis on the food and bar offering, are stylish, have comfortable seats and sofas and an almost members club vibe to them.

5.18 The multiplex cinema market is trying to combat the boutique sector by offering VIP as standard in most new cinemas. This is working in part, but still not succeeding fully. With technology improving, the need for the larger projector rooms is fading away. As a result, the size requirement is shrinking, which is playing further into the hands of the boutique sector. Indeed, the recent announcement of trading difficulties at Cineworld backs up the public's increasing preference for a more boutique offer. These new smaller Cinema operators offer a modern and up to date fit out, with large comfortable chairs, sofas, and with waiter table service offering excellent food & beverage.

5.19 The Health and Fitness market has evolved away from the traditional big box gyms. These well-known brands, such as Virgin Active, Fitness First and Nuffield can cost between £60 and £100 a month and a high proportion of their members rarely use all of the facilities. As a result, three sectors have emerged:

(1) Boutique Fitness: UK market leaders include Shred Quarters, Core Collective and F45. The attraction is that they offer intensive workout classes on a 'pay per session' basis. This suits the modern consumers need for flexibility, non-commitment and a variety of workout choices.

(2) Budget Gym: This is a reasonably mature sector now as it started to build momentum in the last recession. There are two main operators in the market: Pure Gym and The Gym. These tenants typically take 12-20,000 sq ft and charge circa £25 to £30 per month with no fixed contract.

(3) Premium Gym: Currently only in London and other major markets.

5.20 The market for Immersive Leisure and competitive socialising has been very active over the past 5 years and strives to offer an experience underpinned by F&B. The pioneer of competitive socialising was All Star Lanes which opened in 2006. This was an adult take on bowling and proved that there was a demand for this type of format. The competitive socialising trend truly kicked off in 2014 with the opening of Bounce, a Ping Pong bar

and restaurant. New operators offering golf, darts, virtual reality, and bowling have since emerged. Lane 7, Roxy Ball Room and Puttshack are all extremely active now.

- 5.21 Research shows that from the revenue in the competitive socialising market, more than 80% come from bookings, which greatly helps the F&B market as a whole and cements this use as a strong destination. Due to this use often not requiring natural light they can take secondary space within buildings, including basement and first floors but means they can compete with cinemas and gyms for space. This helps as the rents will often be lower and their size requirement are typically between 8-15,000 sq ft which would otherwise demand a higher rent.

The Main Ingredients of Successful Town Centre Development

- 5.22 Even though consumers were quick to adapt to the changes brought by COVID-19 and many e-commerce resistant consumers discovered the joys of online shopping, there is no doubt Bricks and Mortar stores will always have a place in the retail landscape. The simple fact is people enjoy shopping. There is the social aspect of going to a Shopping Centre, High Street or Town Centre with family and friends, grabbing a coffee or bite to eat, and getting opinions of what to buy if an item caught their eye and becomes an impulse purchase. This experience cannot be replicated from shopping on a screen. However, many retailers are trying to simulate the social element shoppers want with their digital offerings, the kind modern e-commerce platforms are primed to offer.
- 5.23 The backdrop of any commercial development including retailing requires designs to be flexible and factor in the fast and continuing evolution of how consumers purchase their goods. What is clear is that development proposals need to reflect the market of today and the future, having the correct amount and configuration of commercial/leisure and other space such as residential.
- 5.24 We are seeing many examples where Councils and Developers are looking to amend the design of schemes to include more mixed use to reflect the decline in occupational demand from Retailers. The majority of Retailers will now only take short term leases which badly affects the ability to fund and bring forward Developments. Also, there is an increasing realisation that we need to bring more people back to our City centres to live and work. As such, residential is now recognised as an important ingredient to a successful town centre.
- 5.25 Comprehensive schemes in town and city centres need to create a destination with a diverse mix of retail and leisure uses that strikes the right balance between desirable national occupiers and independent retailers, and importantly grows the night-time economy.

- 5.26 The retail and leisure offer will need to include flexible design to accommodate a range of property types and sizes. This will ensure there are a variety of ground floor retail and leisure spaces to meet a range of operator requirements, and an opportunity to combine units to allow the ground floor offer to flex over time to respond to changing market requirements.
- 5.27 Retail and leisure spaces need to be complemented by high-quality public realm that will provide spill-out spaces and the flexibility for events and pop-ups etc. that will assist in driving footfall in the area. These ingredients, along with other uses important to the vitality of town centres, particularly residential, are needed to curate a destination.

