

Document Reference 2.6

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

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

and

Town and Country Planning Act

Stopping-up of public highway

Proof of Evidence

of

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29 December 2022

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1. INTRODUCTION

Qualifications and Experience

- 1.1 I, Liam D’Onofrio, am a Principal Town Planner at Coventry City Council. I hold a Bachelor of Arts Honours Degree and Diploma in Town and Country Planning from the University of Central England (now Birmingham City University) and I am a corporate member of the Royal Town Planning Institute - MRTPI.
- 1.2 I have 19 years planning experience having previously worked within Development Management at Solihull Metropolitan Borough Council, Bromsgrove District Council and Warwick District Council dealing with a wide range of planning applications in both an urban and rural context.
- 1.3 I was the case officer that dealt with the pre-application process and the planning and listed building consent applications associated with the City Centre South redevelopment scheme (the “Scheme”). In my evidence I will set out the background to and need for the Scheme.
- 1.4 The assessment of planning and listed building consent applications relating to the Scheme have also relied on the expertise and input from colleagues within other Council Teams, including Urban Design, Conservation, Archaeology, Environmental Protection and Highways.

2. SCOPE OF EVIDENCE

- 2.1 The scope of evidence within my proof of evidence is as follows:
- History of planning permissions within the City Centre South development area (the “Site”).
 - The need for regeneration within City Centre South and how this fits in to the wider strategy for the region.
 - How the Scheme adheres with the local and national planning policy framework.
 - A summary of the planning permission, conditions and S106 provisions for the scheme together with details of any further planning approvals / Reserved Matters that may be required.

Terminology

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

3. HISTORY OF PLANNING PERMISSIONS

3.1 The follow planning history relates to the most recent applications for the City Centre South Site:

Application Number	Description of Development	Decision and Date
PL/2022/0000181/FUL	Erection of a shop-mobility hub (use class Sui Generis), inclusive of car parking and associated landscaping	Pending, valid 15/12/22
S73/2022/3160	<p>Variation of conditions 1, 2, 46, 50, and 51: imposed on planning permission OUT/2020/2876 granted on 27/01/22 (and as amended by non-material amendment NMA/2022/2523 granted 11/10/22) for:</p> <p>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;</p> <p>Outline application: B. For part of the site for the demolition of existing buildings and redevelopment of the land for mixed uses, including details of the layout of new development, with details of scale, access, appearance and landscaping reserved; and C. For part of the site for the demolition of existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment for residential units (Class C3), a hotel (Class C1), 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 /</p>	Pending, valid 11/11/22 (the "S73 Application")

	Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.	
NMA/2022/2523	Non-material amendment to OUT/2020/2876 to amend the wording of the original description of development to include the removal of defined quantitative development parameters and reference to the Parameters Plans Document for layout and scale and transpose these into new / amended planning conditions, to vary condition 2 to refer to all reserved matters, and to vary Condition 7 (vi) (energy assessment) and Condition 9 (noise and vibration) to change the trigger points and add an individual demolition plan condition.	Granted 11/10/22 (DR3.6)
OUT/2020/2876	<p>Description of Development: Hybrid planning application for:</p> <p>Full application:</p> <p>A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;</p> <p>Outline application:</p> <p>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</p> <p>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</p>	Granted 27/01/22 (the "2022 Permission") (DR 3.2(a))

	reserved. The scheme comprises a mixed-use redevelopment of up to 1,300 residential units (Class C3), up to 150 hotel rooms (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.	
LB/2020/2857	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.	Secretary of State decision: Granted 24/06/2021 (DR 3.3)
LB/2020/2860	Removal and relocation of the Grade II listed William Mitchell Mural.	Secretary of State decision: Granted 24/06/2021 (DR 3.4)

