

Proof of Evidence of K C Hardman BSc.(Hons.) FRICS Appendices

Dated: December 2022

ROYAL LONDON MUTUAL INSURANCE SOCIETY
LIMITED AS OWNERS OF THE LONGLEASEHOLD
INTEREST IN LOWER PRECINCT AND THE RETAIL
MARKET, COVENTRY

IN RESPECT OF

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



Appendices

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Appendix 1 Extract from Statement of Reasons

land within the Site and the CPO will effect an acquisition of land pursuant to s226 of the TCPA and is therefore an acquisition for planning purposes.

- 3.10 In so far as any of the land within the Development Site is already held by Council for planning purposes, the effect of the appropriation will be to re-affirm the appropriation in light of the current redevelopment proposal.
- 3.11 In the event that the Order is confirmed, and the Scheme proceeds pursuant to planning permission, section 203 of the 2016 Act will apply to the proposed building works and use of the Development Site. Any private landowner who benefits from a relevant right or interest over the Order Land, such as an easement or restrictive covenant, which is interfered with or breached, will be entitled to claim statutory compensation pursuant to section 204 of the 2016 Act when the redevelopment is carried out.
- 3.12 The duties on local planning authorities in relation to conservation areas and listed building consents created by section 66 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are addressed in Section 7 below
- 3.13 The public sector equality duty created by section 149 of the Equality Act 2010 is addressed in Section 14 below.

4. BACKGROUND

Coventry city centre as a whole

- 4.1 The origins of Coventry are understood to date back to a Saxon village. By the middle ages Coventry had grown to become one of the most important cities in England based on its wool, weaving and textile trade. From the late 18th Century until the mid-1970s, Coventry was known for its booming and prosperous industries ranging from sewing machines, clocks and watches to textiles, engineering, cycle making and in particular, the motor industry. With industrialisation came a rapid increase in population and a need for new housing in the city as well as industrial premises. Despite those developments, as late as the 1920's, Coventry was described as still being the best-preserved medieval city in England. But by the 1930's, many of the older roads had been cleared away to provide wider streets to accommodate cars. In a single night during the devastation of the city centre in World War II, in addition to the loss of lives and historic buildings, over 4,300 city centre homes were destroyed and thousands more were damaged.
- 4.2 Today Coventry is the 11th largest city in the UK with the fastest rate of population growth of any UK city recorded between 2012 and 2019 at around 1.8% per annum (ONS and Statista). Although it is an important sub-regional centre, the City Centre's retail and leisure offer lags behind that of other cities of similar or smaller size. Analysis from the Local Data Company (measuring a range of indices) shows that the overall "health" of the City Centre is consistently below the West Midlands and GB average over the past seven years and is not on par with comparator locations such as Nottingham, Reading and Solihull. Similarly, the vacancy rates for retail and leisure uses in the City Centre has been higher than the West Midlands and GB averages since 2013 (15.9% in Coventry in 2021 compared with 15.5% across the West Midlands and 13.8% across Great Britain) (Source: Local Data Company 2021). There have been a number of major retailers in the City Centre that have closed, including British Homes Stores, Debenhams and IKEA. This performance demonstrates the need to improve the quality of Coventry's retail offer and deliver the Scheme.
- 4.3 Coventry's strategic location at the centre of the West Midlands motorway network and railway network brings a number of competing centres within easy access, notably Birmingham. Other centres such as Leamington Spa, Solihull, and Stratford-upon-Avon also provide an attractive alternative location for shopping and leisure, with a range of speciality and high-quality independent retailers.
- 4.4 Coventry has a population of some 316,900 with an estimated spending power of £1,200 million per annum. However only a third of this spending is currently drawn to the City Centre.

Coventry Market and its Surroundings

- 4.31 Coventry Market (the “Market”) was designed as a rotunda to maximise the circulation within the building and to enable several entrances to be provided. Entrances include a ramped access to the south-west, which leads onto Rover Road and Queen Victoria Road, accessed onto the service yard south of the Market, and access to the north-east which provide pedestrian access from Market Way.
- 4.32 The Market is Grade II listed and recognised as being important due to its level of originality and completeness, whilst also being one of the few remaining post-war markets in the country to survive relatively unaltered. The roof-top 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.
- 4.33 Access to the 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 of the Scheme and hence, the rooftop car park over the Market will be able to remain in operational use).
- 4.34 There is also 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.
- 4.35 The Market is situated within a poor quality and untidy urban environment, mostly comprising servicing and circulation space to the rear of commercial properties at Lower Precinct and Market Way and City Arcade. There is a vacant plot to the south-east of the Coventry Market (south of the Lower Precinct MSCP and north of Rover Road) which has been derelict for many years and is now overgrown in appearance, following the demolition of the former Victoria Buildings.
- 4.36 Vehicular access to the Market basement, which is only used for servicing, is obtained via a ramp located within the service area to the south of the Market, which is accessed via Rover Road, which connects to Queen Victoria Road.

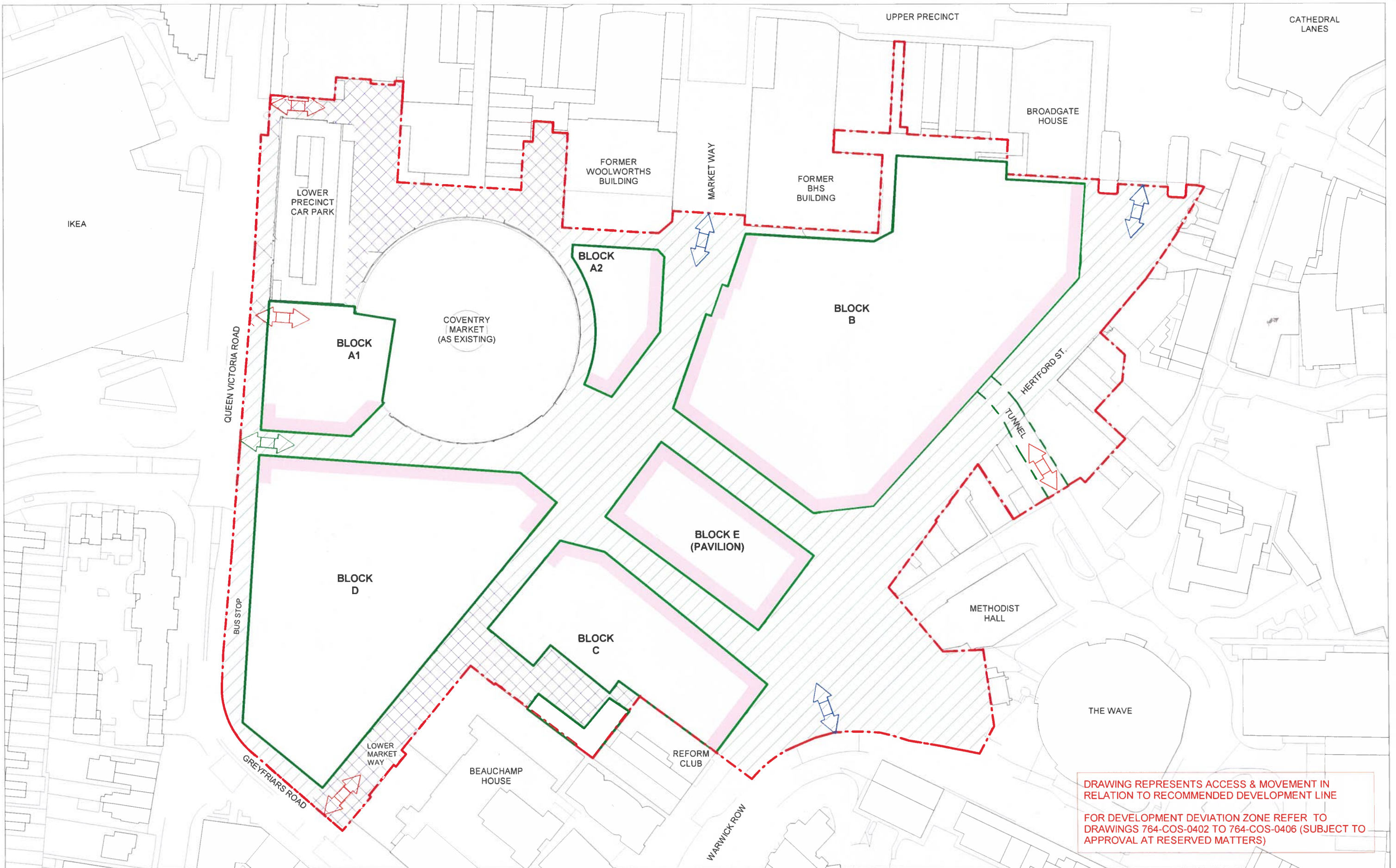
The Development Site

- 4.37 As at March 2020, the vacancy rate on the Development Site was estimated to be around 26%. That proportion may well increase with the continuing structural changes in the retail market and the impact of Covid 19. Retail vacancy rates across the city centre are monitored by the Council via a visual inspection of a defined set of 372 shop units in the prime retail area of the city centre. There are currently 49 permanently vacant units. During 2020 there were varying numbers of units closed on a temporary basis (23 in Q2 and 5 in Q3) as a result of Covid 19 restrictions. The 10 year average number of vacant units is 46.95. The vacancy number is thus currently above average, with the vacancy rate expected to remain high even where the general market improves post Covid 19 disruption.
- 4.38 As noted, the area is pedestrianised, with vehicular access to car parks and for servicing. The land is well served by public transport: Coventry mainline station lies some 600 metres to the south and there are bus stops nearby on Queen Victoria Road and Warwick Road. The Development Site also has good access to the strategic road network via Junctions 7 and 9 on the A4053 ring road.
- 4.39 Levels within the Development Site generally fall by around 7 metres from the north east corner of the Site at the top of Hertford Street in a south westerly direction towards the junction of Queen Victoria Road and Greyfriars Road.

Wider proposals for the regeneration of Coventry City Centre

- 4.40 Since at least 2008 the Council has been planning the transformation of the Coventry city centre. In November 2009 the Council published a City Centre Area Action Plan for public consultation, but the plan was not progressed due to changes in national planning policy at that time. Building on this initial work, the Council prepared an updated City Centre Area Action Plan 2017 (“**CCCAAP**”) which was subject to public consultation and independent examination and adopted by the Council on 6 December 2017 at the same time as the Coventry Local Plan 2011-2031 (the “**Local Plan**”).

Appendix 2 Indicative layout plan of the development Blocks



DRAWING REPRESENTS ACCESS & MOVEMENT IN RELATION TO RECOMMENDED DEVELOPMENT LINE
FOR DEVELOPMENT DEVIATION ZONE REFER TO DRAWINGS 764-COS-0402 TO 764-COS-0406 (SUBJECT TO APPROVAL AT RESERVED MATTERS)

Coventry City Centre South
PARAMETER PLANS - ACCESS AND MOVEMENT
PROJECT REFERENCE: 764-COS
DRAWING No.: 0409
FOR APPROVAL
ISSUE DATE: NOV 2020 REVISION:00



KEY:

	Application Boundary		Vehicular Access
	Development Plots		Pedestrian access with controlled service vehicle access
	Active Frontages		Pedestrian access with exceptional services vehicle access
	Service / Vehicle Priority Area		
	Pedestrian priority area (with limited access for emergency and service vehicles.)		

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Appendix 3 Extract from Development Principles Document

Sitewide Landscape and Public Realm Principles - Permeability

2.9 Permeability

The existing block layout of the application site heavily restricts movement through this part of the city, with the dense urban grain and inward looking arcades limiting visibility and legibility. The priority therefore is to establish clear and legible routes (north, south, east, and west) through the site, and importantly to clarify the retail circuit back to Market Way, Upper Precinct and Broadgate. The establishment of pedestrian priority areas and spaces around the development blocks will assist in repairing the urban fabric and aid placemaking, making the city a more attractive place to be.

This improved public realm will contain a number of different spaces, some to aid pedestrian flow, some to encourage dwell-time and others to identify and reinforce connections to different parts of the city.

MANDATORY

Visual and pedestrian linkages **must** be established along the following public realm axes:

A.