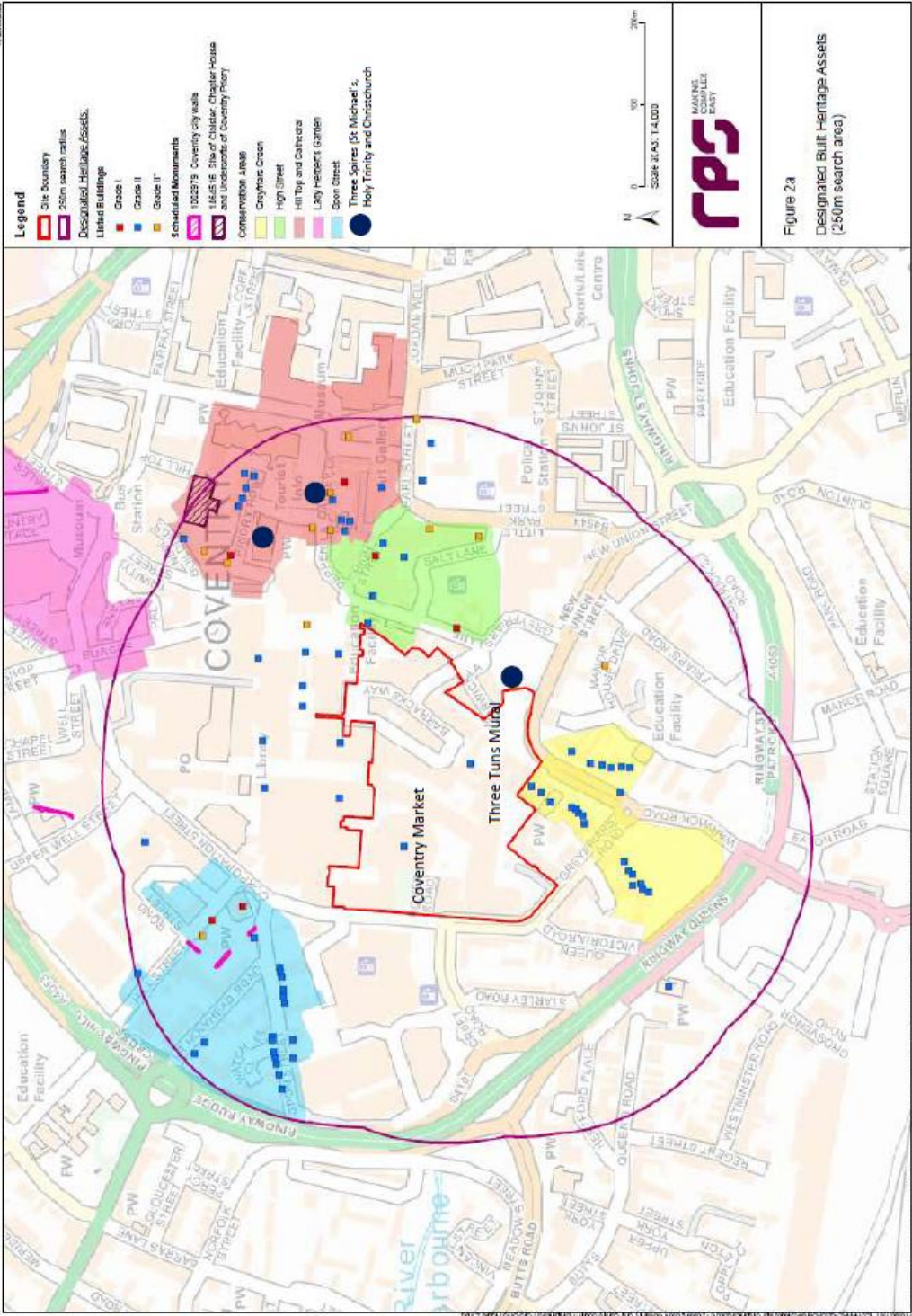
6. THE CONSENTED AND REFINED SCHEME

- 6.1 The Consented and Refined Schemes proposed for the Site share a number of important common features that are key to a successful development and a successful city centre more widely. Common features include:
- 6.1.1 The ability to create new, modern high quality retail, leisure and similar space;
 - 6.1.2 The creation of ground floor active frontages across the majority of the development, which is important to creating vibrancy and activity;
 - 6.1.3 The provision of a high quality public realm, anchored by public squares and connected by legible and attractive routes to draw people into and through the Scheme and also encourage them to dwell;
 - 6.1.4 The ability to accommodate a mixture of uses, including residential at upper storeys, which is important in terms of adding to overall vitality to the development, and the city centre more widely.
- 6.2 These common features will contribute to shaping a curated destination to sell the 'place'. They will combine to offer a modern and exciting experience for users of the area, providing a mixture of uses for people to live, work and play.
- 6.3 The main difference, in retail space terms, between the Consented Scheme and the Refined Scheme is that the Refined Scheme provides for a lower amount of commercial (retail) space. Whilst both Schemes include a similar extent of active ground floor frontage, which is important to creating a vibrant environment, certain moves are now envisaged, such as the general removal of first floor retail space in the Refined Scheme, which reduces the level of commercial space.

- 6.4 Reducing the level of retail floorspace through the Refined Scheme is reflective of the dramatic changes to high street retailing over recent years, including since the approval of the Consented Scheme. This takes into account the scale of the town centre retail market and the amount and type of town centre space now likely required by operators in 2022/23 and long into the future. The scale and format of retail space provided for in Refined Scheme moves the Consented Scheme forward to ensure that development provides for the type and size of retail space required.
- 6.5 It is important however that the Refined Scheme is still able to respond to occupier requirements positively and flexibly, with space which has the capability of being adapted to meet the needs of different users over time, ranging from national multiples to smaller and independent offerings. The nature of the proposed development, including the parameter plans provided as part of the Refined Scheme, embodies this necessary flexibility.

Appendix RB2

Location Plan of Scheme and Designated Heritage Assets



Appendix RB3

Assessment of Scheme Compliance Against Relevant Development Plan Policies

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with Local Plan Policy DS1	The Refined Scheme contributes strongly to the policy objective of delivering a minimum of 24,600 additional homes over the Plan period and will improve the current quality of the retail offer.	<p>The Refined Scheme performs better against this policy objective by being able to deliver more homes than the Consented Scheme.</p> <p>The Refined Scheme will deliver a lesser amount of (in quantitative terms) of commercial space but is considered an appropriate response to changed circumstances arising from the restructuring of retail.</p>
Compliance with Local Plan Policy DS3	The Refined Scheme contributes strongly to the policy objectives of securing development that improves the economic, social and environmental conditions in the area.	<p>The Refined Scheme performs better against this policy objective with the potential for up to 20% on-site affordable housing provision.</p> <p>The Refined Scheme will result in a lower level of job creation than the Consented Scheme, owing to the reduction in non-residential floorspace proposed. However, this reduction in non-residential floorspace responds positively to market demands and requirements and will continue to deliver a mixed-use development contributing to the diversification of the city's economic base and supporting tourism / visitor related development in Coventry city centre.</p>
Compliance with Local Plan Policy DS4 (Part A)	The Refined Scheme contributes strongly to the policy objective relating to comprehensive masterplanning, maximising opportunities to deliver high density residential and mixed-use development within designated centres; responding positively to market demands and requirements and providing a range and choice of	<p>The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.</p> <p>The Refined Scheme results in a broadly similar level of heritage benefits and harm in comparison with the Consented Scheme, in terms of resulting in a combination of less than substantial to some heritage assets and substantial harm</p>

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
	<p>opportunities to meet business and customer needs and providing appropriate levels of car and cycle parking.</p> <p>The Refined Scheme positively addresses the requirements to respond to the local context and local design characteristics; creating new well designed development with a positive character which residents will be proud of, sympathetically integrating existing landscape.</p>	<p>arising from the removal of the Grade II listed Three Tuns Mural.</p>
Compliance with Local Plan Policy HW1	<p>The Refined Scheme contributes strongly to the objectives of this policy by providing a Health Impact Assessment demonstrating that the proposed development would have an acceptable impact on health and wellbeing.</p>	<p>The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.</p>
Compliance with Local Plan Policy JE1	<p>The Refined Scheme contributes strongly to the relevant objectives of this policy by promoting the continued diversification of the city's economic base and supporting tourism / visitor related development in Coventry city centre.</p>	<p>The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.</p> <p>The Refined Scheme will result in a lower level of job creation than the Consented Scheme, owing to the reduction in non-residential floorspace proposed. However, this reduction in non-residential floorspace responds positively to market demands and requirements and will continue to deliver a mixed-use development contributing to the diversification of the city's economic base and supporting tourism / visitor related development in Coventry city centre.</p>

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with Local Plan Policy JE4	The Refined Scheme contributes strongly to the objectives of this policy by providing opportunity for new office accommodation within Coventry city centre.	<p>The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.</p> <p>The Refined Scheme will deliver a lower quantum of non-residential floorspace than the Consented Scheme, however, the opportunity remains to deliver new office accommodation within Coventry city centre.</p>
Compliance with Local Plan Policy JE6	The Refined Scheme contributes strongly to the objectives of this policy by contributing towards the city centre offer for visitor or business tourism.	The Refined Scheme performs in a similarly positive way in respect of the policy objectives, as it continues to accommodate potential for hotel and leisure uses.
Compliance with Local Plan Policy JE7	The Refined Scheme contributes strongly to the objectives of this policy in terms of making job opportunities accessible to the city's residents.	The Refined Scheme performs in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy H9	The Refined Scheme contributes strongly to the objectives of this policy by exceeding the minimum of 200 dwellings per hectare (net) defined in the policy.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy R1	The Refined Scheme will provide new and improved retail floorspace within the city centre, but due to the continued restructuring of retail since adoption of the Local Plan, will make a lesser contributing to the delivery of at least 70,100sqm of (former) Class A1-A5 uses (now Class E and Sui Generis uses), including at City Centre South.	<p>The Refined Scheme will deliver less retail floorspace as part of the reduction in overall non-residential mixed-use floorspace proposed. This is considered an appropriate response to changed circumstances.</p> <p>It is worthy of note however that given the quantitative parameters applying to both Schemes, The Consented and Refined Schemes could provide a broadly similar</p>