3.2 The following planning history relates to historic applications for the City Centre South redevelopment site:

Application Number	Description of Development	Decision and Date
OUT/2012/0575	Comprehensive redevelopment of Coventry City Centre South area, comprising demolition and alteration of buildings and structures and construction of anchor retail store and units accommodating shops, financial and professional services, cafes/ restaurants, public houses and hot food takeaways (use classes A1, A2, A3, A4, A5), hotel (use class C1), residential dwellings (use class C3), leisure uses (use class D2), new multi storey car park, servicing arrangements, public realm and engineering operations and other associated works	Granted 31/05/2012 (DR 3.1)

	and facilities and stopping up of public highway (outline application with all matters reserved).	
LB/2012/0571	Removal of bridge link between Coventry Retail Market roof top car park and roof top car parking over existing units on Market Way, and reinstatement works to roof top car park surface and balustrade.	Granted 18/06/2012 (Secretary of State decision)
LB/2012/0572	Removal and relocation of grade II listed William Mitchell Mural from the front elevation of the former Three Tuns Public House building in Bull Yard, to a new location to be agreed in writing with Coventry City Council (The Local Planning Authority) in consultation with English Heritage	Granted 18/03/2013 (Secretary of State decision)

3.4 There are numerous historic planning applications relating to individual properties within the City Centre South site. The following are the most relevant:

Application Number	Description of Development	Decision and Date
DEM/2018/1263	Application for Prior Notification of Proposed Demolition of Coventry Point	Granted 20/06/2018
R/2006/2500	Construction of multi storey building with retail unit on ground floor and residential apartments above with associated car parking [CCS Plot A1]	Granted March 2007

4. REGENERATION WITHIN CITY CENTRE SOUTH

The need for regeneration and the 2012 permission

- 4.1 It has long been the ambition of Coventry City Council (the “**Council**”) to regenerate the Southern part of the Coventry City Centre Primary Shopping Area. These principles were set out in the Jerde Master plan prepared for the City Council in 2008/2009 (DR3.26). Following a full options appraisal undertaken by Council officers the southern area of the pedestrianised precinct was identified as the optimum location for the first phase of City Centre regeneration. The options appraisal findings were endorsed by Cabinet in September 2009 (DR3.25).
- 4.2 In March 2012 Outline planning application OUT/2012/0575 was submitted by Coventry City Council and Aviva Investors Pensions Limited for the comprehensive redevelopment of the City Centre South area. This principle for a comprehensive mixed-use development was established when the application was granted at Planning Committee on 31st May 2012 (DR3.1). The scheme was primarily comprised of retail uses built around a large anchor department store with only a small number of residential units proposed, up to 40 one and two-bedroom units.

- 4.3 As the role and function of town centres changed nationally, and the demand for retail space in city centres declined, this development did not progress further. However, the area has continued to be identified as a focus for holistic redevelopment. It is recognised that the existing townscape forming the City Centre South regeneration area has buildings of a generally low-quality design and a low-quality public realm with key deficiencies including the lack of distinctive arrival points to draw pedestrians into the area, poor linkages between spaces and a poor setting to the Grade II Listed Coventry Market (the “Market”). The demolition of Coventry Point, a 14-storey tower block, in 2019/20 presented a significant step in removing a physical barrier and created an uninterrupted pedestrian throughfare into the area by opening up the north-south route via Market Way.
- 4.4 It should be noted that the adjoining Upper Precinct area of the city centre also forms a key part of Coventry’s shopping offer and has recently undergone significant upgrading, including the removal of unsympathetic additions, the improvement of pedestrian flows, the enhancement the post-war listed building group and the overall visitor experience. Public realm on the periphery of the site between The Wave and Bull Yard has also been recently enhanced at what will be a key entrance node into the CCS regeneration area.

Planning policies relevant to the 2022 Permission

- 4.5 The Council’s continued aspirations to regenerate CCS are reflected in Local Plan Policy R2: ‘Coventry City Centre – Development Strategy’ (DR3.9) and the City Centre Area Action Plan (“**CCAAP**”) Policy CC1 (DR3.10) which both state that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture. This will be achieved by (amongst other things): enhancement of its retail and leisure offer to strengthen the city’s sub regional role.
- 4.6 The CCAAP, adopted in December 2017, covers the whole of the city centre; however, Policy CC19 below provides policy guidance that specifically relates to the regeneration of the southern part of the Primary Shopping Area, which includes the City Centre South Site:

Policy CC19: Primary Shopping Area regeneration – South

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

- An increase of at least 10,000sq,m gross retail floor space;
- A range of shop sizes that reflect market requirements;
- High quality entrances from the Precinct, Queen Victoria Road and Bull Yard;
- The redevelopment of the Barracks car park and the relocation of the parking spaces as part of a new multi storey car park incorporated within the development;
- The relocation of the listed mural situated in Bull Yard to a new and prominent site situated within the new development; and
- The retention of the listed market building, with improvements made to its setting and connectivity to Queen Victoria Road and Market Way;
- Associated residential provision of at least 40 homes as part of upper floors above retail uses.
- Complimentary leisure, office and hotel uses as part of upper floors above retail uses.