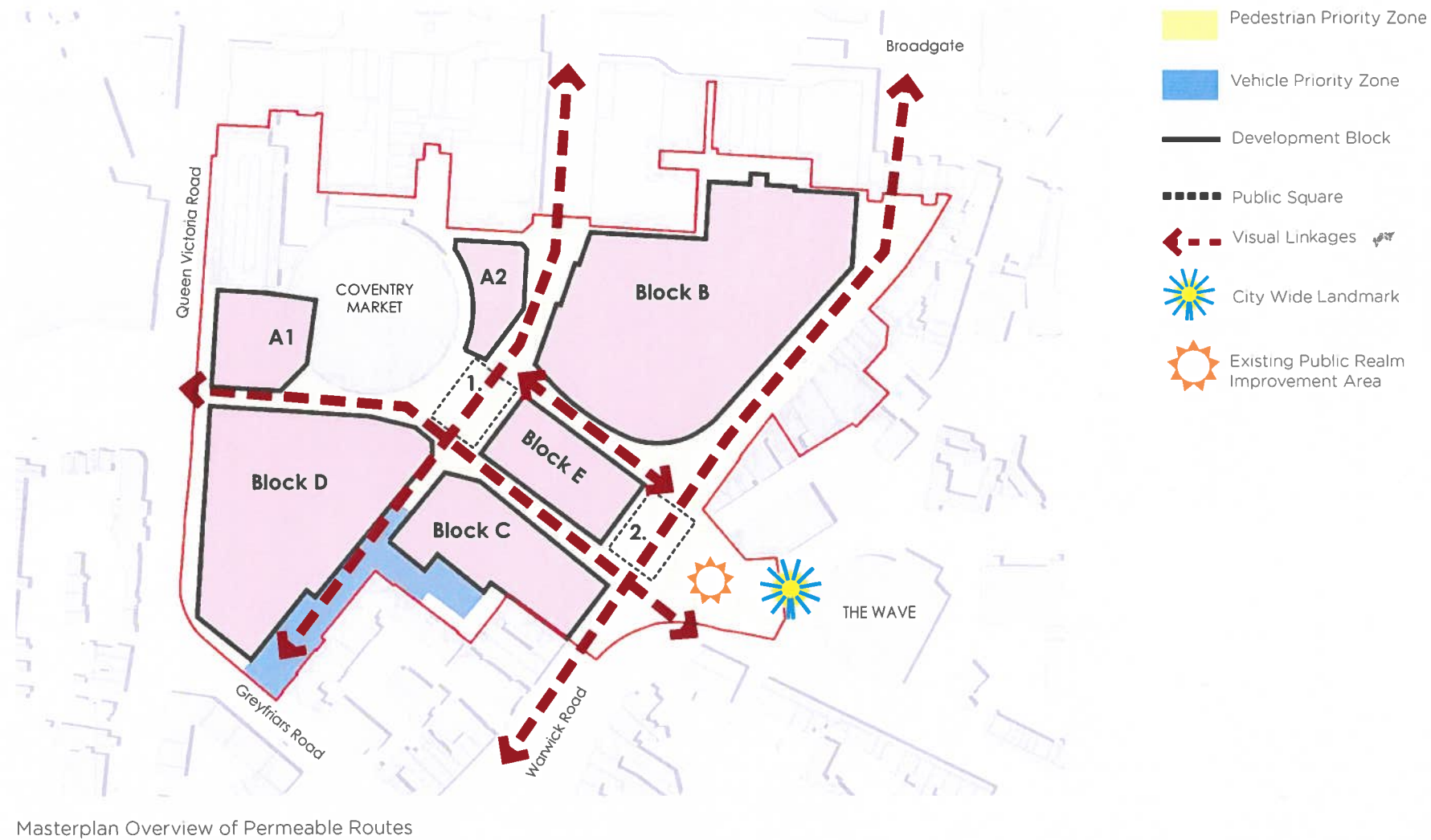
North-south between Greyfriars Road, through 'Public Square 1' and up Market Way;

B.

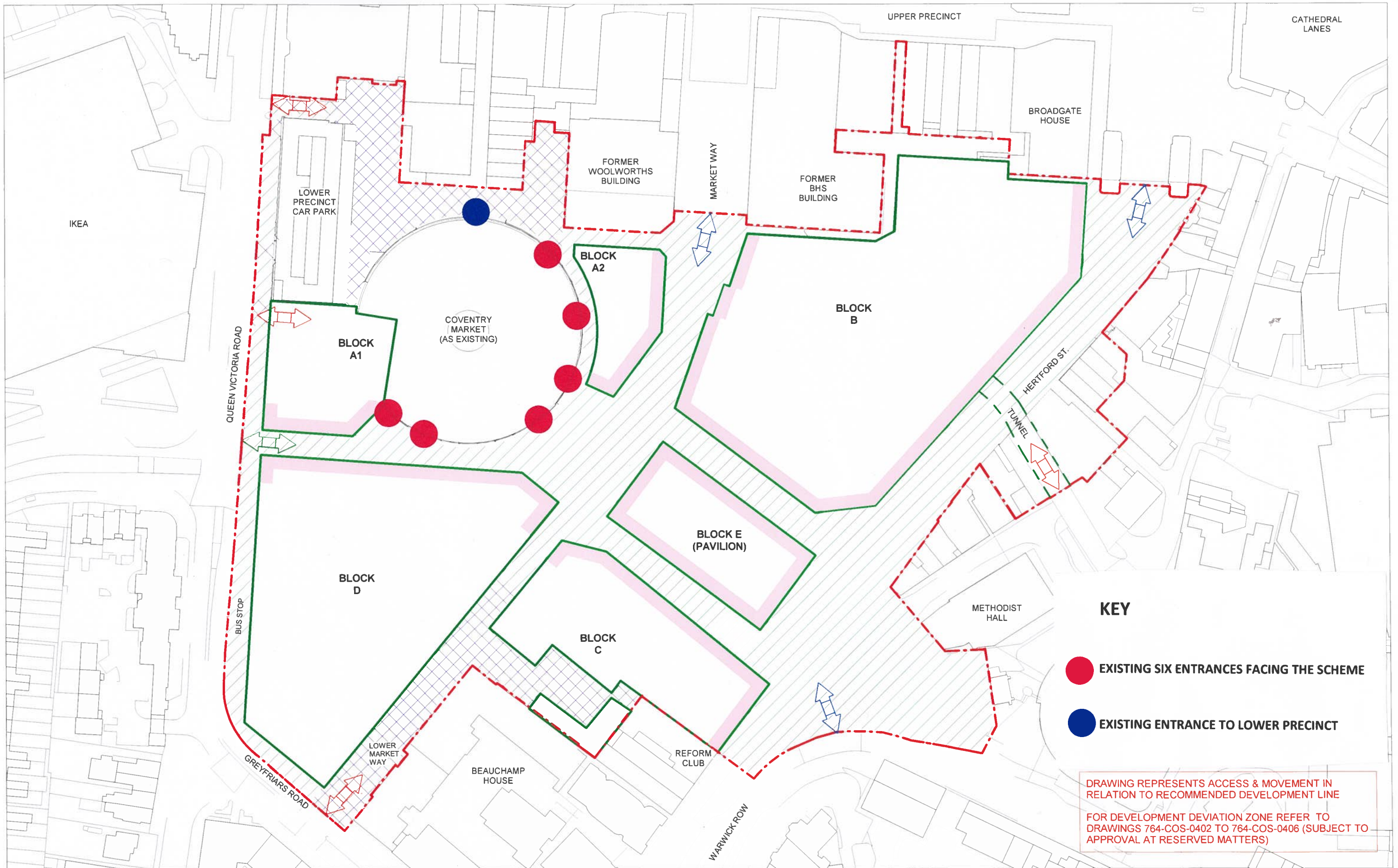
East-west between Rover Way along the north and south of Block E through to 'Public Square 1&2';

C.

North-south between Warwick Row, through 'Public Square 2' and up Hertford Street.



Appendix 4 Plan showing existing entrances to the Market



Coventry City Centre South
PARAMETER PLANS - ACCESS AND MOVEMENT

PROJECT REFERENCE: 764-COS

DRAWING No.: 0409

FOR APPROVAL

ISSUE DATE: NOV 2020

REVISION:00

Scale 1 : 1250 @A3

10 50 100 125M



KEY:

Application Boundary

Development Plots

Active Frontages

Service / Vehicle Priority Area

Pedestrian priority area (with limited access for emergency and service vehicles.)

Vehicular Access

Pedestrian access with controlled service vehicle access

Pedestrian access with exceptional services vehicle access



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Appendix 5 Extract from Development Principles Document

Existing Context - Coventry Market

3.1 Coventry Market - Description

Blocks A1 and A2 sit immediately adjacent to Coventry Market, The aim to enhance the setting of the Grade II listed Retail Market has informed the development principles for Blocks A1 and A2.

Coventry Market is a circular concrete structure with a radial internal layout of pre-cast V-shaped columns built over a pre-cast blade wall basement. The presence of a parking deck on the roof makes it a unique design and is likely to be one of the major contributing factors of its listing.

The building is relatively low within its surrounding context, and whereas the majority of the existing facade faces onto service yards, it is this circular run of facade that is its main feature within the urban design.

3.1.1 Materials and Design

The external appearance is a simple infill of either brick walls, glazed entrances or service access within the concrete frame, with single-glazed glass panels at the clerestory level.

At the roof deck, the existing timber balustrade is in process of being bolstered by an independent railing fixed to the concrete structure, as part of a separate application.

There is a missing quadrant adjacent to Rover Road which can be seen as a factory building overleaf. It should not be necessary to replicate the circular form of the building within this space, the rectangular shape having been part of the original design.

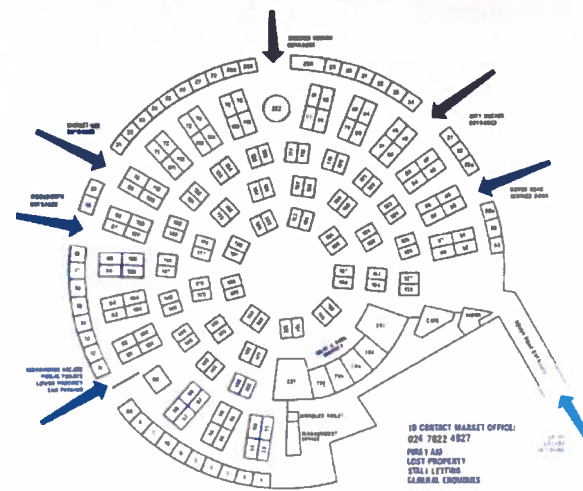
3.1.2 Key Design Principles

Any proposed design adjacent to Coventry Market should respect the fact that the building is unique in form and detail, and should not be referenced in pastiche so as not to challenge or reference its unique character.

The building should be given an appropriate amount of space to be able to maintain servicing, and any access to basements or the internal layout maintained or replicated.

As a piece of urban design, it is its circular form that should be celebrated, with a modest amount of space allowed between it and any taller building. If possible the main entrances should face onto a public space to retain its commercial position within the City.

Welcome to COVENTRY MARKET



Coventy Market -Internal Layout



Coventy Market - Basement Under Construction



Coventry Market - Historic Photo

Appendix 6 Viability Assessment for the Scheme dated 1 April 2021



Shearer Property Regen Limited
1 Grimsdells Corner
Amersham
Buckinghamshire
HP6 5EL

01 April 2021

To whom it may concern,

Thanks for your interest in the viability study for City Centre South.

We believe that our vision for the city centre, crafted over some time will set a new standard for the regeneration of the city, demonstrating real economic benefits, creating job opportunities and an attractive new destination that will bring a sense of place and community back to the heart of the City.

We have worked carefully at the pre planning application stage to ensure that we engaged with statutory consultees as well as interest groups and the wider public. We are delighted that our outline application has been submitted, an enormous amount of work has gone into it and we believe the scheme will bring tangible benefits for all Coventrians to enjoy and participate in.

We have produced a viability report and I'm able to share the executive summary with you.

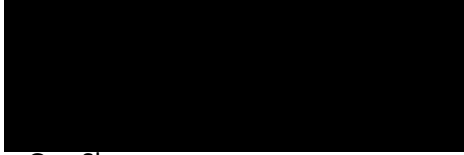
When you read it there are a few points that need to be kept in mind. The first, and most important, is that this viability report was undertaken at a time when both the UK economy and the high street in particular were facing unprecedented challenges. In fact, personally, I have never known a time as challenging as the past year. The viability report though, is needed for planning and we are required to undertake this process as part of the planning application but as you will understand we are a number of years from actual development and therefore in collaboration with the planning authority we have developed a mechanism for the Section 106 agreement where viability is tested as the actual development process proceeds.

Our desire is to ensure that social housing is provided as our vision is to put the heart back into the City centre with a mix of housing types and tenures. To develop our plan, as you know, we spent a long time looking back at original street patterns and also in ensuring we got the scale and quality elements right too.

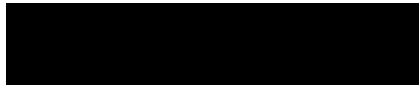
Planning committee will review our masterplan but as we move forward there will be several site specific detailed applications where there will be plenty of opportunity to discuss affordable and social housing and we hope to engage with potential affordable funding agencies over the coming months.

We thank you for your interest in City Centre South. I would be happy to sit down with you to discuss this further.

Yours faithfully,

A large black rectangular redaction box covering the signature of Guy Shearer.

Guy Shearer
Director

A black rectangular redaction box covering contact information, likely a phone number or email address.

24 MARCH 2021

FINANCIAL VIABILITY ASSESSMENT EXECUTIVE SUMMARY: CITY CENTRE SOUTH, COVENTRY

Introduction

Policy H6 of the Coventry City Local Plan (2016) sets a requirement that any new residential scheme of 25 dwellings or more will be expected to provide 25% of all dwellings as affordable homes. However Policy H6 also states that: *“Where the specified 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.”* Therefore the required affordable housing provision (25%) is subject to viability testing.

Policy IM1 requires that applicants should discuss site-specific viability concerns with Coventry City Council (CCC) at the earliest possible stage in the development process, and requires proposals that are unable to comply with Development Plan policies on viability grounds must be accompanied by a detailed Financial Viability Assessment, including where planning obligations (S106) make development unviable.

