

Document Reference 2.1S

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

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

and

Town and Country Planning Act

Stopping-up of public highway

Summary Proof of Evidence

of

Richard Brown

of CBRE

On behalf of the Council of the City of Coventry

29th December 2022

1. INTRODUCTION

- 1.1 I am Richard Brown, a Director with CBRE Ltd. I have a BSc (Hons) in Town and Regional Planning from the University of Dundee. I am a member of the RTPI with over 25 years' professional town planning experience in both the public and private sectors.
- 1.2 I have experience in dealing with planning policy, planning matters connected with residential, retail and large-scale mixed-use development, regeneration and infrastructure schemes, and Environmental Impact Assessment.
- 1.3 I led on the preparation of an earlier redevelopment scheme which was granted planning permission in 2012.
- 1.4 From circa 2019, I led on the extant hybrid planning permission and associated listed building consents for the Site ("the Consented Scheme") on behalf of SPRL ("the Applicant").
- 1.5 I am currently advising the Applicant on an application to vary the Consented Scheme (generally referred to as "the Refined Scheme") and in respect of future reserved matters submissions.

2. SCOPE OF EVIDENCE

- 2.1 I give evidence on the justification for the Compulsory Purchase Order ("CPO"), having regard to the planning policy framework and key planning considerations relevant to the CPO. I give particular consideration to:
- (1) whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area; and
 - (2) the extent to which the Scheme, whether the Consented Scheme or Refined Scheme, will contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area.

3. THE SITE AND SURROUNDS

- 3.1 The Site is 6.36 hectares. It relates to the southern part of Coventry city centre's Primary Shopping Area as defined in the Development Plan for the area.

- 3.2 The ground and first floors of existing buildings are mainly in retail type use or are vacant. There are a number of other town centre uses within the Site including offices, public car parking spaces, servicing areas, food and drink establishments, the HMV Empire live music venue and mixed community uses.
- 3.3 A number of Grade II listed buildings are situated adjacent to the Site. The Site includes two Grade II listed buildings (Coventry Market, and the William Mitchell Mural), and pieces of artwork which are non-designated heritage assets.

4. NEED FOR REGENERATION

- 4.1 A number of key Site features support the need for its regeneration, including high vacancy rates; a poor urban environment with buildings that are no longer fit for modern day retail purposes; a public realm that varies in quality with a lack of permeability for pedestrians; an absence of residential uses which play an important role in the vitality of centres; and an inefficient use of land.

Site Regeneration History

- 4.2 The desire to comprehensively redevelop and regenerate the Site has been a long-held ambition and regeneration objective of the Council.
- 4.3 This has been articulated in different masterplans, previous application proposals, the Development Plan, and other processes and works progressed by the Council.

Planning Policy Framework

- 4.4 The purpose for which the land is being acquired fits with the adopted Local Plan for the area (the Development Plan), and fits with national planning policy, are important planning considerations.
- 4.5 Policies in the National Planning Policy Framework ("NPPF") (DR3.8) of particular relevance include those concerning the delivery of housing; the vitality of town centres; promoting sustainable transport; making the effective use of land; good design; and conserving and enhancing the historic environment.
- 4.6 The Development Plan for the site comprises the Coventry Local Plan ("the Local Plan") (DR3.9) and the City Centre Area Action Plan ("the CCAAP") (DR3.10).
- 4.7 Local Plan Policy R2 and CCAAP Policy CC1 set out the development strategy for Coventry city centre. CCAAP Policy CC19 specifically considers the regeneration of

the southern part of the Primary Shopping Area, broadly similar to the extent of the Site. These Development Plan policies are of particular relevance.

5. THE SCHEME AND ITS EVOLUTION

Description of the Consented Scheme

- 5.1 A part-full, part-outline planning application OUT/2020/2876 for the comprehensive redevelopment of the Site was approved by the Council (as local planning authority) on 27th January 2022 (DR3.2(a)).
- 5.2 This permission is subject to 49 no. planning conditions and a s106 Agreement (DR3.2(b)). Planning conditions require that reserved matters must accord with Parameter Plans Document and a Development Principles Document.
- 5.3 Parameter Plans provide flexibility in future building layouts and heights. The Development Principles Document provides further detail on the design principles to be applied to reserved matters applications.