The masterplan linked to Policy CC19 for the Primary Shopping Area regeneration – South is included as **Appendix LDO1**.

4.7 The aims and objectives of Policy CC19 remain relevant; however, the desire for an increase of 10,000sq.m of new retail floor space was informed by evidence, including most importantly the Shopping and Centres Study completed by Nathaniel Lichfield and Partners in 2014 (DR3.24) and it is recognised that there has been a profound structural shift in shopping patterns since this time, which has led to a decline of some high streets and town centres across the country. A deliverable scheme for the regeneration of the CCS Site will therefore need to have a reduced retail provision to that originally envisaged in 2014; however, a predominant (Class E) commercial use will remain at ground floor level and a significantly greater number of residential units on upper floors will add to the vitality and viability of the area. The redevelopment and regeneration of the Site provides an adaptable, robust and sustainable scheme that will enable significant economic, social and environmental benefits in accordance with the aims and objectives of Local Plan Policy R2 and CCAAP Policies CC1 and CC19.

4.8 Wider Local and National Policies are set out in more detail within Section 4 ‘Planning Policy Framework’ of Richard Brown’s Proof of Evidence (DR2.1), with which I agree.

The Consented Scheme

4.9 For the purposes of this proof of evidence, reference to the “Consented Scheme” is a reference to the development as authorised by the 2022 Permission.

4.10 The hybrid application OUT/2020/2876 submitted by Shearer Property Regen Limited (“SPRL”) sought to actively respond to changes in shopping and working patterns by recognising the shift towards city centre living and the desire for more varied leisure experiences and food and drink establishments to complement retail uses. As noted above, Policy CC19 seeks to provide for an increase of at least 10,000sq.m gross retail floor space. The existing Site area is estimated to have 36,300sq.m of commercial space and the Consented Scheme introduces a minimum/maximum development quantum of between 22,000sq.m and 37,500sq.m for Class E Commercial, Business and Service, Class F.1 Learning and Non-Residential Institutions and Sui Generis (Pub or Drinking Establishment / Hot Food and Takeaway / Cinema) uses.

4.11 Despite providing lower levels of commercial floorspace than were originally envisaged in Policy CC19 the Consented Scheme follows the thrust of Policy CC19 and the Council’s consistent recognition of the need for major change to regenerate the area. The Consented Scheme still provides robust retail and commercial activities at ground floor level to reflect the context of the city centre location with a focus upon quality of space within a more dynamic public realm. The Government’s changes to the Town and Country Planning (Use Classes Order) 1987 in 2020 sought to provide a broader mix of flexible uses (Use Class E). Although this Class E use also applies to the existing retail space, it is considered that the overall improved quality of commercial space and public realm provided by the Consented Scheme will secure greater adaptability, diversity and long-term sustainability for the Site going into the future.

4.12 The Consented Scheme provides a substantial residential element of up to 1300 units, greatly exceeding the minimum of 40 units sought in Policy CC19. Coventry has a relatively low level of city centre living compared with other cities and therefore misses out on the vibrancy generated by a city centre residential population, as well as the benefits of capturing residents’ local spending. This is a positive benefit to the Consented

Scheme and accords with Local Plan (DR3.9) Policy H3 'Provision of New Housing' by providing sustainably located housing within the heart of the city centre that assists in delivering urban regeneration, contributes to creating sustainable communities and which overall enhances the built environment. The NPPF (DR3.8) Paragraph 86 (f) indicates that policies should recognise that residential development often plays an important role in ensuring the vitality of centres.

- 4.13 The mixed-use development within this sequentially preferable and sustainable city centre location will secure the positive enhancement of the city centre's retail and leisure offer to strengthen the city's sub regional role and its position as a focus for the entire sub-region and as a national and international destination to live, work and play in accordance with the aims and objectives of Local Plan Policy R2, CCAAP Policy CC1.