7.12 Explanatory text supporting Policy IM1 further clarifies:

“However, there may be circumstances which mean the planning obligations and policies make a development, which otherwise positively contributes to the delivery of the Local Plan, unviable. In these cases applicants will be expected to demonstrate how planning obligations and policies result in the development being unviable by preparing a Viability Assessment. The Viability Assessment should be undertaken in accordance with the RICS Guidance Note on ‘Financial Viability in Planning’ or any updates on this guidance.”

Montagu Evans have been instructed by Shearer Property Regen Ltd (the Applicant) to carry out a Financial Viability Assessment (FVA) in support of the planning application for the regeneration of the site known as City Centre South, Coventry (the Site) in order to assess the maximum reasonable amount of affordable housing and other planning contributions that the proposed scheme is able to provide.

The FVA has been prepared in accordance with RICS valuation guidance and the Viability Planning Practice Guidance in support of the National Planning Policy Framework (NPPF). However, it is not a ‘Red Book’ valuation and should not be relied upon as such.

In simple terms, the viability of a scheme is assessed by comparing the residual land value of the proposed development with an appropriate Benchmark Land Value (BLV). The residual land value of the proposed development is arrived at by summing the revenues derived from the development and deducting from these the costs of development.

This Executive Summary outlines the key findings and conclusions of the Financial Viability Assessment.

Financial Viability Inputs & Outputs

We have outlined the inputs and outputs of the proposed scheme viability appraisal below.

Proposed Scheme - Appraisal Inputs & Outputs	
Income	
Built to Rent, Commercial & Car Parking Net Development Value	£280,000,000
External Funding from Public Bodies	£17,500,000
Total Income	£297,500,000
Costs	
Development Costs (including construction costs, contingency, professional fees, letting & disposal fees and finance costs)	£375,000,000
Estimated S.106 Contributions	£15,000,000
Total Costs	£390,000,000
Estimated Viability Deficit	(£92,500,000)

We have been advised by the Applicant that the acquisition (and associated costs) of the existing Coventry City Council and third party owned land within the Site boundary will be funded by the West Midlands Combined Authority (WMCA).

The WMCA funding will allow for vacant possession of the Site to be delivered to the developer in order for these ambitious proposals to be delivered. Having given this full consideration, we do not feel that it is appropriate to include a Benchmark Land Value and have therefore assumed £0 for the purposes of testing viability. If the viability was tested against a Benchmark Land Value then the equivalent funding figure would need to be included in the proposed scheme viability appraisal, effectively cancelling each other out.

Viability Conclusions

The viability modelling demonstrates that on this basis, the development is technically unviable as the cost of delivering the scheme is estimated to be greater than the value of the completed scheme. As a result, there is no surplus available which could have otherwise supported on-site affordable housing and/or other off-site financial obligations (to be secured through a section 106 agreement) in addition to the significant other planning benefits to be provided by the scheme, including the regeneration of Coventry City Centre. The inclusion of affordable housing would threaten the delivery of the scheme and the scheme's ability to meet other key policy requirements.

City Centre South comprises one of the most significant redevelopment opportunities in Coventry and the West Midlands as a whole. Although the modelling has shown a large viability deficit, the Applicant is committed to working with the Council, West Midlands Combined Authority and private sector partners to fund and deliver a new destination for Coventry, with a dynamic new mix of residential, retail, office, leisure and community uses, changing the way people experience Coventry City Centre.

It is not uncommon for FVA's to produce large viability deficits for town centre projects such as City Centre South. This is due to the significant costs involved in a long-term, complex, multiphase regeneration of this scale, which includes significant investment in the public realm and will deliver social, economic and environmental benefits for Coventry and the wider region.

The submitted FVA has been thoroughly reviewed by independent property consultants, Lambert Smith Hampton (LSH), on behalf of the Local Planning Authority. Despite a few adjustments to the viability appraisal, LSH have concurred that the proposed regeneration is technically unable to viably support any affordable housing or additional off-site financial obligations.

As the FVA is supporting a hybrid planning application, assumptions have been made regarding development values and construction costs. However, as development phases within the regeneration are brought forward, depending on future rental growth or the scheme receiving a significant injection of funding in order to overcome the existing viability deficit, it may be possible that the viability of the development will be able

to support financial contributions and/or affordable housing provision. As such, it is understood that the Applicant is proposing a review mechanism to be incorporated in a section 106 agreement associated with any planning permission, which requires a Financial Viability Assessment to be submitted on a phased basis, in order that the Applicant and Local Planning Authority can re-assess viability, and the ability to provide affordable housing / financial contributions in the future.

For and on Behalf of Montagu Evans LLP

Appendix 7 Summary of the viability assessment for the S73 Application Scheme



FAO Ms. Charlotte Coyle
Associate
DAC Beachcroft

Oluremi Aremu
Coventry City Council
Head of Legal and Procurement Services,
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DX 18868 COVENTRY 2

By E-mail only

Our ref: Oluremi Aremu
Your ref: ROY525-1488306

Please contact Oluremi Aremu
Direct line 024 76972070
Oluremi.aremu@coventry.gov.uk

08 December 2022

Dear DAC Beachcroft LLP

**The Council of the City of Coventry (City Centre South) Compulsory Purchase Order 2022
The Royal London Mutual Insurance Society Ltd ("Royal London")**

Further to our letter dated 1 December 2022, please see the Supplementary Viability Information from the Council providing further viability information in relation to the City Centre South Scheme.

We trust that you will find the attached helpful.

Yours Sincerely

Oluremi Aremu
Head of Legal and Procurement services

Copied to:
Andrew Morgan - Partner

INTRODUCTION

Viability information concerning an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance.

In the meantime, this note provides further information in respect of the 'Schedule 2' requests, set out in the letter from DAC Beachcroft dated 17 November 2022, to the extent not already addressed in the response provided by Coventry City Council to DAC Beachcroft on 1 December 2022.

The information set out within this response has been provided by the Council's Development Partner, Shearer Property Regen Limited ("SPRL") and is based upon the Developer's current assessment of viability. A summary of this viability position is provided at Appendix 1.

For ease of reference, we have followed the numbering format adopted within the aforementioned Schedule 2.

1. FLOOR AREAS & PLANS FOR PROPOSED SCHEME AND ANY VARIATIONS

Please see the response provided to DAC Beachcroft on 1 December 2022

2. RESIDENTIAL UNIT MIX

The viability position to be set out at the inquiry is based upon an indicative scheme, derived from the parameters contained within the Section 73 Scheme (as detailed within the response to DAC Beachcroft on 1 December 2022).

This indicative scheme adopts the following assumptions:

Type	Number	GIA (Sq ft)
Private Sale Units	711	710,066
BTR Units	489	440,437
Affordable Units	300	297,645
Total	1,500	1,448,148

All of the proposed homes will be designed to satisfy Nationally Described Space Standards. The indicative scheme comprises a mix of studio, 1 bed 2 person, 2 bed 3 person, 2 bed 4 person, 3 bed 5 person and 3 bed six person homes, as detailed below:

TENURE	STUDIO	1 BED	2 BED	3 BED	TOTAL
PRIVATE	1	310	310	90	711
BUILD TO RENT	107	148	202	33	489
SOCIAL RENT	0	90	61	29	180
SHARED OWNERSHIP	0	45	59	16	120

3. PRIVATE RESIDENTIAL VALUES

SPRL has adopted private sales values which range from approximately £135,000 for a studio apartment, through to approximately £395,000 for the largest 3 bedroom homes. The average sales values are approximately £270,000, equivalent to approximately £368 psf.

In arriving at these sales value assumptions, SPRL has drawn upon the insight and experience of Hill Residential Limited, which alongside Shearer Property Group owns the shares in SPRL. Hill Residential Limited has had regard to value enhancement it considers will be achievable from delivering a comprehensive regeneration scheme and also having regard to the design and specification assumptions which underpin its construction cost assessment.

The assumptions adopted for the Build to Rent units have been derived from SPRL's review of the local rental market and early engagement with potential Build to Rent investors, the details of which are commercially sensitive. The value assumptions adopted reflect assumed rental values within a range of approximately £825 to £1,450 pcm, with an average capital value of £345 psf adopted.

4. ANTICIPATED AFFORDABLE RESIDENTIAL SALES VALUES

SPRL's affordable value assumptions are informed by a competitive tendering process run during 2Q 2022. Proposals were submitted by three Registered Providers returned tenders and two have been shortlisted. All proposals are based upon a tenure mix of 60% social rent and 40% shared ownership.

The details of the bidders and specific assumptions adopted cannot be shared on the grounds of commercial sensitivity but can be noted as falling within a range of approximately £250 - £300 psf.

5. ANTICIPATED COMMERCIAL RENTAL VALUES AND YIELDS

Retail and commercial values have been informed by Shearer Property Group's expertise and understanding of the UK retail market, with particular Coventry insight derived from their ownership of the Cathedral Lanes centre and development management role in respect of the Upper Precinct.

SPRL has adopted an average net rent (after the deduction of tenant incentives) of £25.00psf and an average net initial yield of 8.5% for new build commercial floorspace and a net initial yield of 4.5% for the health centre.

An average net rent (after the deduction of tenant incentives) of £15.00psf has been applied at a yield of 12% for the existing commercial floorspace.

The retail and commercial space will be delivered by SPRL with funding from Hill Holdings Limited. The investment valuation assumptions adopted reflect an assumption that this space will be disposed of post practical completion.

6. HOTEL VALUATION

A commercially confidential potential hotel valuation has been undertaken as part of the formulation of an indicative scheme within the Section 73 Scheme parameters. At this stage, the indicative scheme which has been assessed as part of the viability information referred to above is not including a hotel within the floorspace mix, though this will be kept under review as the scheme phases are delivered. A potential hotel use continues to be included in the Section 73 Scheme parameters to cater for this use should it come forward.

7. DETAILS OF GRANT / EXTERNAL FUNDING

The current assessment of viability put forward by SPRL assumes the following grant funding streams:

- WMCA Funding Support: £39,067,591 as part of the £98.8m funding package towards the scheme.
- Coventry City Council Funding Support: £32,750,000 towards the scheme.

8. CONSTRUCTION COSTS

SPRL intends to contract with Hill Partnerships, which has a long track record of delivering regeneration and construction projects and build in the region of 3,000 homes a year.

In arriving at its cost estimate, Hill Partnerships have benchmarked rates against projects of a comparable scale and quality it either has, or is in the process of delivering.

Hill Partnerships and SPRL have also undertaken market engagement with a number of sub-contractors, to help ascertain and validate key construction cost assumptions.

SPRL considers it would be commercially prejudicial to disclose its full elemental breakdown of cost assumptions but can advised that the overall gross build cost (inclusive of allowances for relevant fees) equates to approximately £408.3m.

9. ABNORMAL COSTS

SPRL's assessment of viability includes allowances for marketing, letting and disposal of each use type, with assumptions falling within what it considers to be a market typical range:

- Commercial agency fees: of 2% to reflect commercial agency market rate
- Private sales agency fees: of 1.25% plus £600 per unit for legal fees

It has also made allowances for matters such as Party Wall agreements, monitoring fees and finance costs.

Costs associated with land assembly and rights of light are excluded, on the basis of the terms upon which Coventry City Council intends to transfer the land to SPRL.

8 December 2022

APPENDIX 1: VIABILITY SUMMARY

Revenue

Private Residential Sale	£191.9m
Build to Rent	£112.2m
Affordable	£62.5m
Commercial	£31.3m

Net Realisation **£397.9m**

Total Development Costs

Construction Costs and Professional Fees	£408.3m
Planning / Design Fees	£6.0m
Sales and Marketing Costs	£8.0m
Finance Costs	£3.8m

Total Development Costs **£426.2m**

Public Sector Funding

WMCA Grant	(£39.1m)
Council Contribution	(£32.8m)

Net Development Costs **£354.4m**

Development Profit **£43.5m**

Profit on Net Development Costs **12.3%**

Profit on Gross Development Value **10.9%**

**Appendix 8 Table of net additional new dwelling unit numbers and net additional floor
space requirements**



FAO Ms. Charlotte Coyle
Associate
DAC Beachcroft

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By E-mail only

Our ref: Oluremi Aremu
Your ref: ROY525-1488306

01 December 2022

Please contact Oluremi Aremu
Direct line 024 76972070
Oluremi.aremum@coventry.gov.uk

Dear DAC Beachcroft LLP

The Council of the City of Coventry (City Centre South) Compulsory Purchase Order 2022 The Royal London Mutual Insurance Society Ltd ("Royal London")

We refer to your letter of 17 November 2022 requesting information in relation to the viability and funding of the City Centre South scheme.

We note that your requests include a number of matters which are dealt with, in the normal course of events, in the proofs of evidence to be exchanged in advance of the inquiry, or are commercially confidential.

The Council and its development partner and funder will set out in evidence the potential viability and intended funding of the scheme in order to satisfy paragraph 106 of the CPO Guidance.

Your clients are a private sector institutional fund with significant commercial interests in Coventry and you will understand commercial confidentiality constraints.

However, notwithstanding the above, the Council has sought to reply as helpfully as possible at this stage and please therefore see the responses of the Council in the pages below.

We trust that you will find the attached responses helpful.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Oluremi Aremu'.