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
		<p>level and balance of uses in planning terms.</p> <p>Refer to detailed consideration of compliance with City Centre Strategy (Local Plan Policy R2 and CCAAP Policy CC1) in the main body of the proof of evidence.</p>
Compliance with Local Plan Policy R2	Please refer to details in main body of proof of evidence.	
Compliance with Local Plan Policy R6	The Refined Scheme contributes strongly to the objectives of this policy by delivering restaurants, bars and hot food takeaway within Coventry city centre, a designated centre, in a manner that does not result in significant harm to residents' amenity or highway safety and in accordance with the Hot Food Takeaway SPD.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy CO1	The Refined Scheme contributes strongly to the objectives of this policy by accommodating social / community / leisure facilities within Coventry city centre, a designated centre.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy CO2	The Refined Scheme contributes strongly to the objectives of this policy by securing the appropriate relocation of the Shopmobility facility to a suitable alternative location within the city centre (proposed alternative provision at Salt Lane Car Park is subject to full planning	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
	application pending determination,	
Compliance with Local Plan Policy GE1	<p>The Refined Scheme complies with the requirement to consider removing culverts associated with the River Sherbourne where feasible. As accepted for the Consented Scheme, the de-culverting of the small portion of the River Sherbourne running through the north-western tip of the Site has been demonstrated to not be feasible, as the channel is constrained by existing built development, including the Lower Precinct MSCP and Lower Precinct shopping centre, as well as its associated service yard.</p> <p>The Refined Scheme makes provision for green infrastructure which is to be incorporated within the public realm and on-plot open amenity space out with the proposed development blocks.</p>	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy GE3	The Refined Scheme contributes strongly to the objectives of this policy, as it does not impact on any statutory or non-statutory wildlife sites and biodiversity net gain can be achieved through green landscaping details to be provided in reserved matters details and other ecological mitigation measures subject to planning condition.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with Local Plan Policy GE4	The Refined Scheme contributes strongly to the objectives of this policy by demonstrating there would be no unacceptable loss of existing trees and trees not to be retained are replaced with new trees as part of a well-designed landscape scheme to be brought forward through reserved matters details.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy DE1	The Refined Scheme contributes strongly to the objectives of this policy, notably in relation to ensuring a high quality design, which is ensured through the design requirements set out in Design Principles Document.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy HE2	<p>The Refined Scheme contributes strongly to the majority of the objectives in this policy, including through delivering heritage benefits such as improvements to the setting of the Grade II listed Coventry Market within the Site.</p> <p>The removal and relocation of the William Mitchell Mural (Grade II listed) continues to be secured through the Development Principles Document, proposed planning conditions and section 106 agreement. Non-designated heritage assets comprising public art are similarly proposed to be relocated within the site or elsewhere within the city centre, as detailed in the Development Principles Document.</p>	<p>The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.</p> <p>As with the Consented Scheme and in accordance with the NPPF, the substantial benefits of the development outweigh the necessary substantial and less than substantial harm that arises.</p>

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with Local Plan Policy AC1	<p>The Refined Scheme contributes strongly to the objectives of this policy, by integrating with existing transport networks to promote access by a choice of transport modes and considers the accessibility needs of everyone living, working or visiting the city. The Refined Scheme makes provision for electric vehicle charging points, car club schemes and cycle hire.</p> <p>This includes compliance with the Coventry Connected SPD.</p>	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy AC2	The Refined Scheme contributes strongly to the objectives of this policy, by mitigating and managing predicted traffic growth arising from the Refined Scheme to ensure it does not cause unacceptable levels of traffic congestion.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy AC3	The Refined Scheme contributes strongly to the objectives of this policy by according with the parking standards set out in Local Plan Appendix 5 and commitment to travel plans for the various land uses.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy AC4	The Refined Scheme contributes strongly to the objectives of this policy by incorporating safe and convenient access to walking and cycling routes and provision of cycle parking and associated facilities in accordance with the	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
	standards set out in Local Plan Appendix 5.	
Compliance with Local Plan Policy AC5	The Refined Scheme contributes strongly to the objectives of this policy by ensuring safe and convenient access to the existing bus network.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM1	The Refined Scheme contributes strongly to the objectives of this policy through its commitments in its Energy and Sustainability Strategy and approach to minimising vulnerability to flood risk and including SuDS mitigation measures.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM2	The Refined Scheme contributes strongly to the objectives of this policy through its commitments in its Energy and Sustainability Strategy; by incorporating energy efficiency, biodiversity and renewable energy measures. Details will be provided in accordance with this policy through reserved matters details.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM3	The Refined Scheme contributes strongly to the objectives of this policy through its commitments in its Energy and Sustainability Strategy, by committing to on-site renewable and low carbon energy technologies. Details will be provided in accordance with this policy through reserved matters details.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with Local Plan Policy EM4	The Refined Scheme contributes strongly to the objectives of this policy by satisfying the relevant Sequential and Exception Tests through the submitted Flood Risk Assessment.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM5	The Refined Scheme contributes strongly to the objectives of this policy, as demonstrated by the Flood Risk Assessment and Surface Water Drainage Strategy evidencing its compliant approach to SuDS and meeting the target greenfield runoff rate.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM6	The Refined Scheme contributes strongly to the objectives of this policy, by incorporating mitigation measures to ensure it will not have a negative impact on water quality, providing adequate information regarding risk assessment and consulting with Severn Trent Water to ensure the required wastewater infrastructure will be in place in sufficient time.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local Plan Policy EM7	The Refined Scheme contributes strongly to the objectives of this policy, by promoting a shift to the use of sustainable low emissions transport and demonstrating compliance in its Air Quality Assessment.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with Local	The Refined Scheme complies with this policy by providing an up-to-date financial viability assessment	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives, albeit that the Refined Scheme

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Plan Policy IM1	demonstrating that it cannot viably support the requested off-site financial contributions.	has the potential to provide up to 20% affordable housing provision which is a benefit compared to the Consented Scheme.
Compliance with CCAAP Policy CC2	<p>The Refined Scheme contributes strongly to the majority of policy objectives, by incorporating the line of the medieval City Wall as far as feasible within the proposed landscaping masterplan, which will be detailed through reserved matters details, and providing an appropriate archaeological assessment.</p> <p>The Refined Scheme respects the architectural design principles of the significant elements of the post-WWII reconstruction.</p> <p>Refer to Compliance with Local Plan Policy HE2 for further details.</p>	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC3	The Refined Scheme contributes strongly to the objectives of this policy, by securing high quality design through the Development Principles Document, which will provide a robust framework for architectural and design details to be brought forward through reserved matters details.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC4	The Refined Scheme contributes strongly to the objectives of this policy by incorporating existing public art as an integral part of its design process, and seeking to retain established public art as set out in the Development Principles Document.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Compliance with CCAAP Policy CC6	The Refined Scheme contributes strongly to the objectives of this policy by establishing a palette of materials and street furniture in the Development Principles Document and seeking to reflect the distinctive character of adjacent landscaping such as Broadgate, the Precinct and the open space adjacent to the Wave.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC7	The Refined Scheme contributes strongly to the objectives of this policy by reflecting the view cones identified on CCAAP Figure 4 and associated draft Tall Buildings Design Guide and Three Spires View management SPD.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC8	The Refined Scheme contributes strongly to the objectives of this policy by enhancing north-south and east-west green infrastructure axes through the city centre, as shown on CCAAP Figure 5 and creating two new principal public spaces to complement committed public realm improvements on Market Way and adjacent to Christchurch Spire. Refer to Compliance with Local Plan Policy GE4 for further details.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC9	The Refined Scheme contributes strongly to the objectives of this policy, which are concerned with flood risk and drainage.	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.