Description of the Refined Scheme

- 5.4 The overall planning strategy has been to devise proposals through the Refined Scheme that do not fundamentally alter or substantially differ from the Consented Scheme to advance changes through an application under Section 73 of the TCPA.
- 5.5 Prior to submitting a Section 73 application, a change to the current description of development has been secured to move certain operative elements, including the defined maximum quantitative development parameters, from the description of development into new / altered planning conditions via an application for a non-material amendment under Section 96A of the TCPA, which was approved by the local planning authority on 11 October 2022 (DR3.6).
- 5.6 The main changes proposed to the Consented Scheme include:
 - (a) Changes to the approved development parameters, to alter certain minimum and maximum heights and minimum and maximum footprint deviations and to introduce some additional flexibility in certain locations; and
 - (b) Changes to certain development quanta, notably a decrease in the minimum and maximum level of commercial space and an increase in the maximum number of residential units able to be provided.

The Evolution of the Consented and Refined Schemes

- 5.7 Both Schemes have been subject to comprehensive pre-application engagement with the Council (as the local planning authority), and with other stakeholders and consultees, and a programme of public consultation.
- 5.8 The S73 Application has attracted a low number of objections.

6. COMPLIANCE WITH PLANNING POLICY AND OBJECTIVES FOR REGENERATION

- 6.1 The Refined and Consented Schemes perform in a broadly similar manner with regards to compliance with local (and national) planning policies.
- 6.2 This is to be expected as the underlying Development Plan applying to both Schemes has not altered, and the Consented and Refined Schemes are not fundamentally or substantially different.
- 6.3 Both Schemes contribute strongly to the objectives of Local Plan Policy R2 and CCAAP Policy CC1, and positively address their relevant defined policy criteria. Both Schemes, and particularly the Refined Scheme, contribute to the delivery of Local Plan housing policy. The schemes are also strongly supported by national planning policy.
- 6.4 Both Schemes accord with the overall policy objective of Policy CC19 to regenerate this part of the city centre and accord with the majority of its policy criteria.
- 6.5 There has however been an acknowledged significant structural shift in high street retail since the 2012 scheme for the area and the adoption of the Local Plan and CCAAP in 2017.
- 6.6 This change means that the quantitative uplift in retail floorspace envisaged for the Site in Policy CC19 is no longer deliverable. The reduced level of commercial space being proposed, and increased level of housing, is an appropriate response to changed circumstances.

7. BENEFITS OF THE SCHEME

- 7.1 The Consented and Refined Schemes create similar benefits, summarised as:
- 7.1.1 Economic benefits: delivery of large amounts of construction and operational employment, and improved city centre vitality and viability;
 - 7.1.2 Social benefits: meeting housing needs, including potential for affordable housing, improvements for health and wellbeing, improved surveillance and improved perceptions of the area; and
 - 7.1.3 Environmental benefits: effective sustainable use of previously developed land, built environment renewal, quantitative and qualitative public space improvements, biodiversity net gain, positive townscape effects, and enhancements to the settings of certain designated heritage assets.
- 7.2 The main difference in benefits is that the Refined Scheme will generate less employment during the operational phase than the Consented Scheme but will generate additional social benefits, particularly relating to housing and affordable housing.

8. OBJECTIONS TO THE CPO

- 8.1 Royal London contend that the proposals are not comprehensive by virtue of excluding the Lower Precinct shopping centre area.
- 8.2 Policy CC19 neither envisages nor requires the inclusion of the Lower Precinct shopping centre area to secure the regeneration of the southern part of the Primary Shopping Area.
- 8.3 The Lower Precinct area is different in character to the Site; it is not in the same generally poor condition as the Site and is not needed for the proper planning of the area to deliver the relevant Development Plan policies and regeneration objectives.

9. CONCLUSION

- 9.1 Both the Consented and Refined Schemes are in accordance with the Development Plan overall, will make a significant contribution to a number of the Plan's policies and objectives, and will contribute substantially to the economic, social and environmental wellbeing of the area.
- 9.2 The overall planning balance lies strongly in favour of granting planning permission for the Refined Scheme, similar to the Consented Scheme. It is considered that the Council would grant planning permission for the Refined Scheme.
- 9.3 There is no planning impediment to the delivery of the Consented or Refined Scheme.