Oluremi Aremu
Head of Legal and Procurement Services

Copied to:
Andrew Morgan – Partner

Enc. Response to 17 November 2022 DAC Beachcroft letter

SCHEDULE 1 REQUESTS

1. Details of the OJEU compliant developer selection process along with supporting Minutes of Key Council decisions surrounding the appointment of Shearer Property Group for the City Centre South Regeneration

The appointment of Shearer Property Group for the City Centre South Regeneration Scheme was undertaken via the OJEU competitive dialogue process. Following evaluation of the tender submissions, a report was taken to Cabinet/Full Council. Links to the relevant report/minutes approving the appointment can be found at:

Report to Cabinet dated 24 January 2017:

<https://edemocracy.coventry.gov.uk/documents/s32608/City%20Centre%20South%20Development.pdf>

Minutes of the Cabinet meeting on 24 January 2017 (see item 104):

<https://edemocracy.coventry.gov.uk/documents/s33204/Minutes%20-2024th%20January%202017.pdf>

Minutes of Full Council meeting on 24 January 2017 (see item 102):

<https://edemocracy.coventry.gov.uk/documents/g11140/Printed%20minutes%2024th-Jan-2017%2014.00%20Council.pdf?T=1>

2. Details (reports and Minutes) of the approval process and the decision taken by the Council to support the appointment of Hill Residential Limited as the development and funding partner to Shearer Property Group

The appointment of Hill as the Approved Funder for the City Centre South Regeneration Scheme was a competitive process undertaken by Shearer Property Group as part of the satisfaction of the Funding Security Condition which is a pre-condition under the Development Agreement.

We refer you to the link of the Cabinet decision provided in the response to Schedule 1 Request 1 above which approved the entering into the Development Agreement with the preferred developer.

The approval process and decision taken by the Council to support the appointment of Hill was exercised in accordance with the provisions of the Development Agreement (having reviewed the financial information and confirmations in relation to Hill Holdings Limited provided by Shearer Property Group which were verified by an independent party) and approved by the Director of Property Services and Development pursuant to the Development Agreement provisions under delegated powers.

3. Details of the contractual outputs required of the developer (Shearer Property Group) and/or the Council, associated with the grant of £98.8M provided by West Midlands Combined Authority for the City Centre South Regeneration scheme

The anticipated outputs and outcomes of the project identified for grant funding purposes include the following:

Outputs/ Outcomes (net additional)		
Place – New Dwellings		1,321 units ¹
Place – New retail and leisure floor space		9,420 sqm
Place – New residential floor space		126,948 sqm
Place – New community health centre		429.3 sqm

On 17 October 2022 the WMCA Investment Board approved the above project outputs and outcomes and delegated authority to WMCA officers to approve the terms and enter into any associated legal agreements. The Council and WMCA are in the course of preparing the confirmatory legal agreement.

4. Details of the clawback terms of the grant of £98.8M provided by West Midlands Combined Authority associated with the delayed or non-delivery of the contractual outputs referenced in 3.

The Grant Agreement makes clear WMCA's intention to pay the grant in full. It does however include provisions enabling the WMCA at its discretion to withhold or suspend payment, or trigger exit/compensation arrangements in certain circumstances. These are as follows:

1. the recipient uses the grant for purposes other than those for which they have been awarded;
2. the recipient provides the funder with any materially misleading or inaccurate information;
3. the recipient commits or committed a prohibited act;
4. any member of the governing body or employee of the recipient has (a) acted dishonestly or negligently at any time and directly or indirectly to the detriment of the project or (b) taken any actions which, in the reasonable opinion of the funder, bring or are likely to bring the funder's name or reputation into disrepute;
5. the recipient fails to comply with any of the terms and conditions set out in the agreement and fails to rectify any such failure within thirty (30) days of receiving written notice detailing the failure;

¹ The Section 73 Application Scheme will provide up to 1,500 residential units.

6. a material change has been made to the project without the prior written approval of the Funder;
7. there is failure to enter into the Development Agreement no later than 21 March 2019;
8. there is a termination of such Development Agreement;
9. there is an event which results in the Project being aborted.

Where any of 1-7 above, the Funder is entitled to withhold, suspend or require repayment of the grant. Where either of 8 or 9 apply, there are exit arrangements as the Project would not be proceeding in such circumstances. These are typical grant clawback provisions found in most grant funding agreements.

SCHEDULE 2 REQUESTS

Proposed Scheme

1. Floor areas & plans for proposed scheme and any variations (e.g. if other scenarios are proposed in the form of a detailed area schedule (in excel format)).

A. Consented Scheme

Please refer to the documents on the planning register for application ref: OUT/2020/2876:

<https://planningsearch.coventry.gov.uk/planning/application/812715>

B. Section 73 Scheme

Please refer to the documents on the planning register for application ref: S73/2022/3160:

<https://planningsearch.coventry.gov.uk/planning/application/827315>

2. Residential unit mix including details of the split of tenure (in excel format).

A. Consented Scheme

The residential unit mix may be settled pursuant to the reserved matters applications and in accordance with the planning permission conditions and S106 obligations. However, it is anticipated that a scheme within the Section 73 Scheme parameters will be proceeded with – see below.

B. Section 73 Scheme

The residential unit mix will be settled pursuant to reserved matters applications pursuant to a Section 73 Planning Permission (anticipated in January 2023) and in accordance with the Section 73 Planning Permission conditions and S106 obligations which are anticipated to be similar to those applying to the Consented Scheme. The Section 73 Scheme is the scheme which is anticipated to be proceeded with and an indicative scheme within the Section 73 Scheme has been viability appraised – see further below.

Values

3. Detailed anticipated private residential sales values from a third party agent and anticipated rate of sale per month. To include car parking values (if applicable).

A. Consented Scheme

The position in relation to the potential viability and intended funding of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is

anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

4. Anticipated affordable residential sales values and anticipated sales profile.

A. Consented Scheme

The position in relation to the potential viability and intended funding of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

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will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

5. Anticipated rental values and yields from a third party agent for commercial accommodation along with details of likely incentives, rent-free periods, voids etc

A. Consented Scheme

The position in relation to the potential viability and intended funding of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

6. Hotel Valuation including a market report to support the value.

A commercially confidential potential hotel valuation has been undertaken as part of the formulation of an indicative scheme within the Section 73 Scheme parameters. At this stage, the indicative scheme which has been assessed as part of the appraisal information referred to above is not including a hotel within the floorspace mix, though this will be kept under review as the scheme phases are delivered. A potential hotel use continues to be included in the Section 73 Scheme parameters to cater for this use should it come forward.

7. Details of Grant / External Funding

A. Consented Scheme

The position in relation to the potential viability and intended funding of the Consented Scheme was summarised in the Statement of Reasons accompanying the

making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

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8. Full QS Cost Report for the proposed scheme. To include details of demolition costs, site preparation and public realm works. To include incurred costs.

A. Consented Scheme

As above, the assessment of the potential viability of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that Scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been viability appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

9. Abnormal Costs – not within cost report e.g. rights of light.

A. Consented Scheme

As above, the assessment of the potential viability of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that Scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been viability appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

10. Details of proposed S106.

A. Consented Scheme

Please see the S106 agreement for the Consented Scheme at: <http://planning.coventry.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=165442>

B. Section 73 Scheme

Appropriate amendments to the above S106 agreement will be entered into as part of the determination of the Section 73 Scheme application. It is anticipated this will be made available prior to or during the inquiry. One enhancement to the Consented

Scheme which is reflected in the Section 73 Scheme is committed provision of affordable housing and consequential changes will be agreed in relation to the S106 agreement accordingly. It is anticipated that a draft of the variation to the S106 Agreement will be made available by the local planning authority as soon as it has been prepared. The appraisal information referred to above reflects the anticipated amendments to the Consented Scheme S106 agreement to be agreed as part of the determination of the Section 73 Scheme application, including the committed provision of affordable housing.

11. Construction timescales, programme and phasing.

A. Consented Scheme

Please see the Construction chapter of the Environmental Statement on the planning register for application ref: OUT/2020/2876 for details of the assessed phasing programme:

<https://planningsearch.coventry.gov.uk/planning/application/812715>

B. Section 73 Scheme

Please see the Construction chapter of the Environmental Statement on the planning register for application ref: S73/2022/3160 for details of the assessed phasing programme:

<https://planningsearch.coventry.gov.uk/planning/application/827315>

12. Land assembly costs and costs of gaining vacant possession. To include acquisition of Freehold and Leasehold interests, as well as tenancies.

A. Consented Scheme

As above, the assessment of the potential viability of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that Scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been viability appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

Planning

13. Planning Statement text to align with FVA narrative.

A. Consented Scheme

Please see the Planning Statement text:

<http://planning.coventry.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=1567716>

B. Section 73 Scheme

Please see the Planning Statement text:

<http://planning.coventry.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=1706901>

14. Section 106 Agreement.

Please see response to request 10 above.

15. Financial Viability Assessment.

A. Consented Scheme

As above, the assessment of the potential viability of the Consented Scheme was summarised in the Statement of Reasons accompanying the making of the CPO and the subsequent Statement of Case. As was set out in the Statement of Case, it was envisaged that Scheme refinements would be progressed which have indeed been taken forward as the Section 73 Scheme which is the scheme which is anticipated to be proceeded with, and an indicative scheme within the Section 73 Scheme has been viability appraised – see further below.

B. Section 73 Scheme

Information concerning appraisal of an indicative scheme within the Section 73 Scheme will be provided in the proofs of evidence setting out the potential viability and intended funding of the indicative scheme tested within the Section 73 Scheme parameters in order to satisfy paragraph 106 of the CPO Guidance. This will be accompanied by Deloitte evidence of its independent assessment of such appraisal information on behalf of the Council. The appraisal information includes/factors in the information requested in the appropriate level of detail, respecting commercially confidential information but providing such information as far as possible.

However, given this request, to assist with early provision of such information, such information can be made available ahead of the proofs of evidence. It is thus intended to provide this to any party who wishes to see it by the end of 8 December 2022, i.e. 3 weeks ahead of the proofs of evidence submission date of 29 December 2022. This will mean it can be considered as part of proofs of evidence of any party intending to appear at the inquiry, or any other party.

16. Details of the Development Agreement between the Council, Shearer Property Regen Limited, Shearer Property Group Limited.

As previously indicated, a copy of the Development Agreement, with redactions of any commercially confidential information, will be provided as part of the Council's evidence for the Inquiry.

17. Details of the Council's 'fallback position' in the event that the Development Agreement is terminated

Please refer to the Council's Statement of Case and Statement of Reasons in which the potential "fall back position" is explained. The potential fall back position will also be referred to in the Council's proofs of evidence. With the ongoing work and commitment of Shearer Property Regen Limited, Shearer Property Group Limited and Hill Holdings to the Scheme, including viability appraisal information of an indicative scheme within the Section 73 Scheme which the development partners are actively proceeding with, the potential fallback position is not considered likely to be needed.

**Appendix 9 Minutes of the West Midlands Combined Authority Investment Board
meeting**



Investment Board

Monday 17 October 2022 at 11.00 am

Minutes

Present

Councillor Bob Sleigh (Chair)
Councillor Steve Clark
Councillor Karen Grinsell
Councillor Jim O'Boyle
Councillor Stephen Simkins
Sue Summers
Gary Taylor

Councillor Matt Jennings
Sarah Windrum

Portfolio Lead for Finance & Investments
Dudley Metropolitan Borough Council
Solihull Metropolitan Borough Council
Coventry City Council
City of Wolverhampton Council
West Midlands Development Capital
Greater Birmingham & Solihull Local
Enterprise Partnership
Non-Constituent Authorities
Coventry & Warwickshire Local
Enterprise Partnership

**Item Title
No.**

54. Apologies for Absence

Apologies for absence were received from Councillor Bird, Councillor Jefferson, Councillor Jones, Councillor Piper and Nick Abell.

55. Notification of Substitutes

Councillor Jennings was nominated as a substitute for Councillor Jefferson and Sarah Windrum was nominated as a substitute for Nick Abell.

56. Minutes - 15 August 2022

The minutes of the meeting held on 15 August 2022 were agreed as a true record.

57. Matters Arising

Minute no. 41, WMCA Position regarding Funding & Investment in relation to Overseas or Offshore Companies

Councillor Simkins reported that he felt the briefing note that sets out the WMCA's guidance for dealing with offshore and/or overseas companies should be submitted to the WMCA Board.

The Chair reminded Councillor Simkins that the report was submitted to Investment Board for information only and was not a policy change to be considered by the WMCA Board.

Councillor Simkins indicated that he would raise the matter at the WMCA Board as a point of principle.

58. Investment Programme Update and Dashboard

The board considered a report of the Director of Investment and Commercial Activities on the status of the Investment Programme to help set the context of any investment decision being made by the board.

Ian Martin, Director of Investment and Commercial Activities provided an update on the Investment Programme and Investment Programme Dashboard.

He reported that the approved grant funded awarded and administered by the WMCA within the Regional Investment Programme totals £858.7 million as at 30 September 2022.

Ian Martin provided an update on the Investment Programme and dashboard including changes to projects/schemes that were approved by Statutory Officers since the previous meeting on 15 August 2022.