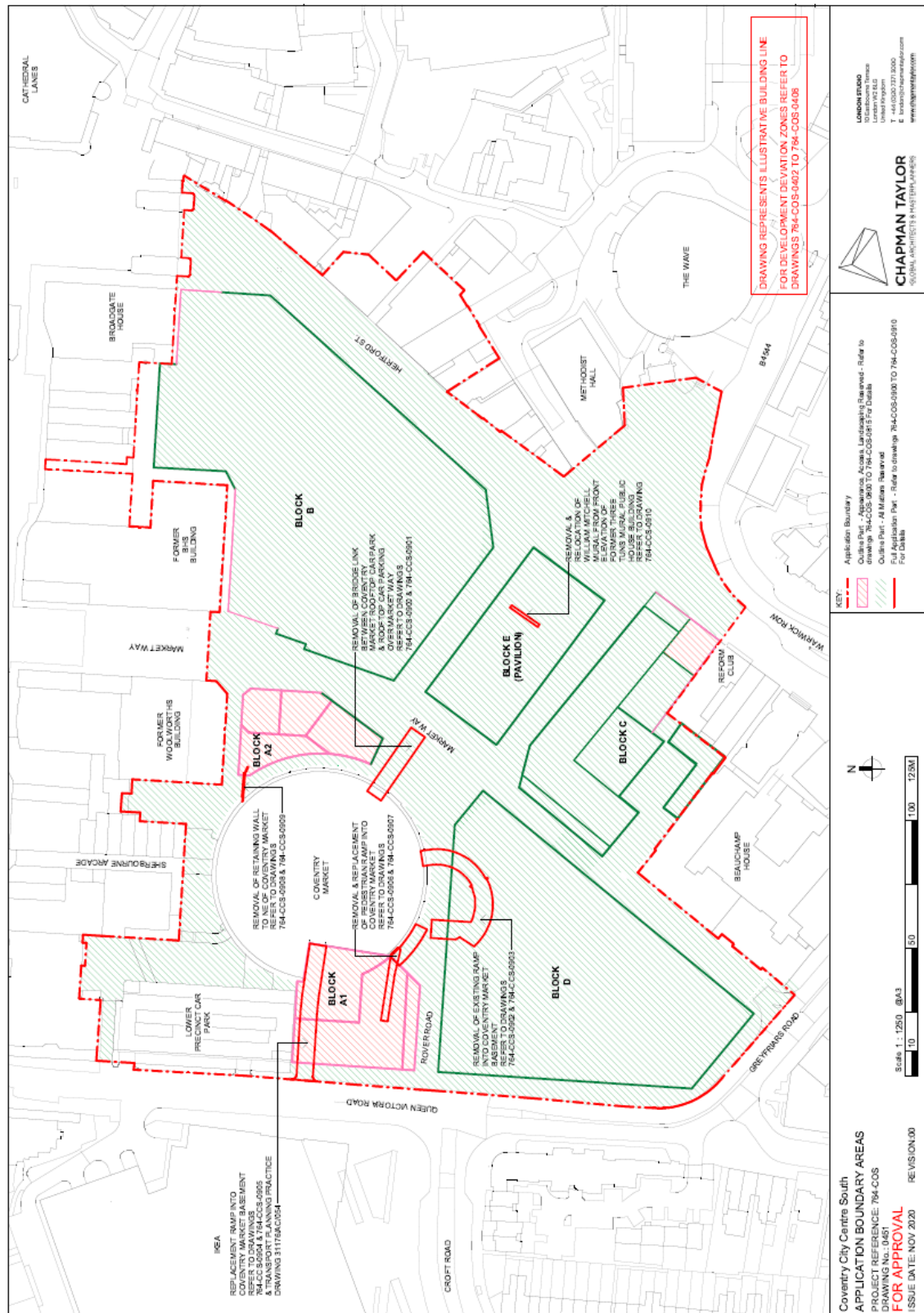
Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
	Refer to Compliance with Local Plan Policies EM4 and EM5 for further details.	
Compliance with CCAAP Policy CC10	<p>The Refined Scheme contributes strongly to the objectives of this policy. It proposes (via a planning condition) to provide details of how the development will connect to the Coventry Heatline network.</p> <p>In terms of compliance with policy objectives concerning ground contamination and remediation, refer to Compliance with Local Plan Policy EM6 for further details.</p> <p>Compliance with objectives regarding internal and external noise levels and odour extraction systems will be demonstrated through reserved matters details and submissions associated with associated planning conditions.</p>	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP Policy CC11	<p>The Refined Scheme contributes strongly to the objectives of this policy in relation to cycling and walking routes and sustainable travel measures, as detailed in Compliance with Local Plan Policies AC3, AC4 and AC5.</p> <p>Refer to details in main body of proof of evidence in relation to the redevelopment of Barracks Car Park and CCAAP Policy CC19.</p>	The Refined Scheme performs overall in a similarly positive way in respect of the policy objectives.
Compliance with CCAAP	The Refined Scheme contributes strongly to the majority of policy objectives, in terms of introducing new	The Refined Scheme realises greater opportunity for new residential provision above new town centre uses to support the

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
Policy CC18	<p>town centre uses within the Primary Shopping Area, realising opportunities for new residential provision above new town centre uses.</p> <p>Refer to details in main body of proof of evidence in relation to the provision of new retail floorspace within the Primary Shopping Area, as defined specifically for City Centre South by CCAAP Policy CC19.</p>	<p>vitality and viability of the city centre as a whole. The Refined Scheme otherwise performs in a similarly positive way in respect of the policy objectives.</p> <p>Refer to details in main body of proof of evidence in relation to the provision of new retail floorspace within the Primary Shopping Area, as defined specifically for City Centre South by CCAAP Policy CC19.</p>
Compliance with CCAAP Policy CC22	The Refined Scheme, including the associated Development Principles Document, provides for non-residential uses including Class E and other active frontages along the Primary Frontage on Market Way.	The Refined Scheme performs in a similar way to the Consented Scheme in respect of the policy objectives.
Compliance with City Centre Strategy (Local Plan Policy R2 and CCAAP Policy CC1)	Please refer to details in main body of proof of evidence.	
Compliance with City Centre South Policy (CCAAP Policy CC19)	Please refer to details in main body of proof of evidence.	
Compliance with Local Plan Housing Policies	Please refer to details in main body of proof of evidence.	

Main Policy Issue	Assessment of Refined Scheme Compliance / Performance	Comparison to Consented Scheme
(Policies H1, H3, H4 & H6)		

Appendix RB4

**2022 Permission (OUT/2020/2876) - Plan Showing where the Different Components of
Description of Development Relate**



Appendix RB5

2022 Permission (OUT/2020/2876) – List of Planning Application and EIA Plans and Documents

2022 PERMISSION – STANDALONE DOCUMENTS

DOCUMENT	AUTHOR	STATUS
Application Form and Certificates / CIL Additional Information Form	CBRE Planning	For approval
Planning Statement (including Affordable Housing Statement and S106 Heads of Terms)	CBRE Planning	For information
Design and Access Statement	Chapman Partnership Taylor	For information
EIA Technical Summary Note	CBRE EP&A	
Energy and Sustainability Statement	Cundall	For approval
Financial Viability Assessment	Montagu Evans	For information
Financial Viability Assessment Executive Summary	Montagu Evans	For information
Listed Elements Report (including Conservation Assessment Report)	Cundall / Jackfield Studio	For information
Public Benefits Statement	CBRE Planning	For information
Statement of Community Involvement	Redwood Consulting	For approval