Summary of key points

- 4.14 The above section sets out:

- 4.14.1 The Council's long-standing desire to comprehensively redevelop and regenerate the southern part of Coventry City Centre Primary Shopping Area, detailing the previous planning history for the Site, the first steps in the area's regeneration by the removal of the Coventry Point tower block and other key regeneration schemes on the City Centre South Site's periphery.
- 4.14.2 Key policies relevant to the Consented Scheme are highlighted and the masterplan linked to Policy CC19 for the Primary Shopping Area regeneration – South is included as **Appendix LDO1**.

5. PLANNING POSITION

Summary of planning permission OUT/2020/2876 – the 2022 Permission

- 5.1 The 2022 Permission (DR3.2(a)) is a hybrid planning permission split into Part A, B and C. The full application element (Part A) comprises the physical works required to the Grade II listed Coventry Market and Grade II listed Three Tuns Mural, which required full details to assess the impact of the Consented Scheme upon the listed buildings. The outline element was split into two parts: where development plot's footprints and heights were fixed (Part B) and where development plot's footprints and heights were flexible (Part C).
- 5.2 The 2022 Permission sought to establish the principle of development within a truly flexible permission to enable future developers to submit subsequent applications for the approval of reserved matters for different phases within the parameters of the outline component of the 2022 Permission, as set out in the approved Parameter Plans Document and Development Principles Document. These documents are explained below.

The 2022 Permission - Parameter Plans Document & Development Principles Document.

- 5.3 The Parameter Plans Document sets out land use, proposed development plots, maximum and minimum height zones, access and movement and demolition / retention

boundaries. The minimum and maximum limits of horizontal deviation from a building line and minimum and maximum height deviation for each of the development plots sought to allow for architectural expression and to accommodate end-user requirements in detailed design, to be submitted in subsequent applications for approval of reserved matters. The building layout and height were fixed (i.e. there is no horizontal or vertical deviation allowed) for Blocks A1, A2 and parts of Block B and Block C where the development plots are to be located adjacent to listed buildings/within spire view cones where greater sensitivity is required.

- 5.4 The Development Principles Document sets out the mandatory and recommended development principles on a site wide and block-specific basis. It is intended that future applications for reserved matters will be accompanied by a statement setting out how the detailed design accords with the mandatory and recommended development principles, using a 'comply or justify' approach. The Development Principles Document sets site wide development principles including architectural diversity and forms, active frontages, mix of uses, scale, height and roofscape, materials, elevational character, public realm, green infrastructure, access strategy and public art strategy and block specific development principles that need to consider the surrounding urban context more closely. Control is also applied to Block B and D 'zones', requiring a mandatory central space or courtyard.

The 2022 Permission - Heritage Assets

- 5.5 The impacts of the Consented Scheme upon designated and non-designated heritage assets formed an important part in determining the hybrid application. The Consented Scheme was also considered under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area and Section 66 of the same Act, which imposes a duty on a local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Despite significantly mitigating harm through the Parameter Plans Document & Development Principles Document the Local Planning Authority identified through the planning process both substantial harm and less than substantial harm to certain designated heritage assets. The substantial harm is necessary to achieve substantial public benefits and the Consented Scheme is considered to provide substantial widespread and long-lasting public benefits to Coventry's citizens at a multi-generational level and these benefits sufficient to outweigh the identified harm to designated heritage assets in accordance with NPPF paragraphs 201 and 202. Additionally, the benefits delivered by the Consented Scheme were considered to outweigh the potential harm to identified non-designated heritage assets in accordance with NPPF paragraph 203.

- 5.6 The Consented Scheme was accompanied by Listed Building Consent applications LB/2020/2857 (DR 3.4) for the Coventry Market works and LB/2020/2860 (DR 3.5) for the removal and relocation of the Three Tuns Mural. These decisions were issued by the Secretary of State and conditions are reflected in the 2022 Permission (DR 3.2(a)).

The 2022 Permission - Conditions

- 5.7 The 2022 Permission was granted on 27/01/22 as a conditional approval with typical conditions applied relating to demolition/construction management, environmental protection (noise, odour, contaminated land, air pollution), heritage protection, ecology,

drainage and highway safety. The decision includes a condition that requires subsequent reserved matters applications to be submitted with a design brief to: 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.