Resolved:

1. Approval under delegated authority by WMCA Officers of the business case submissions disclosed at Section 3 of the report be noted;
2. The WMCA Investment Programme funding status and current affordable limit as outlined in Section 4 of the report be noted and
3. The Regional Investment Programme delivery update detailed within the report and appendices (including the project-level summary within the WMCA Investment Programme dashboard at Appendix 4) be noted.

59. WMCA Collective Investment Fund (CIF) - Dashboard

The board considered a report of the Collective Fund dashboard (public iteration) as at 1 October 2022.

Resolved: That the report be noted.

60. WMCA Brownfield Land and Property Development Fund (BLPDF) - Dashboard

The board considered a report of the Brownfield Land and Property Development Fund dashboard (public iteration) as at 1 October 2022.

Resolved: That the report be noted.

61. WMCA Revolving Investment Fund (RIF) - Dashboard

The board considered a report of the Revolving Investment Fund dashboard (public iteration) as at 1 October 2022.

Resolved: That the report be noted.

62. Exclusion of the Public and Press

Resolved:

That in accordance with Section 100A4 of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business as they involve the likely disclosure of exempt information relating to the business affairs of any particular person (including the authority holding that information).

63. Morris & Company- Stadium Point

The board considered a report from West Midlands Development Capital (WMDC) that sought approval for loan funding from the Collective Investment Fund (CIF) for the sum specified in the report for the 'Company' to support the development of 11 new build mixed use industrial, office and food units divided into smaller units at a key employment location close to the A5 in Shrewsbury.

It was noted that the development is the first of 3 phases the Company would be undertaking over the next c4-6 years and the loan would fund Phase 1 of the development.

The loan would be secured via a first charge over the whole c28 acres as the Company's wish for Phase 3 funding (counter intuitively the development is built sequentially as Phase 1, Phase 3, then Phase 2) to also be provided via CIF. This is to be presented separately in around 18-24 months and there is no commitment to provide this funding at this stage. Appropriate collateral warranties from sub-contractors and consultants with any significant design or structural responsibilities would also be in place.

It was noted that the Company was well-established and had a track record with the WMCA, having recently repaid a CIF loan for a completed development that achieved greater rental income and sales figure compared to the original appraisal values.

The Director of Investment and Commercial Activities, Ian Martin reported that the Company was well-known in the Shrewsbury area and he was comfortable lending to an established company.

In relation to an enquiry from Councillor O' Boyle as to whether Shrewsbury would part of an Investment Zone area as this would impact on land values, Nick Oakley (WMDC) reported that Shrewsbury was not applying for Investment Zone status and advised that there was a lot of old commercial stock in the area that was not fit for purpose. He added that there was also significant value hidden in the land values which covered risks.

Resolved:

That a loan from the Collective Investment Fund (CIF) to the Company for the sum specified in the report, to fund the development outline in the report be approved.

64. Business Justification Case Approval for initial spend under CRSTS - Line 1 Renewal

The board considered a report of the Executive Director of Transport for the West Midlands that sought approval for the release of £2.1m from the City Region Sustainable Transport Sustainable (CRSTS) Fund that is part of a £30m settlement and forms part of the full business case that would be submitted to the WMCA Board for approval in January 2023 for Metro Line 1 renewals.

The West Midlands Metro Projects Director, Michael Anderson, reported that the Metro infrastructure was 20 years old and advance funding was needed this financial year to undertake urgent maintenance works for Overhead Line Equipment and track updates.

Councillor O' Boyle indicated he supported the report but noted the high costs for Metro compared to Very Light Rail (VLR) and stressed the need for the WMCA to continue to support VLR.

Resolved:

1. The intention to submit a Full Business Case for approval at the WMCA Board in January for Line 1 Renewals for £30m be noted;
2. The need to release emergency grant funding in advance of this full approval to enable West Midlands Metro to deliver some of the more urgent packages within the full £30m funding stream be noted and
3. The release of £2.1m in anticipation of approval of the CRSTS £30m Full Business Case be approved.

65. Coventry City Centre South

The board considered a report of the Property Services and Development Director, Coventry City Council that sought approval of a Change Request for the Coventry City South Scheme.

Adam Hunt, Coventry City Council, outlined the background to the Coventry City Centre South scheme and presented details of the revised scheme that reduces the amount of retail space and provides significantly more housing including 20% affordable. Adam also presented details of the project outcome, key benefits, how the grant would be re-structured and next steps.

Ian Martin reported that WMCA colleagues had worked with Coventry City Council on the scheme and was pleased this would be a more deliverable scheme. He advised that no additional funding is required from the WMCA and the commercial details would be worked through with Coventry City

Council to insert conditions into the grant.

Councillor Grinsell enquired as to the profit targets for the scheme as these were not itemised and also asked whether the health centre plans were well developed.

Adam Hunt reported that he was working through the commercial details with the developer and with regards to the in health centre there were no detailed plans at this stage but outline planning consent had been awarded.

Councillor Grinsell reported of the need to involve the NHS at the early stages of the scheme development to ensure the health centre gets built.

Councillor Simkins reported that he was very supportive of the scheme as it supported city centre regeneration but wanted to understand the intervention rate for housing as he wanted to see a level playing field across the WMCA.

Ian Martin advised that the intervention rate was high for the scheme due to the high demolition costs involved. He advised that an intervention was not applied for the revised scheme but if an intervention rate was applied, the WMCA would not have provided financial assistance.

Sarah Windrum advised that the Coventry and Warwickshire LEP was fully supportive of the scheme.

Resolved:

1. The introduction of a council funding contribution completes the funding package for the scheme and is subject to Cabinet and Full Council approval as well as Subsidy Control review be noted;
2. The Change Request for the Coventry City Centre South Scheme subject to Coventry City Council Cabinet and Full Council approval of the Local Authority Contribution and resolution of any associated Subsidy Control review matters be approved;
3. The commercial terms and grant structure be delegated to the S151 Officer, in consultation with the Investment and Commercial Activities Director, to undertake the necessary due diligence to approve the funding and enter into any associated legal agreements that are necessary to give effect to the recommendations contained in the report be approved;
4. The principle that overall affordability of the Investment Programme (as evidenced by the financial model) should be no worse off as a result of any accelerated drawings which might be required as a result of the Change Request be approved.

66. Brownfield Land & Property Development Fund Status and Update

The board considered a report of the Investment and Commercial Activities Director that provided an update on the status and performance of the

Brownfield Land and Property Development Fund (BLPDF) and sought approval to the strategy with regards to undrawn and unallocated funding and to the provisional BLPDF fees.

Resolved:

1. The performance and status of the Brownfield Land and Property Development Fund be noted ;
2. The strategy with regards to the undrawn but allocated funding as set out in section 5 of the report which would release up to £4.921m combined with the remaining £1.575m to provide £6.496m of available funding be approved and
3. The provisional fee arrangements outlined in section 6 of the report be approved.

67. Encocam -Mira

The board considered a report of West Midlands Development Capital (WMDC) that sought approval from the Collective Investment Fund (CIF) for the sum specified in the report for the 'Company' to enable a key motor industry passive crash testing facility at the expanded Motor Industry Research Association (MIRA) Technology and Manufacturing Park to be retained and supported for re-equipped premises the loan would be subject to the key terms set out in the report.

Grant funding, for the sum specified in the report, was also sought from the Brownfield Land and Property Development Fund towards site redevelopment, where costs would not be fully demonstrably serviceable or recoverable within 5 years to provide significant job outputs saved directly on the wider site and across the West Midlands.

It was noted that Warwickshire County Council are supporting this business with match funding (as specified in the report) which they provide on loan as they are able to offer such a facility for up to 10 years, subject to further diligence.

Councillor Clark noted that JLR are the biggest client user of this facility and enquired whether the company would build anything themselves.

Gerald Gannaway (WMDC) reported that JLR had written a letter of support for continued investment in the facility but had indicated they would not invest themselves and would have to explore alternatives within Europe to ensure NCAP 2025 compliance if the facility was not upgraded to meet the new standards.

Councillor O' Boyle commented that there are always risks within the automotive sector and that if investment was not provided in the sector, automotive companies would take their business elsewhere.

Ian Martin advised the board that security for this investment was different to what is normally provided in that it is reliant on two guarantees; the Company

was a tenant rather than the owner so the WMCA could not take a first charge over the property. He reported that lending to an SPV carries a high risk than what the WMCA usually deals with and the direct outputs from the investment were not very high. He added that subsidy control also needs to be looked at very carefully.

The board noted the risks as outlined and the importance of MIRA to the sector and the region.

Resolved:

1. A fully repayable loan from the Collective Investment Fund (CIF) to the 'Company' for the sum specified in the report, at the agreed interest rate be approved and
2. Grant funding from the Brownfield Land and Property Development Fund (BLPDF) to the 'Company' for the sum specified in the report be approved.

68. WMCA Collective Investment Fund (CIF) - Dashboard

The board considered a report setting out the dashboard for the Collective Investment Fund (private iteration) as at 1 October 2022.

Resolved: That the report be noted.

69. WMCA Brownfield Land and Property Development Fund (BLPDF) - Dashboard

The board considered a report setting out the dashboard for the Brownfield Land and Property Development Fund (private iteration) as at 1 October 2022.

Resolved: That the report be noted.

70. WMCA Revolving Investment Fund (RIF) - Dashboard

The board considered a report of the Revolving Investment Fund (private iteration) as at 1 October 2022.

Resolved: That the report be noted.

71. Land and Property Investment Fund (LPIF)

The board considered a report setting out the dashboard for the Black Country Land and Property Investment Fund as at 1 October 2022.

Resolved: That the report be noted.

72. Housing & Land Fund Dashboards

The board considered the Housing and Land Fund Dashboards that provided updated on the three funds (Brownfield Housing Fund, National Competitive Fund and Land Fund) including a summary of the funds since the last meeting.

Resolved: That the report be noted.

The meeting ended at 12.18 pm.

Appendix 10 DAC Beachcroft guidance note on Subsidy Control

Subsidy Control
A guidance note for
The Royal London Mutual Insurance Society Limited

[15.12.2022]

The Subsidy Control Regime

Following the UK's exit from the European Union (EU) and the end of the Transition Period, the Subsidy Control Regime was introduced, in place of the State Aid Regime (which continues to be in force in the EU). The Trade and Cooperation Agreement (TCA) agreed between the EU and the UK, set out the Subsidy Control Regime in the UK unless and until further legislation was introduced. The rules set out in the TCA are the rules currently in force in the UK. However, the Subsidy Control Act 2022 (The Act) is set to come into force in on the 4th January 2023 and from then on The Act and its associated statutory guidance will regulate the Subsidy Control Regime in the UK. As the Subsidy in this case will likely be granted after the date the Act comes into force, this note will focus on the Subsidy Control Rules under The Act.

Rules under The Act

To constitute a Subsidy, the following criteria must be met:

- i. a financial contribution – this is defined broadly to include any kind of support or market transaction that is considered to have a financial value for the recipient, which includes, although is not limited to, grants, tax exemptions, and relaxed planning consents;
- ii. provided by a public authority (including within its scope any entity that exercises functions of a public nature);
- iii. which confers an economic advantage that would not be available on commercial terms;
- iv. which is specific either to a particular enterprise or enterprises in a particular sector; and
- v. has a harmful or distortive effect on trade within the UK or internationally.

If all the above criteria are met, then the financial assistance will be considered a Subsidy. In order to be a legal Subsidy, the Subsidy must:

- i. Be consistent with the Subsidy Control Principles
- ii. Comply with any sector specific additional rules (for Subsidies relating to agriculture, energy and the environment)¹
- iii. Not be subject to any of the prohibitions.

Subsidy Control Principles

Subsidies must comply with each of the following principles:

- a) Subsidies should pursue a specific policy objective in order to remedy an identified market failure or address an equity rationale;
- b) The Subsidy must be proportionate to the policy objective and limited to what is necessary;
- c) Subsidies should be designed to bring about a change of economic behaviour of the beneficiary which should be conducive to achieving the specified policy objective and would not happen in the absence of the Subsidy;
- d) Subsidies should not normally compensate for costs the beneficiary would have funded in the absence of any Subsidy;
- e) Subsidies should be an appropriate policy instrument for achieving their specific policy objective and the objective must not be capable of being achieved through other, less distortive, means;
- f) Subsidies should be designed to achieve their specific policy objective while minimising any negative effects on competition and investment within the United Kingdom; and
- g) The beneficial effects of the Subsidy should outweigh any negative effects, including in particular negative effects on competition and investment within the United Kingdom, and international trade and investment.

Prohibitions

The Act prohibits certain Subsidies outright as they are considered de facto to pose a significant distortion of competition or investment. The Act prohibits:

- Unlimited State guarantees;
- Restructuring subsidies for an ailing or insolvent enterprises without a credible restructuring plan;
- Subsidies contingent on export performance;
- Subsidies that are designed to favour the use of domestic goods or services over imported goods or services; and
- Subsidies that incentivise relocation where the relocation would not take place in the absence of the Subsidy.

¹ This will not be explored further in the context of this note as it is not relevant to this scheme, however further information on these requirements is available under the statutory Subsidy Control guidance.