2022 PERMISSION – STANDALONE DRAWINGS

DRAWING REFERENCE	AUTHOR	STATUS
Location Plan 0100	Chapman Partnership Taylor	For approval
Existing Site Plan 0101	Chapman Partnership Taylor	For approval
Site Context Plan 0450	Chapman Partnership Taylor	For approval
Application Boundary Areas 0451	Chapman Partnership Taylor	For approval
Illustrative Phasing Plan 0452	Chapman Partnership Taylor	For information
Tree Removal Plan 367-HED-XX-XX-DR-L-100-001	Hyland Edgar Driver	For information
Illustrative Masterplan 1367-HED-XX-XX-DR-L-100-002	Hyland Edgar Driver	For information
External Levels Strategy 1367-HED-XX-XX-DR-L-100-004	Hyland Edgar Driver	For information

OUTLINE (ALL MATTERS RESERVED) AND OUTLINE (ACCESS, APPEARANCE, LANDSCAPING RESERVED) COMPONENT OF 2022 PERMISSION – DOCUMENTS

DOCUMENT			AUTHOR		STATUS	
Development Document Rev B	Principles		Chapman Partnership	Taylor	For approval	
Parameter Plans Document Rev B			Chapman Partnership	Taylor	For approval	

FULL COMPONENT OF 2022 PERMISSION – DRAWINGS

DOCUMENT			AUTHOR		STATUS	
Development Document	Principles		Chapman Partnership	Taylor	For approval	
Parameter Plans Document			Chapman Partnership	Taylor	For approval	
Proposed replacement ramp access into Coventry Market basement Swept path and visibility analysis 31176/AC/054			TPP		For approval	
Rooftop Removal – 0900	Market Existing Situation	Ramp	Chapman Partnership	Taylor	For approval	
Rooftop Removal – Situation 0901	Market Post Removal	Ramp	Chapman Partnership	Taylor	For approval	
Basement Removal – 0902	Market Existing Situation	Ramp	Chapman Partnership	Taylor	For approval	
Basement Removal – Situation 0903	Market Post Infill (Interim)	Ramp	Chapman Partnership	Taylor	For approval	
Basement Proposal – 0904	Market Existing Situation	Ramp	Chapman Partnership	Taylor	For approval	
Basement Proposal – 0905	Market Interim Situation	Ramp	Chapman Partnership	Taylor	For approval	
Pedestrian Access Situation 0906	Retail Ramp – Existing	Market	Chapman Partnership	Taylor	For approval	
Pedestrian Access Situation 0907	Retail Ramp – Interim	Market	Chapman Partnership	Taylor	For approval	

DOCUMENT	AUTHOR	STATUS
North of Market Retaining Wall – Existing Situation 0908	Chapman Partnership	Taylor For approval
North of Market Retaining Wall – Proposed Situation 0909	Chapman Partnership	Taylor For approval
Relocation of the Three Tuns Mural 0910	Chapman Partnership	Taylor For approval

2022 PERMISSION - ENVIRONMENTAL STATEMENT AND ASSOCIATED TECHNICAL APPENDICES

CHAPTER/ APPENDIX	TITLE	AUTHOR
Volume I	Non-Technical Summary	CBRE EP&A
Volume II	Main ES Volume	
Chapter 1	Introduction	CBRE EP&A
Chapter 2	EIA Methodology	CBRE EP&A
Chapter 3	Application Site & Proposed Development	CBRE EP&A
Chapter 4	Alternatives & Design Evolution	CBRE EP&A
Chapter 5	Construction Strategy	CBRE EP&A
Chapter 6	Socio-Economics	CBRE EP&A
Chapter 7	Archaeology (Revised)	RPS
Chapter 8	Transportation & Access	Transport Planning Practice (TPP)
Chapter 9	Noise & Vibration (Updated February 2021)	Ensafe
Chapter 10	Air Quality (Updated February 2021)	Ensafe
Chapter 11	Water Resources, Flood Risk & Drainage (Updated March 2021)	Cundall
Chapter 12	Daylight, Sunlight and Overshadowing	Hollis
Chapter 13	Wind Microclimate	RWDI
Chapter 14	Intra-Development Cumulative Effects	CBRE EP&A
Chapter 15	Residual Effects and Summary	CBRE EP&A
Chapter 16	Glossary & Abbreviations	CBRE EP&A
Volume III	Townscape, Heritage & Visual Impact Assessment (THVIA)	Landscape Visual Ltd and AC Archaeology
Volume IV	Technical Appendices	
2.1	Formal EIA Scoping Report	CBRE EP&A

CHAPTER/ APPENDIX	TITLE	AUTHOR
2.2	Formal EIA Scoping Opinion & Subsequent Correspondence	CCC / CBRE EP&A
2.3	Technical Consultant CVs	CBRE EP&A
2.4	Health Impact Assessment	CBRE EP&A
3.1	Preliminary Geo-environmental Risk Assessment	Cundall
3.2	Preliminary Ecological Appraisal & Preliminary Roost Assessment	The Ecology Consultancy
3.3	Bat Surveys	The Ecology Consultancy
3.4	Arboricultural Impact Assessment	Arbeco
3.5	Illustrative Landscape Masterplan	HED
3.6	Biodiversity Net Gain Assessment	The Ecology Consultancy
6.1	Socio-Economic Magnitude Thresholds	CBRE EP&A
6.2	Socio-Economic Baseline Data	CBRE EP&A
6.3	School Forecast Capacity Data	CBRE EP&A
7.1	Archaeological Desk-Based Assessment (DBA)	RPS
7.2	Archaeological Deposit Model	RPS
	Archaeological Management Plan	RPS
8.1	Transport Assessment	TPP
8.2	Maximum parameter trip generation	TPP
8.3	Illustrative Masterplan trip generation	TPP
8.4	Traffic Link Flows	TPP
9.1	Construction Methodology	EnSafe
9.2	CCC Air Quality SPD Methodology	EnSafe
9.3	Air Quality Monitoring Report	EnSafe
9.4	Air Quality Figures (Construction and Operational)	EnSafe
9.5	ADMS Roads Assessment Inputs	EnSafe
9.6	Damage Cost Assessment	EnSafe
10.1	Legislation, Policy and Guidance	EnSafe
10.2	Noise Figures: Internal and External Noise Grid Assessments	EnSafe

CHAPTER/ APPENDIX	TITLE	AUTHOR
10.3	Assessment: BS8233:2014 Internal and External Assessment, Plant Noise Emission Limits, Change in Ambient Commercial Assessment and Change in Road Traffic Assessment	EnSafe
10.4	Construction Plant List, Construction Noise Assessment and Construction Vibration Assessment	EnSafe
10.5	Noise Monitoring Equipment List	EnSafe
10.6	Raw data: Measured Background and Ambient Noise Data, Road Traffic Data and Commercial Source Data	EnSafe
11.1	Flood Risk Assessment	Cundall
11.2	Below Ground Drainage Strategy	Cundall
12.1	Technical drawings of the Existing Baseline and Proposed Scenario	Hollis
12.2	Technical results for the Baseline V Proposed Development Scenario	Hollis
12.3	Technical drawings and results for Future Baseline V Proposed Development Scenario	Hollis
12.4	Technical drawings and results for Spring 2020 Baseline v Proposed Development Scenario	Hollis
13.1	Pedestrian Level Wind Microclimate Assessment	RWDI
14	Cumulative Effects	CBRE EP&A
15	Summary of Mitigation and Residual Effects	CBRE EP&A
16	Glossary and Abbreviations	CBRE EP&A

Appendix RB6

**CBRE Cover Letter dated 15th September 2022 Relating to Section 96A Application to
OUT/2020/2876**



Liam D'Onofrio
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Mobile 07788 302012

richard.brown3@cbre.com
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15 September 2022

Dear Liam,

LAND AND BUILDINGS AT COVENTRY CITY CENTRE (CITY CENTRE SOUTH DEVELOPMENT)

PLANNING APPLICATION UNDER SECTION 96A FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE OUT/2020/2876

Please find enclosed an application made on behalf of Coventry City Council under Section 96A (hereafter referred to as "S96A") of the Town and Country Planning Act 1990, to allow a non-material amendment to planning permission (OUT/2020/2876) ("the Permission") granted on 21st January 2022.