The 2022 Permission - Section 106 Legal Agreement

- 5.8 The hybrid planning application for the Consented Scheme was supported by a financial viability assessment in accordance with Local Plan Policy IM1 to demonstrate the financial viability of the Consented Scheme and to demonstrate what level of planning contributions the Consented Scheme would be able to support. The assessment has been independently assessed by the Local Planning Authority's assessor, who concluded that the proposed development could not viably meet the on-site affordable housing requirement or support off-site financial contributions, including those requested by the Local Education Authority, NHS University Hospital Coventry and Warwickshire and the CCG, without impacting adversely on development viability and deliverability.
- 5.9 The officer's report to Planning Committee in relation to the determination of the 2022 Permission (DR3.3) recognised that the proposed development would positively contribute to the delivery of the comprehensive redevelopment of a part of the city centre, which is identified and supported by in Policy CC19, including a range of substantial economic, social and environmental benefits. It was noted that the viability assessment was undertaken at a time when both the UK economy and the high street are facing unprecedented challenges, and this was therefore to be taken as a 'snapshot' of the Consented Scheme's viability at that time.
- 5.10 The Local Planning Authority recognise that the viability position may well change as the reserved matters come forward (as discussed below) and three review mechanism triggers have been incorporated in a Section 106 Legal Agreement (DR 3.2(b)), which requires an updated Financial Viability Assessment to be submitted on a phased basis, so that SPRL and the Local Planning Authority can re-assess viability. This provides the Local Planning Authority with the ability to secure affordable housing / financial contributions in the future, should the Consented Scheme demonstrate a development surplus.
- 5.11 It should also be noted that the Section 106 Legal Agreement (DR 3.2(b)) makes provision for the application of the S106 Legal Agreement to Section 73 planning applications relating to the 2022 Permission without the need for a new S106 agreement to be drafted, although the Local Planning Authority reserves the right to require a separate obligation by deed of agreement for a Section 73 application if deemed necessary.

Subsequent planning applications/reserved matters applications

- 5.12 The Consented Scheme intentionally provides layout and design flexibility, within the framework of the Parameter Plans Document & Development Principles Document, to facilitate the submission of applications for reserved matters.
- 5.13 It is recognised that schemes often continue to naturally evolve after planning permission has been granted, which is why the caveat is included within the Section 106 Legal

Agreement that any related Section 73 applications will also be bound by the agreed obligations.

- 5.14 The Local Planning Authority is open to the submission of Section 73 applications where there is not a fundamental change to the scheme or Section 96A applications where a non-material amendment is proposed. Applications have been made under both Section 73 and Section 96A in relation to the Consented Scheme, as set out in Section 6.

Summary of key points

- 5.15 The above section sets out:
- 5.15.1 The planning position starting with a summary of the extant 2022 Permission.
 - 5.15.2 An overview of the 2022 Permission's guiding Parameter Plans Document, which sets out land use, proposed development plots, maximum and minimum height zones, access and movement and demolition / retention boundaries and the Development Principles Document, which sets out the mandatory and recommended development principles.
 - 5.15.3 An overview of the impacts of the Consented Scheme upon designated and non-designated heritage assets and the balance of any harm against public benefits.
 - 5.15.4 An overview of the 2022 Permission's conditions.
 - 5.15.5 An overview of the 2022 Permission's associated Section S106 Legal Agreement, the viability position and the three review mechanism triggers.
 - 5.15.6 Commentary on the natural evolution of development schemes and mechanisms for dealing with changes through the Section 73 and Section 96A applications.

6. DESIGN EVOLUTION

- 6.1 For the purposes of this proof of evidence, reference to the "Refined Scheme" is a reference to the development as set out in the S73 Application.
- 6.2 In addition to Shearer Property Regen Limited ("SPRL") Hill Residential Limited ("HRL") were selected as a developer/funding partner for the City Centre South regeneration scheme. Work subsequently commenced on a review of the Consented Scheme to optimise the development and ensure the commercially viable delivery of a comprehensive regeneration scheme for the Site.
- 6.3 The Council's Planning and Urban Design Officers have worked with SPRL, HRL and their architect, planning agent and technical specialists to assist in guiding the evolution of the Scheme. The proposed changes to the Consented Scheme will seek to retain the HMV Empire building (originally proposed for demolition) and alter elements of the bulk and massing set within the horizontal and vertical parameters plans to reflect the proposed changes to the quanta of development, which are as follows:

Use	Consented Scheme Minimum Development Parameter	Consented Scheme Maximum Development Parameter	Refined Scheme Proposed Minimum Development Parameter	Refined Scheme Proposed Maximum Development Parameter
Residential	900 Units	1300 units	No change	1500 units
Commercial	22,000sq.m GIA	37,500sq.m GIA	13,275sq.m GIA	20,000sqm GIA