Exemptions

Certain Subsidies are exempt from complying with all the requirements set out in the Act:

Minimal and SPEI Financial Assistance

- Where a recipient will not receive <£315,000 over an applicable period, the awarding body need not comply with the majority of the Subsidy Control requirements.²
- SPEI assistance will be exempt from the majority of Subsidy Control requirements if the recipient will receive <£725,000 over an applicable period.³

Alongside the exemptions for minimal and SPEIA funding, a number of other exemptions apply:

- Certain agricultural and fisheries subsidies;
- Subsidies for audio visual services such as film-making and the BBC;
- Subsidies for natural disasters e.g. flooding/pandemic;
- Temporary subsidies to address the effects of a national/global economic emergency; and

Subsidies issued in the interests of national security.

The Subsidy Database

The Subsidy Database provides an element of transparency to the Subsidy Control Regime, providing a platform upon which subsidies can be displayed and therefore notified to the public. The Public Authority granting the Subsidy have a statutory duty to upload details of the Subsidy on the database. Every Subsidy, save those which benefit from an exemption under Part 3 of the Act must be registered on the database. The Subsidy must be registered within 3 months of the public authority's confirmation of its decision to make the scheme, this information is then maintained on the Subsidy Database for a period of 6 years, or for the duration of the Subsidy, whichever is longest, and must be maintained by the public authority throughout this period.

Challenges to Subsidies

The Competition Appeal Tribunal (the CAT) has jurisdiction to review Subsidy Control Decisions. Interested parties (defined as anyone whose interests who may be affected by the Subsidy) have one calendar month to appeal a Subsidy from the date it was uploaded onto the Subsidy Database. The standard of review is largely similar to judicial review.

Obligations on Authorities Granting Funding

Section 12 of the Act requires that Authorities, when they are considering making a Subsidy or Subsidy scheme, to conduct an analysis of the Subsidy, assessing compliance with principles. It is suggested that this should be carried out alongside the business case for the relevant project and should be documented by the Authority. Although the exact content of the report is not dictated by the Act, the guidance does stipulate that the more complex and potentially distortive a scheme may be, the more extensive the analysis of the Subsidy should be.

Consequences of Successful Challenge

It is entirely at the discretion of the CAT whether a remedy is ordered where the tribunal concludes that a Subsidy is not compliant with the Subsidy Control rules. Where the CAT chooses to order a remedy it may choose to order any of the following:

- Mandatory Order : An order to require the relevant public authority to perform its legal duties;
- Prohibiting Order : An order prohibiting a public authority from carrying out an unlawful act, including prohibiting a public authority from giving a Subsidy;
- Quashing Order : An order setting aside an unlawful decision, including those decisions made by a public authority in relation to granting a subsidy;
- Declaration : the CAT may make a declaration to clarify a point of law;
- Injunction : an order requiring the public authority to either do or not do something, which can be used on an interim basis whilst investigations are underway; and/or
- Recovery : An order requiring the public authority to take the Subsidy back from the beneficiary.

² This will not be explored further in the context of this note as it is not relevant to this scheme, however further information on these requirements is available under the statutory Subsidy Control guidance.

³ As above.

Appendix 11 Scheme planning permission conditions



**TOWN & COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
MANAGEMENT) (ENGLAND) ORDER 2015**

OUTLINE PLANNING APPLICATION

Application No. : **OUT/2020/2876**
Registered on : **26/11/2020**

Re Site at : **City Centre South**

Description of Development: Hybrid planning application for:

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 north-east 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

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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.

Delegated decision on 27th January 2022, following decision of Planning Committee on 22/04/2021 to delegate to the Strategic Lead for Planning.

Coventry City Council, as Local Planning Authority, **GRANT** permission for the development proposed in your application subject to the following conditions: -

CONDITIONS

1. For the phased approval of Reserved Matters where 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) Appearance of buildings;
- b) Means of access to the buildings and site;
- c) Landscaping of the site.

2. For the phased approval of Reserved Matters where 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.

3. Application for approval of the Reserved Matters listed at condition 1 and condition 2 shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission.

4. The development hereby permitted shall begin within 10 years of the date of this permission or within 2 years of the final approval of the Reserved Matters, whichever is the later.

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5. The development subject to full planning permission hereby permitted shall begin not later than 10 years from the date of this decision.

6. Each reserved matters application to be submitted in accordance with condition 1 and condition 2 shall include a design brief for that phase shall be submitted to and approved in writing by the Local Planning Authority. The design brief shall:

- i) identify how the development phase accords with the approved Parameter Plans Document;
- ii) identify how the design of the development phase accords with the approved Development Principles Document through the completion of the 'Compliance Matrix' appended to the Development Principles Document; and
- iii) identify the public art strategy for the development phase, including relocation of existing public art assets within that phase and incorporation of new public art.

7. 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.

8. The reserved matters to be submitted in accordance with condition 1 and condition 2 shall include a Landscape and Ecological Management Plan (LEMP), which shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;

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- c) Aims and objectives of management, including mitigation and enhancement for species identified on site;
- d) Appropriate management option for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
- g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
- h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met; and
- i) Details of bat and bird boxes.

The LEMP plan shall be implemented in strict accordance with the approved details within three months of the first occupation of the relevant phase of development and thereafter shall not be withdrawn or amended in any way.

9. The Reserved Matters to be submitted in accordance with condition 1 and condition 2 shall include 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). All details shall be carried out as approved.

10. Prior to the operation of any café/restaurant/hot food takeaway premises, details of extract ventilation and/or odour control equipment for that unit, including details of any noise attenuation and odour control measures shall be submitted to and approved in writing by the Local Planning Authority. The extract ventilation and/or odour control equipment shall be installed in strict accordance with the approved details prior to operation and thereafter retained/maintained.

11. No phase of development shall be occupied until a scheme for the provision of closed circuit television cameras and building access control systems, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation has been submitted to and approved in writing by the Local Planning Authority.

12. No demolition or preparatory works for of any phase of the development shall take place unless and until a Demolition Management Plan (DMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The DMP shall include details of: - hours of work; - hours of deliveries to the site; - the parking of vehicles of site operatives and visitors during

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demolition; - the delivery access point; - the loading and unloading of plant and materials; - anticipated size and frequency of vehicles moving to/from the site; - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; - wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; - measures to control the emission of dust and dirt during demolition; - measures to control the presence of asbestos; - measures to minimise noise disturbance to neighbouring properties during demolition; - details of any piling together with details of how any associated vibration will be monitored and controlled; and - a scheme for recycling / disposing of waste resulting from demolition works.

Thereafter, the approved details within the DMP shall be strictly adhered to throughout the demolition period.

13. No phase of the development (excluding any demolition or preparatory works) shall take place unless and until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- hours of work;
 - hours of deliveries to the site;
 - the parking of vehicles of site operatives and visitors during the construction phase;
 - the delivery access point;
 - the loading and unloading of plant and materials;
 - anticipated size and frequency of vehicles moving to/from the site;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
 - wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
 - measures to control the emission of dust and dirt during construction;
 - measures to control the presence of asbestos;
 - measures to minimise noise disturbance to neighbouring properties during construction;
 - details of any piling together with details of how any associated vibration will be monitored and controlled; and
 - a scheme for recycling / disposing of waste resulting from construction works.
- Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period.

Where the phase includes the construction of new buildings immediately adjacent to Coventry Retail Market, the Reform Club or Broadgate House, the



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Construction Management Plan will specifically address how those parts of new development adjacent to these buildings will be constructed.

In relation to Coventry Retail Market, this will specifically address how the continued operation of the Market shall be safeguarded during demolition and construction.

14. No development or any other works (including any demolition works) shall commence within any phase of development unless and until a written scheme of investigation for that phase, which shall detail a programme of historic building recording and analysis in accordance with Historic England's Guidance 'Understanding Historic Buildings; A Guide to Good Recording Practice (2016) or most recent publication, has been submitted to and approved in writing by the Local Planning Authority.

The development shall only proceed in strict accordance with the approved details.

15. No demolition of Hertford House shall take place unless and until the applicant has submitted a written report to the Local Planning Authority, containing a Level 3 building recording of the William Mitchell mural currently located within Hertford House, with an assessment of feasibility for relocating the William Mitchell Mural and, unless removal is proven to be unfeasible, identifies details of any temporary and final re-siting and a method statement for the removal and reinstallation. All details shall be carried out as approved.

16. Prior to the commencement of development (including demolition and site preparation) each phase of development shall submit a site specific Arts, Heritage and Public Realm Strategy for those artworks contained geographically within that phase, this shall be submitted to and approved in writing by the Local Planning Authority, and will detail how the existing non-designated heritage assets & public art (detailed below) within that phase of development shall be relocated to appropriate site(s) within the corresponding phase of the CCS development; which preserve and enhance their significance and enable a visual relationship between the artworks and the post-war architectural elements of Coventry's townscape, such as Coventry Market and Broadgate House. The Arts, Heritage & Public Realm Strategy for that phase shall:

(i) Provide in situ Historic Building Record (HBR) of each artwork situated within that phase in accordance with Historic England's Guidance 'Understanding Historic Buildings'; A Guide to Good Recording Practice (2016) according to the required level set out below:

- Level 3 HBR: Fibreglass panels fronting Hertford Street (Non-designated heritage asset; HER reference MCT17146), Peeping Tom (Non-designated

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heritage asset; HER reference MCT16939), Sir Guy and the Dun Cow (Non-designated heritage asset; HER reference MCT16903).

- Level 2 HBR: The Phoenix (Non-designated heritage asset; HER reference MCT16923), Thread Through Time (Non-designated heritage asset).

Level 1 HBR: The 2-Tone Trail Plaque (Non-designated heritage asset), John Bailey Shelton plaque (Non-designated heritage asset).

(ii) Provide a relocation options appraisal and impact assessment for the removal and relocation of each piece of artwork within bounds of corresponding geographical phase.

Relocation of artworks within each phase shall be carried out in accordance with approved details.

17. No development (including demolition and site preparation) shall take place/commence within a phase of development unless and until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:

- (i) The programme and methodology of site investigation and recording.
- (ii) The programme for post investigation assessment.
- (iii) Provision to be made for analysis of the site investigation and recording.
- (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- (v) Provision to be made for archive deposition of the analysis and records of the site investigation.
- (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (vii) Timescales for completion of fieldwork.

Development shall only be undertaken in accordance with the approved Written Scheme of Investigation. The results of this phase of archaeological evaluation is required before submission of any reserved matters application', with the results determining the need for further stages of archaeological investigation prior to or following the reserved matters application and shall feed into the design process, as warranted.

18. An investigation and risk assessment for each phase of development (in addition to any assessment provided with the planning application), must be completed in accordance with a scheme to assess the nature and extent of any contamination relating to that phase; whether or not it originates on the site; and any report of the findings must be submitted to and approved in writing by the local planning authority prior to the commencement of development (including any demolition) of that phase of development. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR

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11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

19. No development (excluding demolition and site preparation) shall take place within any phase of development until a detailed remediation scheme to bring the land within that phase of development to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20. The approved remediation scheme must be carried out within each phase in accordance with its terms prior to the commencement of development (excluding demolition and site preparation) within that phase other than that required to carry out the remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

21. Prior to occupation of the development within each phase hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No.20, a verification report that demonstrates the effectiveness of the remediation carried out within that phase must be produced and submitted to the Local Planning Authority for approval in writing.

22. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

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23. No phase of the development (excluding any demolition or preparatory works) shall take place unless and until a drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) A scheme for the provision of all surface water drainage incorporating infiltration SuDS or attenuation techniques. There must also be consideration of features such as green, brown and blue roof technology for the management of all surface water, peak and total flows, biodiversity and water filtering.
- (ii) A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
- (iii) Development discharge rates to be managed to Qbar greenfield rates or 5 l/s, whichever is greater. The discharge rates for brownfield sites shall be considered as greenfield in accordance with the SFRA.
- (iv) Provisions must be made for the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase. The CMP must be prepared and accepted in writing prior to the commencement of any works on site.
- (v) Prior to the commencement of development (including demolition works) relating to Blocks A1 and A2 and the service area to the north of Coventry Retail Market, a survey to determine the location of the existing River Sherbourne culvert, its relationship to the proposed development and whether it will be affected by the proposed development. Where an existing culvert will be affected by the proposed development, a detailed strategy shall be submitted prior to the commencement of development for the protection of the culvert.
- (vi) A 5m way leave must be provided from the top bank of any ordinary watercourse to the building line, and at least 8m for main rivers. All opportunities to undertake river restoration and enhancement including de-culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse will be encouraged.
- (vii) All 'within building plot' drainage must be considered for the incorporation of water reuse systems/ water butts, such as grey water harvesting, and consideration must also be given to features such as green, brown and blue roof technology to manage down both peak and total rainfall runoff discharging to sewer systems, watercourses and groundwater.
- (viii) The development must be considered for the implementation of permeable paving or similar permeable material for the partial reduction of flow and the improvement of water quality.
- (ix) Evidence to show the management of overland flow routes in the event of exceedance or blockage of the drainage system. Details should include demonstration of how the building will be protected in such an event.
- (x) Finished floor slab levels must be 300mm above the 1 in 100 year pluvial flood levels, and above the 1 in 1000 year fluvial flood levels.



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(xi) Provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.

(xii) Consideration should be given to the use of flood resilience design and construction measures as outlined in the document 'Improving the flood performance of new buildings - Flood Resilient Construction 2007'.