The Description of Development for the Permission is as follows:

Full application:

A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;

Outline application:

B. For part of the site (Parameters Plans Document March 2021 Revision B) for the demolition of all existing buildings and redevelopment of the land for mixed uses, including details of the layout and scale of new development, with details of access, appearance and landscaping reserved; and

C. For part of the site for the demolition of all existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment of up to 1,300 residential units (Class C3), up to 150 hotel rooms (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open

spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.

S96A(1) of the 1990 Town and Country Planning Act confirms that a Local Planning Authority ("LPA") may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. This includes amending the description of development and the removal / variation of conditions where such changes are deemed as non-material. In deciding whether a change is material, S96A(2) notes that a LPA must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

In this instance, the proposed changes will remove certain details from the Description of Development, incorporate certain matters into new / modified planning conditions attached to the permission, and vary existing conditions for reasons of clarity or to alter the timing of when specified details are to be submitted to the LPA for approval.

No changes have been made previously to the Permission under Section 96A, and no other changes, beyond those listed in this application, are being sought as part of the S96A application. The changes being proposed are not material in terms of their effect to the current approved scheme.

As detailed at **Appendix A** of this letter, this S96A application proposes non-material changes to the Permission, to:

- Remove the quantum of residential units, hotel rooms and defined area of non-residential floorspace from the existing Description of Development and transpose these figures into a new planning condition to be included as part of the Permission;
- Amend Part B of the Description of Development to reserve 'scale' (within the defined parameters) as a matter for future consideration where such scale is currently fixed;
- Make a clarification to Condition no. 2 of the Permission; and
- Alter the timing trigger for when details are submitted for approval in relation to an energy assessment [Condition no. 7 part (vi) of the Permission) and in relation to a noise and vibration minimisation scheme (Condition no. 9 of the Permission).

The reason for the proposed variation to the timing of when details relating to the energy assessment, and noise and vibration minimisation scheme are to be submitted, is because the extent of detailed construction and fit out information required to fully satisfy these conditions may not be known at the reserved matters stage. The proposed revision will still mean that information is provided for approval in advance of each phase of development, and in accordance with the reasons for the imposition of the conditions. These reasons include, for example, to ensure the provision of a high-quality residential environment (Local Plan Policy H3) and to secure development that improves the economic, social and environmental conditions of the area (Local Plan Policy DS3).

Additionally, the proposed revised timing triggers ensure that they more readily coincide with the timing triggers imposed for other existing related conditions, e.g.: Condition no. 45 (which requires a noise insulation scheme to be submitted and approved after demolition but prior to commencement of the development of new buildings within a particular phase).

Please do not hesitate to contact me (richard.brown3@cbre.com / 07788 302012) or my colleague Mark McFadden (mark.mcfadden@cbre.com, 07741 833983) for further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Brown', with a stylized flourish at the end.

Richard Brown MRTPI
Director

For and on behalf of CBRE Ltd.

APPENDIX A

PART 1: PROPOSED CHANGES TO DESCRIPTION OF DEVELOPMENT

(for clarity, new proposed text in the Description of Development is shown as Underlined and text proposed for deletion is shown as ~~Strikethrough~~).

Full application:

A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;

Outline application:

B. For part of the site ~~(Parameters Plans Document March 2021 Revision B)~~ for the demolition of ~~all~~ existing buildings and redevelopment of the land for mixed uses, including details of the layout ~~and scale~~ of new development, with details of scale, access, appearance and landscaping reserved; and

C. For part of the site for the demolition of ~~all~~ existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment for of up to 1,300 residential units (Class C3), up to 150 hotel rooms a hotel (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.

PART 2: PROPOSED NEW AND MODIFIED PLANNING CONDITIONS

PART 2A: CHANGES ASSOCIATED WITH THE CHANGES PROPOSED TO THE DESCRIPTION OF DEVELOPMENT

(for clarity, new proposed text is shown as Underlined).

- I. VARIATION OF EXISTING CONDITION NO. 1 TO MAKE REFERENCE TO THE PARAMETER PLANS DOCUMENT (MOVED FROM DESCRIPTION OF DEVELOPMENT) AND TO REQUIRE MATTERS OF 'SCALE' TO BE SUBMITTED AT A LATER STAGE

For the phased approval of Reserved Matters where scale, appearance, access and landscaping are reserved, (for those locations shown in the Parameters Plans Document March 2021 Revision B), details of the following Reserved Matters for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase (save demolition or ground works) and the development shall be carried out in full accordance with those reserved matters as approved:

- a) Scale;*
- b) Appearance of buildings;*
- c) Means of access to the buildings and site;*
- d) Landscaping of the site.*

- II. NEW MAXIMUM QUANTITATIVE PARAMETERS CONDITION TO INCLUDE THE INFORMATION MOVED FROM THE DESCRIPTION OF DEVELOPMENT (PROPOSED CONDITION NO. 50)

The Development shall not exceed the following maximum quantitative parameters for the uses defined:

- a) More than 1,300 residential units.*
- b) More than 150 hotel rooms.*
- c) More than 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses.*

- III. NEW DEMOLITION CONDITION TO CLARIFY THE EXTENT OF DEMOLITION (PROPOSED NEW CONDITION NO. 51)

Demolition within the areas subject to the outline components of this permission can only take place within the extents shown on Parameter Plans - Demolition/Retention Boundaries 0410 Rev 00.

PART 2B: CHANGES TO CLARIFY EXISTING CONDITIONS

IV. VARIATION OF EXISTING CONDITION NO. 2 TO CLARIFY THAT IT RELATES TO THE SUBMISSION OF ALL RESERVED MATTERS (IN ACCORDANCE WITH PART C OF THE DESCRIPTION OF DEVELOPMENT)

For the phased approval of Reserved Matters where layout, scale, appearance, access and landscaping are reserved, details of the following Reserved Matters for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase (save demolition or ground works) and the development shall be carried out in full accordance with those reserved matters as approved:

- a) Layout;*
- b) Scale;*
- c) Appearance of buildings;*
- d) Means of access to the buildings and site;*
- e) Landscaping of the site.*

PART 2C: CHANGES TO VARY EXISTING CONDITION TRIGGERS

V. VARIATION OF EXISTING CONDITION NO. 7 TO REMOVE REFERENCE TO ENERGY ASSESSMENT

*The reserved matters to be submitted in accordance with condition 1 and condition 2 shall include:-
a phasing programme for the demolition, construction and implementation of the development shall be submitted to and approved in writing by the Local Planning Authority, which shall include:*

- (i) Details of the precise location and extent of individual development phases.*
- (ii) The extent of development within each phase and a description of the intended timing of the development and completion of each phase.*
- (iii) Permanent and temporary access arrangements to serve each phase of the development.*
- (iv) Any interim surface or boundary details relating to each phase of the development.*
- (v) Details of the access into each site, car and cycle parking areas, delivery van parking areas, bin storage and all associated manoeuvring space to be provided.*

~~(vi) Energy Assessment detailing energy efficiency, renewable energy generation and water conservation measures to be put in place in respect of those buildings.~~