(xiii) Where new or redevelopment site levels result in the severance, diversion or the reception of natural or engineered drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved by the Local Planning Authority.

(xiv) CCTV survey results determining the existing site drainage regime including the point of discharge.

(xv) Detailed plans, and evidence of full approval from Severn Trent Water Ltd for the abandonment, diversion or creation of sewers and associated drainage infrastructure, where such is the case. Any abandoned sections of sewer should preferably be removed, or grouted.

The scheme shall be implemented in full accordance with the approved details before each development phase is first brought into use.

24. The development shall be carried out in accordance with the submitted flood risk assessment (Document titled ""City Centre South Flood Risk Assessment Shearer Property Regen Limited"", revision P04, dated 19 March 2021) and the following mitigation measures it details:

(i) In accordance with section 3.2.1 of FRA the finished floor levels must be set at 600mm above the 1 in 100 year plus climate change level for development with 'More Vulnerable' land uses on the ground floor

(ii) In accordance with section 3.2.1.1 of the FRA floodplain compensation must be implemented on a level for level and volume for volume basis.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

25. There shall be (i) no infiltration of surface water drainage into the ground; and (ii) no piling or any other foundation designs using penetrative methods; unless and until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that there is no resultant unacceptable risk to controlled waters or groundwater. The development shall be carried out in full accordance with the approved details.

26. Prior to the construction of the new replacement basement ramp for Coventry Retail Market, details of flood protection barrier or alternative flood protection measure to be installed in relation to the new replacement basement

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ramp, including its operation, shall be submitted to and approved in writing by the local planning authority.

27. The demolition of the bridge link between Coventry Market and buildings on Market Way shall not commence unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) a contract that has been entered into for the demolition of the building on Market Way to which the bridge link is physically connected;
- b) a Level 3 building recording of the bridge link has been undertaken, in full accordance with Historic England's Guidance 'Understanding Historic Buildings; A Guide to Good Recording Practice (2016) or most recent publication;
- c) a detailed demolition works method statement to show how the bridge link will be physically separated from Coventry Market;
- d) large scale details of the replacement roof top balustrade to match existing and sample materials details and colour coating details for all elements of the works, including any making good; and
- (e) details of disabled car parking spaces to replace the five spaces lost by the works.

Thereafter the works shall only proceed in accordance with the approved details.

28. The existing vehicle access ramp into the basement of Coventry Market from Rover Road shall continue to remain accessible to vehicles unless and until either the proposed new ramped access to that basement from Queen Victoria Road has been fully completed and is operational or in consultation with the owner, operator and traders of Coventry Market details of any alternate viable means of servicing Coventry Market has been submitted to and approved by the local planning authority with all details carried out as approved thereafter.

29. Construction of the replacement ramp into Coventry Market basement shall not commence unless and until a method statement in respect of the re-configuration of the Coventry Market basement (to include large-scale working drawings detailing the structural alterations to be made) has been submitted to and agreed in writing by the Local Planning Authority. All details shall be carried out as approved.

30. Before the commencement of works relating to the pedestrian ramp, retaining wall and associated areas of masonry and other features to be demolished at Coventry Market, details of proposed development and reinstatement works (to include large scale working drawings detailing the structural alterations to be made) and a statement setting out the method of ensuring the safety and stability of the building fabric identified to be retained

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throughout the phases of demolition and reconstruction shall be submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out fully in accordance with the approved details and statement.

31. The removal of the Three Tuns mural from its current location shall not commence unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) a contract that has been entered into for the demolition of the building to which the mural is physically connected;
- b) a Level 3 building recording of the mural has been undertaken, in full accordance with Historic England's Guidance 'Understanding Historic Buildings; A Guide to Good Recording Practice (2016) or most recent publication;
- c) a detailed removal works method statement for during and after the mural's removal from its current location, has been submitted to and approved in writing by the local planning authority; and
- d) a final location for the permanent re-siting of the mural to a position visible to the general public. The final location for the mural shall be selected in accordance with the relocation criteria provided in the approved Development Principles Document. Thereafter the works shall only proceed in accordance with the approved details.

32. Removal of the Three Tuns mural from its current location shall not commence unless and until a method statement in respect of any required temporary storage between its removal from its current location and its permanent re-siting, including details of storage location and method, has been submitted to and approved in writing by the Local Planning Authority. Thereafter storage of the mural shall only be undertaken in full accordance with the approved method statement.

33. The permanent re-siting of the Three Tuns mural shall not commence unless and until a method statement, which shall include details of its final location and method of installation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mural shall be re-sited in the agreed final location within three years of its removal from its current location. The permanent re-siting works shall only be undertaken in full accordance with the approved details.

34. Prior to the first occupation of each phase of development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable and methods of monitoring the performance of the Plan), to promote

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travel by sustainable modes, and shall be implemented in accordance with the details specified therein and shall not be withdrawn or amended in any way.

35. Any landscaping (other than the planting of trees and shrubs) including the erection of boundary treatment, and the installation of paving and footpaths referred to in condition one shall be completed in all respects, within twelve months of the first use of relevant phase of development and all tree(s) and shrub(s) shall be planted within the first planting season following the first use of that relevant phase of development. Any tree(s) or shrub(s) removed, dying, or becoming; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations.

36. The development shall only proceed in full accordance with Appendix F of the Cundall Preliminary Geo-environmental Risk Assessment and associated Unexploded Ordnance Assessment.

37. The development or phases of development hereby permitted shall only proceed in strict accordance with a scheme for targeting and utilising local people for construction and employment, which shall be submitted to an approved in writing by the Local Planning Authority.

38. Prior to the demolition of the existing Barracks car park, details of alternate Shopmobility facilities to those currently provided, either on-site or in another accessible city centre location shall be submitted to and approved in writing by the local planning authority and be fully operational. Thereafter such Shopmobility facility and any associated disabled car parking shall remain in place and be available for such use at all times.

39. The existing Taxi rank on Rover Road shall not be closed until a replacement Taxi rank has been provided in accordance with details submitted to and approved by the Local Planning Authority

40. Prior to the commencement of works to Blocks A1, A2 or public realm occupying the current area comprising the Coventry Retail Market service area and Rover Road, a servicing strategy shall be submitted to and approved by the local planning authority. The servicing strategy shall demonstrate how the Market will be adequately serviced during the operation of the approved

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development, including deliveries, pedestrian safety and waste management. All details shall be carried out as approved.

41. The existing extraction vent on the western elevation of Coventry Market shall not be decommissioned or removed until a suitable alternative means of extraction has been installed.

42. Prior to the removal of the existing boundary treatment to the south of the Lower Precinct Multi-Storey Car Park and the northern boundary of Block A1, full details of the height and specification of the interim boundary treatment shall be provided to and approved by the Local Planning Authority

43. Prior to commencement of the development for each phase of works a scheme of works to connect to the Coventry Heatline district energy scheme shall be submitted to and approved in writing by the Local Planning Authority, unless proven unviable. The approved scheme shall be implemented in full prior to occupation.

44. Prior to the construction of the new vehicular access basement ramp onto Queen Victoria Road the following details shall be submitted to and approved in writing by, the Local Planning Authority:

- (i) A road safety audit; and
- (ii) The provision of 2 metre by 2 metre visibility splays at the back of the footway on either side of the proposed access way.

All details shall be carried out as approved prior to the first use of the access and the visibility splays shall be retained thereafter with nothing in the visibility splay exceeding 600mm in height.

45. No phase of development (excluding any demolition or preparatory works) shall take place unless and until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority:

- (i) a scheme of noise insulation to minimise the transmission of noise and vibration through the party wall(s) and ceiling(s) between residential and restaurant, bar and public house uses, including related outside activities associated with such uses.
- (ii) Details of all fixed plant and/or machinery to demonstrate that it will be operated in accordance with the established parameters set out within the approved Parameter Plans Document.

All details shall be carried out as approved and noise mitigation shall be retained thereafter.

46. The full component of the development hereby permitted shall be carried out in strict accordance with the following approved plans and documents: Drg

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No. 0451 Rev 00, 0900, 0901, 0902, 0903, 0904, 0905, 0906, 0907, 0908, 0909, 0910 and the Development Principles Document Revision B dated March 2021; and the outline component of the development hereby permitted shall be carried out in accordance with the following approved plans and documents: Development Principles Document March 2021 Revision B, Parameter Plans Document March 2021 Revision B, Parameter Plans - Land Use - Ground / First / Second Floors 0400 Rev 00, Parameter Plans - Land Use - Typical Upper Floor 0401 Rev 00, Parameter Plans - Proposed Development Plots - Ground Floor 0402 Rev 00, Parameter Plans - Proposed Development Plots - First Floor 0403 Rev 01, Parameter Plans - Proposed Development Plots - Second Floor 0404 Rev 00, Parameter Plans - Proposed Development Plots - Third Floor 0405 Rev 00, Parameter Plans - Proposed Development Plots - Typical Upper Floor 0406 Rev 01, Parameter Plans - Maximum Height Zones 0407 Rev 02, Parameter Plans - Minimum Height Zones 0408 Rev 02, Parameter Plans - Access and Movement 0409 Rev 00, Parameter Plans - Demolition/Retention Boundaries 0410 Rev 00, Application Boundary Areas Drg No.0451 Rev 00, Block A1 - Sections Sheet 1 0500 Rev 01, Block A2 - Sections Sheet 1 0501 Rev 01, Block B - Sections Sheet 1 0502 Rev 01, Block B - Sections Sheet 2 0503 Rev 01, Block B - Sections Sheet 3 0504 Rev 01, Block C - Sections Sheet 1 0505 Rev 02, Block D - Sections Sheet 1 0506 Rev 01, Block D - Sections Sheet 2 0507 Rev 01, Block A1 - Scale and Layout Elevations Sheet 1 of 2 0800 Rev 00, Block A1 - Scale and Layout Elevations Sheet 2 of 2 0801 Rev 00, Block A2 - Scale and Layout Elevations Sheet 1 of 2 0802 Rev 00, Block A2 - Scale and Layout Elevations Sheet 2 of 2 0803 Rev 00, Block B - Scale and Layout Elevations Sheet 1 of 2 0804 Rev 00, Block B - Scale and Layout Elevations Sheet 2 of 2 0805 Rev 00, Block C - Scale and Layout Elevations Sheet 1 of 2 0806 Rev 01, Block C - Scale and Layout Elevations Sheet 2 of 2 0807 Rev 01, Block A1 - Scale and Layout Plans 0810 Rev 00, Block A2 - Scale and Layout Plans 0811 Rev 00, Block B - Scale and Layout Plans Sheet 1 of 3 0812 Rev 00, Block B - Scale and Layout Plans Sheet 2 of 3 0813 Rev 00, Block B - Scale and Layout Plans Sheet 3 of 3 0814 Rev 00, Block C - Scale and Layout Plans Sheet 1 0815 Rev 01, Preliminary Geo-environmental Risk Assessment prepared by Cundall dated 09 November 2020 Revision B, Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by the Ecology Consultancy dated 11 November 2020 Version 1.0, Arboricultural Impact Assessment prepared by Arbeco dated 06 November 2020 Version 4.0, Archaeological Desk-Based Assessment prepared by RPS dated 15 November 2019 Rev 1, Archaeological Deposit Model prepared by RPS dated 27 October 2020 Rev 1, Archaeological Management Plan prepared by RPS dated 08 March 2021 Rev 1, Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by the Ecology Consultancy dated 11 November 2020 Version 1.0, Bat Surveys prepared by the Ecology Consultancy dated 11 November 2020 Version 1.0,

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City Centre South Transport Assessment prepared by Transport Planning Practice dated November 2020, Flood Risk Assessment prepared by Cundall dated 19 March 2021 Rev P04, Below Ground Drainage Strategy prepared by Cundall dated 19 March 2021 Rev P04, Pedestrian Level Wind Microclimate Assessment prepared by RWDI dated 13 November 2020 Rev B. The development hereby approved shall also be implemented in accordance with the conclusions and mitigation measures outlined in the Environmental Statement/Environmental Statement Supporting Documents submitted with planning application reference OUT/2020/2876 alongside the ES Volume IV Technical Appendices.

47. No development shall commence on any land which is Third Party Initially Unbound Land unless and until either in respect of any and all Relevant Interests in such Third Party Initially Unbound Land:

- a. such a Relevant Interest(s) is transferred to the Council, whereupon the Council shall enter into a Confirmatory Deed in respect of such Relevant Interest(s) (and whereupon such a Relevant Interest(s) in such land thereby becomes Council Owned Declared Bound Land); or
- b. a Confirmatory Deed is entered into by a person other than the Council in respect of such a Relevant Interest(s) in such Third Party Initially Unbound Land.

48. No development shall commence on any land which is Council Owned Declared Bound Land other than by or directly on behalf of the City Council as a developer unless and until a Confirmatory Deed is entered into by a successor in title to the Council in respect of all Relevant Interests in such City Council Owned Declared Bound Land.

49. No development shall commence on any land which is Unregistered Initially Unbound Land unless a Confirmatory Deed has been entered into in respect of all Relevant Interests in such Unregistered Initially Unbound Land.

REASONS FOR CONDITIONS

1. To conform with Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015)
2. To conform with Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015)
3. To conform with Section 92 of the Town and Country Planning Act 1990 (as amended)
4. To conform with Section 92 of the Town and Country Planning Act 1990 (as amended)

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5. To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)
6. To ensure the development proceeds in accordance with the approved Parameters Plans and Development Principles Documents in accordance with Policies DE1 and HE2 of the Coventry Local Plan 2016, Policies CC1, CC2 and CC19 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.
7. To ensure a satisfactory standard of development within each phase and in the interests of visual and residential amenity in accordance with Policies DS3, DS4, DE1, AC1, AC2, AC4 and EM2 of the Coventry Local Plan 2016
8. In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016
9. To protect the amenities of future occupiers from commercial noise and general disturbance in accordance with Policies DS3 and H3 of the Coventry Local Plan 2016.
10. To protect the amenities of future occupiers from commercial noise and general disturbance in accordance with Policies DS3 and H3 of the Coventry Local Plan 2016.
11. To ensure the safety and security of visitors, retail staff and future residents in accordance with Policies H3, DS3 and DE1 of the Coventry Local Plan 2016.
12. The agreement of a Demolition Management Plan prior to the commencement of each phase of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of highway safety during the construction process in accordance with Policies DS3, EM7, AC1 and AC2 of the Coventry Local Plan 2016.
13. The agreement of a Construction Management Plan prior to the commencement of each phase of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of highway safety during the construction process in accordance with Policies DS3, EM7, AC1 and AC2 of the Coventry Local Plan 2016.
14. The submission of these details prior to the commencement of development is fundamental to ensure that an appropriate record is made of the historic building fabric that may be affected by the development and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy HE2 of the Coventry Local Plan 2016.
15. To ensure that all appropriate opportunities have been taken to ensure that the suitable re-siting of this non-designated heritage asset in accordance

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with Policy HE2 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

16. To ensure the suitable re-siting of non-designated heritage asset public art within the development in accordance with Policy HE2 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

17. The submission of these details prior to the commencement of development is fundamental to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy HE2 of the Coventry Local Plan 2016.

18. To safeguard health, safety and the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

19. To safeguard health, safety and the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

20. To safeguard health, safety and the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

21. To safeguard health, safety and the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

22. To safeguard health, safety and the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

23. To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with the Water Framework Directive and Policies EM4 and EM5 of the Coventry Local Plan 2016 and the Supplementary Planning Document 'Delivering a More Sustainable City'.

24. To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with the Water Framework

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Directive and Policies EM4 and EM5 of the Coventry Local Plan 2016 and the Supplementary Planning Document 'Delivering a More Sustainable City'.

25. To safeguard the environment and to ensure protection of Controlled Waters receptors, notably the groundwater present within the underlying made ground, alluvium and Keresley Member strata, as well as the River Sherbourne in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

26. To protect the Market basement from flooding and the safety of its users in accordance with Policies HE2 and DS3 of the Coventry Local Plan 2016.

27. The submission of these details prior to demolition is fundamental to ensure the bridge link is only removed in relation to the City Centre South redevelopment, that an appropriate record is made of the bridge link within its existing setting prior to removal and that appropriate balustrade and materials are secured in accordance with Policy HE2 of the Coventry Local Plan 2016, Policy CC2 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

28. To ensure that a viable alternative servicing solution is agreed prior to the removal of the existing Coventry Market basement access ramp in accordance with Policy HE2 of the Coventry Local Plan 2016, Policy CC2 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

29. To ensure the protection of this heritage asset in accordance with Policies DE1 and HE2 of the Coventry Local Plan 2016.

30. To ensure the protection of this heritage asset in accordance with Policies DE1 and HE2 of the Coventry Local Plan 2016.

31. The submission of these details prior to the commencement of development is fundamental to ensure certainty for relocation of the mural prior to removal, that an appropriate record is made of the mural within its existing and original context and that a prominent and fitting new location is agreed in accordance with Policy HE2 of the Coventry Local Plan 2016, Policy C2 and CC19 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

32. To ensure the proper protection of the mural between its removal and its permanent re-siting in accordance with Policy HE2 of the Coventry Local Plan 2016, Policy CC2 and CC19 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

33. To ensure the suitable re-siting of the mural within an appropriate timeframe in accordance with Policies DE1 and HE2 of the Coventry Local Plan 2016, Policy CC2 and CC19 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

34. In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.

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35. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE1 and DE1 of the Coventry Local Plan 2016.
36. To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF
37. To secure local employment in accordance with the City Council jobs strategy and Policy JE7 of the Coventry Local Plan 2016.
38. To ensure the replacement and continued operation of this community facility prior to demolition of the existing site in accordance with Policy DS3 of the Coventry Local Plan 2016.
39. To ensure the replacement and continued operation of this facility prior to removal of the existing site in accordance with Policies AC1 and DS3 of the Coventry Local Plan 2016.
40. To facilitate the uninterrupted operation of Coventry Market during development in accordance with Policies AC1 and DS3 of the Coventry Local Plan 2016.
41. To ensure the suitable replacement of this extraction vent in accordance with Policy DS3 of the Coventry Local Plan 2016.
42. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.
43. In the interests of sustainable development and renewable energy in accordance with Policy CC10 of the City Centre Area Action Plan and Policy EM7 of the Coventry Development Plan 2016.
44. In the interests of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2016.
45. To protect the amenities of future occupiers from commercial noise and general disturbance in accordance with Policies DS3 and H3 of the Coventry Local Plan 2016.
46. For the avoidance of doubt and in the interests of proper planning
47. To ensure development is carried out in accordance with the S106 Agreement.
48. To ensure development is carried out in accordance with the S106 Agreement, acknowledging that the Council has committed to compliance with the S.106 Agreement whilst it has (and to the extent it has) an interest in Council Owned Declared Bound Land.
49. To ensure development is carried out in accordance with the S106 Agreement.

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In determining the application Coventry City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan set out below, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's emerging Core Strategy and Supplementary Planning Guidance.

The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy AC5: Bus and Rapid Transit
Policy DE1: Ensuring High Quality Design
Policy DS1: Overall Development Needs
Policy DS3: Sustainable Development Policy
Policy DS4 (Part A) General Masterplan principles
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy EM3: Renewable Energy Generation
Policy EM4: Flood Risk Management
Policy EM5: Sustainable Drainage Systems (SuDS)
Policy EM7: Air Quality
Policy GB1: Green Belt and Local Green Space
Policy GE1: Green Infrastructure
Policy GE3: Biodiversity, Geological, Landscape and Archaeological-Conservation
Policy GE4: Tree Protection
Policy H1: Housing Land Requirements
Policy H2: Housing Allocations
Policy H3: Provision of New Housing
Policy H4: Securing a Mix of Housing
Policy H6: Affordable Housing
Policy H9: Residential Density
Policy IM1: Developer Contributions for Infrastructure
Policy JE7: Accessibility to Employment Opportunities

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INFORMATIVES

- For the avoidance of doubt, this decision relates to the following drawings, letters or associated documentation that may have been submitted with the application.
- You are advised that if your proposal involves works covered by the Party Walls etc Act 1996. You are recommended to seek independent advice. Booklets are available from the Planning Advisory Desk & HMSO. Please be aware that if any part of the development (such as foundations, guttering, windows, ventilation systems or pipes etc.) overhangs or encroaches onto land or buildings outside of your ownership; or involves works and / or access to land or buildings outside of your ownership; you will need the owner's permission before undertaking any development. The granting of planning permission does not override or authorise the breach of any private ownership rights; and any development undertaken without the consent of the landowner and in breach of any private ownership rights could give rise to civil proceedings brought by the owners of those rights.

Requirement B5: Access and facilities for the fire service

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.

Vol 2 Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

Vol 2 Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.



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- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
 - b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.
- Access routes and hardstandings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works.

Vol 1 Blocks of flats fitted with fire mains

13.5 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

13.6 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight, of an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

Vol 1 Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

- a. The firefighting stairs.
- b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

Vol 1 14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Vol 1 Section 15: Access to buildings for firefighting personnel in flats. Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service

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vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

15.3 A building with basement storeys should have firefighting shafts in accordance with the following.

- a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.
- b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts. The building's height and size determine whether firefighting shafts also serve upper storeys.

15.4 Firefighting shafts should serve all storeys through which they pass.

15.5 A minimum of two firefighting shafts should be provided to buildings with a storey that has both of the following.

- a. A floor area of 900m² or more.
- b. A floor level 18m or more above the fire and rescue service vehicle access level.

15.6 Firefighting shafts and protected stairways should be positioned such that every part of each storey more than 18m above the fire and rescue service vehicle access level complies with the maximum distances given in paragraph 15.7. Distances should be measured from the fire main outlet on a route suitable for laying a hose. NOTE: If the internal layout is not known, the distance should be measured at two-thirds of the direct distance.

15.7 In any building, the hose laying distance should meet all of the following conditions.

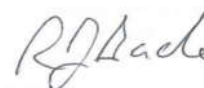
- a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 15.3).
- b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected stairway (although this does not imply that the protected stairway needs to be designed as a firefighting shaft (see Diagram 15.3)).

Wayfinding signage for the fire service

15.13 To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level (see Diagram D6), floor identification signs and flat indicator signs should be provided and meet all of the conditions.

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are



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fitted throughout a house or block of flats;

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2);

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7);

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access;(ADB Vol 2, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and National Guidance Document on the Provision for Fire Fighting published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email Water.Officer@wmfs.net

- **Protected Species**

A number of European Protected Species are found in Coventry. Please be aware that any development may have implications and / or adverse impact on species and habitats which are protected by the Wildlife & Countryside Act 1981; the Habitat Regulations 1994; the Conservation of Habitats & Species Regulations 2010 and by other European Legislation. The permission given by this notice does not override the protection afforded to these species and their habitats. Please be aware that it is the developers / landowners / contractors responsibility to ensure that any work being carried out will not harm any protected species. (For more information on protected species please see <http://www.naturalengland.gov.uk>)

If evidence of protected species is found, work should stop immediately while Warwickshire Museum Ecology Unit (01926 418074) or Natural

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England (01453 764450) are contacted for advice on the best way to proceed. If any conditions concerning protected species are attached to this decision you are advised to contact Warwickshire Museum Ecology Unit (01926 418074) or www.warwickshire.gov.uk/museum for advice before commencing development or submitting any necessary discharge of conditions applications.

- **This is not an approval under the Building Regulations.**

This permission is given under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (General Development Procedure) Order 1995 and, is subject to due compliance with the Building Regulations, local Acts and Regulations and with all other relevant statutory provisions in force in Coventry and nothing herein contained is to be regarded as dispensing with such compliance beyond the extent herein specified. This permission does not modify or affect any personal or restrictive covenant applying to the land or any right of any person entitled to the benefit thereof.

- **Appeal Rights: -**

If you are aggrieved by the decision of the City Council to grant permission for the proposed development subject to the conditions, you can appeal to the Office of the Department of Communities and Local Government under Section 78(1) of the Town and Country Planning Act 1990 (as amended). An appeal must be made within **six** months of the date of this notice.

The form to be used for an appeal is obtained from the Planning Inspectorate, Chartroom, Hawk Wing, Room 3/23 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or you can access their website on **www.planning-inspectorate.gov.uk**

The Secretary of State can allow a longer period for the giving of a Notice of Appeal, but will not normally be prepared to use this power unless there are special circumstances.

The Secretary of State may not consider if it appears that the local planning authority could not have granted planning permission for the proposed development due to statutory requirements, provision of a development order or to any directions given under an order. The Deputy Prime Minister will not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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- If permission to develop land is granted subject to conditions, whether by the City Council or on appeal by the Deputy Prime Minister, the owner of the land may claim that the land cannot be put to a reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or may be permitted. In these circumstances, the owner may serve a purchase notice on the City Council requiring the Council to purchase the interest held in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).
- In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Deputy Prime Minister on appeal or on a referral of the application to the Deputy Prime Minister. The circumstances in which such compensation is payable are set out in Section 114 & 120 and related provisions of the Town and Country Planning Act 1990 (as amended).
- If any part of the development for which planning permission is hereby granted affects the means of access to a building then your attention is drawn to Section 46 of the West Midlands County Council Act 1980 under which the Council must reject plans deposited in accordance with building regulations unless those plans show:
 - a) That there will be adequate means of access for the fire brigade to the building, or as the case may be, to the building as extended;
and
 - b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

- **FURTHER APPROVALS**

If one or more of the conditions listed in this decision notice require you to submit further information to the City Council for approval then in **all** instances those details are to be submitted to: -

Development Management,
Coventry City Council
PO Box 15
Council House
Coventry CV1 5RR.

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The receipt of such details will be acknowledged and a further decision notice will be issued following full consideration of these additional matters.

• MINING INFORMATIVE

The proposed development lies within a coal mining area (either an area of old workings or active and future workings, or an area of proved coal resources) and therefore could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required.

Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

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Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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About Cushman & Wakefield

Cushman & Wakefield is a leading global real estate services firm that helps clients transform the way people work, shop and live. The firm's 43,000 employees in more than 60 countries provide deep local and global insights that create significant value for our clients. Cushman & Wakefield is among the largest commercial real estate services firms, with core services of agency leasing, asset services, capital markets, facility services, global occupier services, investment & asset management (DTZ Investors), project & development service as, tenant representation and valuation & advisory. To learn more, visit www.cushmanwakefield.com or follow @CushWake on Twitter.

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