~~All details shall be carried out as approved.~~

- VI. NEW ENERGY ASSESSMENT CONDITION TO REPLACE DETAIL REMOVED FROM CONDITION NO. 7 (PROPOSED NEW CONDITION NO. 52)

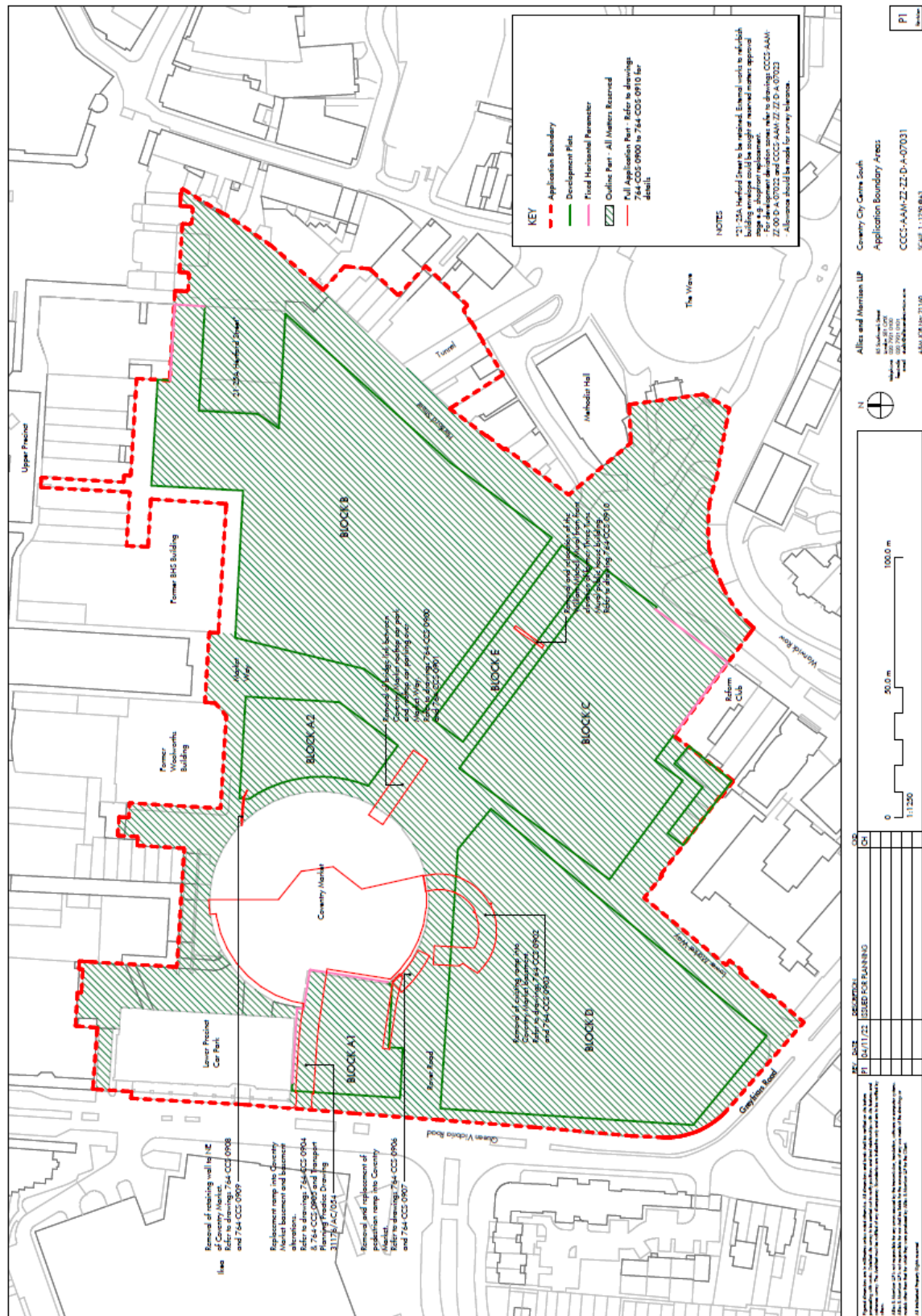
Prior to commencement of each phase of the development (excluding any demolition or preparatory works) an energy assessment detailing energy efficiency, renewable energy generation and water conservation measures to be put in place in respect of buildings in that phase shall be submitted to and approved in writing by the Local Planning Authority. All details shall be carried out as approved.

- VII. VARIATION TO EXISTING CONDITION NO. 9 TO ALTER SUBMISSION TRIGGER FOR NOISE AND VIBRATION SCHEME DETAILS

~~The Reserved Matters to be submitted in accordance with condition 1 and condition 2 shall include~~ Prior to commencement of each phase of the development (excluding any demolition or preparatory works) details of a scheme for works to minimise the transmission of noise and vibration through the party wall(s) and ceiling(s) between residential and commercial properties (in accordance with British Standard 8233 - Sound Insulation and Noise Reduction for Buildings) shall be submitted to and approved in writing by the Local Planning Authority. All details shall be carried out as approved.

Appendix RB7

**Section 73 Application (S73/2022/3160) - Plan Showing where the Different Components
of Description of Development Relate**



Appendix RB8

Section 73 Application (S73/2022/3160) – List of Planning Application and EIA Plans and Documents

S73 PLANNING APPLICATION – STANDALONE DOCUMENTS

DOCUMENT	AUTHOR	STATUS
Application Form and Certificates / CIL Additional Information Form	CBRE Planning	For approval
Planning Statement (including Affordable Housing Statement, S106 Heads of Terms and Statement of Community Involvement)	CBRE Planning	For information
Design and Access Statement	Chapman Partnership	Taylor For information
Energy and Sustainability Statement	Cundall	Resubmission with no amendments proposed: for approval
Financial Viability Assessment	Montagu Evans	For information
Listed Elements Report (including Conservation Assessment Report)	Cundall / Jackfield Studio	Resubmission with no amendments proposed: for information

S73 PLANNING APPLICATION – STANDALONE DRAWINGS

DOCUMENT	AUTHOR	STATUS
Location Plan 0100	Chapman Partnership	Taylor Resubmission with no amendments proposed: for approval
Existing Site Plan 0101	Chapman Partnership	Taylor Resubmission with no amendments proposed: for information
Site Context Plan CCCS-AAM-ZZ-ZZ-D-07030 P1	Allies and Morrison	For information
Application Boundary Areas CCCS-AAM-ZZ-ZZ-D-A-07031 P1	Allies and Morrison	For approval
Illustrative Phasing Plan CCCS-AAM-ZZ-ZZ-D-A-07032 P1	Allies and Morrison	For information
Tree Strategy - CCCS-CAM-ZZ-00-D-L-00071 GA	Camlins	For information
Full Landscape Arrangement (Illustrative Masterplan) - CCCS-CAM-ZZ-00-D-L-00001 GA	Camlins	For information
External Levels - CCCS-CAM-ZZ-00-D-L-00021 GA	Camlins	For information

OUTLINE (ALL MATTERS RESERVED) AND OUTLINE (ACCESS, APPEARANCE, LANDSCAPING, SCALE RESERVED) COMPONENT OF HYBRID PLANNING APPLICATION –DOCUMENTS

DOCUMENT	AUTHOR	STATUS
Development Principles Document	Allies and Morrison	For approval
Parameter Plans Document	Allies and Morrison	For approval

FULL COMPONENT OF S73 PLANNING APPLICATION – DRAWINGS

DOCUMENT	AUTHOR	STATUS
Development Principles Document	Allies and Morrison	For approval
Parameter Plans Document	Allies and Morrison	For approval
Proposed replacement ramp access into Coventry Market basement Swept path and visibility analysis 31176/AC/054	TPP	For approval
Rooftop Market Ramp Removal – Existing Situation 0900	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Rooftop Market Ramp Removal – Post Removal Situation 0901	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Basement Market Ramp Removal – Existing Situation 0902	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Basement Market Ramp Removal – Post Infill (Interim) Situation 0903	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Basement Market Ramp Proposal – Existing Situation 0904	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Basement Market Ramp Proposal – Interim Situation 0905	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Pedestrian Retail Market Access Ramp – Existing Situation 0906	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Pedestrian Retail Market Access Ramp – Interim Situation 0907	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
North of Market Retaining Wall – Existing Situation 0908	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
North of Market Retaining Wall – Proposed Situation 0909	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval
Relocation of the Three Tuns Mural 0910	Chapman Partnership	Taylor
		Resubmission amendments with proposed: no for approval

S73 PLANNING APPLICATION - 2020 ENVIRONMENTAL STATEMENT AND ASSOCIATED TECHNICAL APPENDICES

CHAPTER/APPENDIX	TITLE	AUTHOR
Volume I	Non-Technical Summary	CBRE SIASV
Volume II	Main ES Volume	
Chapter 1	Introduction	CBRE SIASV
Chapter 2	EIA Methodology	CBRE SIASV
Chapter 3	Application Site & Proposed Development	CBRE SIASV
Chapter 4	Alternatives & Design Evolution	CBRE SIASV
Chapter 5	Construction Strategy	CBRE SIASV
Chapter 6	Socio-Economics	CBRE SIASV
Chapter 7	Archaeology	RPS
Chapter 8	Transportation & Access	Transport Planning Practice (TPP)
Chapter 9	Noise & Vibration	Ensafe
Chapter 10	Air Quality	Ensafe
Chapter 11	Water Resources, Flood Risk & Drainage	Cundall
Chapter 12	Daylight, Sunlight and Overshadowing	Hollis
Chapter 13	Wind Microclimate	RWDI
Chapter 14	Intra-Development Cumulative Effects	CBRE SIASV
Chapter 15	Residual Effects and Summary	CBRE SIASV
Chapter 16	Glossary & Abbreviations	CBRE SIASV
Volume III	Townscape, Heritage & Visual Impact Assessment (THVIA)	Landscape Visual Ltd and AC Archaeology
Volume IV	Technical Appendices	
2.1	Formal EIA Scoping Report	CBRE SIASV
2.2	Formal EIA Scoping Opinion & Subsequent Correspondence	CCC / CBRE SIASV
2.3	Technical Consultant CVs	CBRE SIASV
2.4	Health Impact Assessment	CBRE SIASV
3.1	Preliminary Geo-environmental Risk Assessment	Cundall
3.2	Preliminary Ecological Appraisal & Preliminary Roost Assessment	The Ecology Consultancy
3.3	Bat Surveys	The Ecology Consultancy
3.4	Arboricultural Impact Assessment	Arbeco
3.5	Illustrative Landscape Masterplan	HED
3.6	Biodiversity Net Gain Assessment	The Ecology Consultancy
6.1	Socio-Economic Magnitude Thresholds	CBRE SIASV
6.2	Socio-Economic Baseline Data	CBRE SIASV
6.3	School Forecast Capacity Data	CBRE SIASV
7.1	Archaeological Desk-Based Assessment (DBA)	RPS
7.2	Archaeological Deposit Model	RPS

CHAPTER/APPENDIX	TITLE	AUTHOR
8.1	Transport Assessment	TPP
8.2	Maximum parameter trip generation	TPP
8.3	Illustrative Masterplan trip generation	TPP
8.4	Traffic Link Flows	TPP
9.1	Construction Methodology	EnSafe
9.2	CCC Air Quality SPD Methodology	EnSafe
9.3	Air Quality Monitoring Report	EnSafe
9.4	Air Quality Figures (Construction and Operational)	EnSafe
9.5	ADMS Roads Assessment Inputs	EnSafe
9.6	Damage Cost Assessment	EnSafe
10.1	Legislation, Policy, and Guidance	EnSafe
10.2	Noise Figures: Internal and External Noise Grid Assessments	EnSafe
10.3	Assessment: BS8233:2014 Internal and External Assessment, Plant Noise Emission Limits, Change in Ambient Commercial Assessment and Change in Road Traffic Assessment	EnSafe
10.4	Construction Plant List, Construction Noise Assessment and Construction Vibration Assessment	EnSafe
10.5	Noise Monitoring Equipment List	EnSafe
10.6	Raw data: Measured Background and Ambient Noise Data, Road Traffic Data, and Commercial Source Data	EnSafe
11.1	Flood Risk Assessment	Cundall
11.2	Below Ground Drainage Strategy	Cundall
12.1	Technical drawings of the Existing Baseline and Proposed Scenario	Hollis
12.2	Technical results for the Baseline V Proposed Development Scenario	Hollis
12.3	Technical drawings and results for Future Baseline V Proposed Development Scenario	Hollis
12.4	Technical drawings and results for Spring 2020 Baseline v Proposed Development Scenario	Hollis
13.1	Pedestrian Level Wind Microclimate Assessment	RWDI
14	Cumulative Effects	CBRE SIASV
15	Summary of Mitigation and Residual Effects	CBRE SIASV
16	Glossary and Abbreviations	CBRE SIASV

HYBRID PLANNING APPLICATION - 2022 ENVIRONMENTAL STATEMENT ADDENDUM AND ASSOCIATED TECHNICAL APPENDICES

CHAPTER/APPENDIX	TITLE	AUTHOR
2A.3	New Technical Consultant CVs	CBRE SIASV
3A.2	Preliminary Ecological Appraisal & Preliminary Roost Assessment	Temple
3A.3	Bat Survey Report	Temple

CHAPTER/APPENDIX	TITLE	AUTHOR
3A.4	Arboricultural Impact Assessment	Temple
3A.5	Illustrative Landscape Masterplan	Camlins
3A.6	Biodiversity Net Gain Assessment	Temple
6A.2	Socio-Economic Baseline Data	CBRE SIASV
7A.1	Archaeological Desk-Based Assessment (DBA)	RPS
7A.3	Archaeological Management Plan	RPS
8A.1	Transport Assessment	TPP
8A.2	Maximum parameter trip generation	TPP
8A.3	Traffic Link Flows	TPP
9A.1	Air Quality Legislation, Planning Policy, and Guidance	RSK
9A.2	Air Quality Post-submission Consultation Responses	RSK
9A.3	Air Quality Monitoring Undertaken by Ensafé	RSK
9A.4	ADMS Roads Model Input	RSK
9A.5	ADMS Roads Model Verification and Model Results	RSK
9A.6	CCC Air Quality SPD Guidance and Damage Cost Calculation	RSK
9A.7	Air Quality Figures	RSK
10A.1	Noise and Vibration Legislation, Policy, and Guidance	Sandy Brown
10A.2	Noise Maps	Sandy Brown
10A.3	Road Traffic Noise Increase	Sandy Brown
10A.4	Summary of Noise Surveys	Sandy Brown
10A.5	Site Suitability Report	Sandy Brown
12A.1	Technical drawings of the Existing Baseline and Proposed Scenario	Hollis
12A.2	Technical results for the Baseline v Proposed Development Scenario	Hollis
12A.3	Technical drawings and results for Future Baseline v Proposed Development Scenario	Hollis
12A.4	Technical drawings and results for Spring 2020 Baseline v Proposed Development Scenario	Hollis