6.4 Like the Consented Scheme, the revised parameters proposed by the Refined Scheme maintain a mixed-use scheme with a large residential component. The changes in quanta are acceptable in principle as the extent of floorspace changes proposed do not fundamentally alter the nature of the Scheme, which would still be based on a large component of residential and a relatively significant level of commercial floorspace. It remains essential that an active retail frontage is provided at ground floor within the core of the development including Market Way, Hertford Street and the East-West route from the former Ikea building through to Christchurch Spire / The Wave reflecting the city centre location and Council’s policy aspirations.

6.5 Much of the Scheme remains within the fixed parameters of the approved 2022 Permission (DR3.2(a)); however, where changes to vertical and horizontal parameters are proposed they have been carefully discussed and assessed against spire views and adjacent listed buildings to ensure that the Refined Scheme (i) remains acceptable within the townscape and (ii) does not form a fundamental change to the 2022 Permission so that changes can be advanced as a minor material amendment application under Section 73 of the TCPA.

6.6 As a first procedural step and prior to submitting the S73 Application, a non-material amendment application under Section 96A of the TCPA has been submitted to and approved by the Local Planning Authority.

Summary of non-material amendment application NMA/2022/2523 – the S96A application

6.7 The S96A application was submitted to enable the defined quantitative development parameters and Parameters Plans Document to be removed from the description of development of the 2022 Permission and transposed into new / amended planning conditions (Conditions No.1, 2, 7, 9, 50, 51 and 52). The subsequent S73 Application (S73/2022/3160) seeks permission to alter the development parameters by inclusion of new/amended planning conditions (including the variation of Condition Nos. 1, 2, 46, 50 and 51).

6.8 The proposed changes to the original description of development of the 2022 Permission are shown as **underlined** with text proposed for deletion shown with a **strikethrough**:

Full application:

A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and

reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;

Outline application:

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

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

- 6.9 The S96A application also seeks to make non-material changes to Condition 7 (vi) energy assessment and Condition 9 noise and vibration, to change the trigger points and adds an individual demolition plan condition. The new / amended conditions are set out below:

Variation of Condition 1:

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

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

Variation of condition 2:

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

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

Variation of Condition 7 to remove energy assessment reference:

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.

Variation of Condition 9 to alter trigger point:

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

New condition No.50:

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

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

New condition 51:

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

New condition 52 to replace detail removed from Condition 7:

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

- 6.10 The S96A application was validated by the Local Planning Authority on 15th September 2022. The proposals within the submission were considered to be non-material and the application was granted on 11th October 2022. A copy of the Local Planning Authority's approval letter is included as DR 3.6.

Summary of the S73 Application (S73/2022/3160)

- 6.11 The S73 Application was submitted to the Local Planning Authority on 7 November 2022 and validated on 11 November 2022. A decision is pending at the time of writing this proof of evidence. The S73 Application seeks amendments pursuant to Section 73 of the 1990 Act to accommodate changes to the Consented Scheme. The scope of the S73 Application can be summarised as follows: Variation of Condition Nos. 1, 2, 46, 50 and 51 attached to hybrid planning permission reference OUT/2020/2876 (and as amended by non-material amendment NMA/2022/2523 granted 11/10/22) to allow for alterations to approved Parameter Plans Document, Development Principles Document and associated drawings. The changes to conditions are set out below:
- 6.12 Condition 1 (as varied via NMA/2022/2523) requires submission of reserved matters details of appearance, access, landscaping and scale where layout is reserved, but in accordance with the superseded Parameter Plans Document Rev B March 2021, which is proposed to be revised in the S73 Application. It is proposed that reference is made instead to the revised Application Boundary Areas Parameter Plan, which identifies the areas where the layout is to be approved by the Parameter Plans.
- 6.13 Condition 2 (as varied via NMA/2022/2523) requires submission of details of appearance, access, landscaping, layout and scale. It is proposed that reference is made instead to the revised Application Boundary Areas Parameter Plan, which identifies the areas where these matters are reserved.
- 6.14 Condition 46 lists the approved plans, drawings and documents with which the full and outline planning components of the Consented Scheme must comply. A number of drawings, plans and documents are proposed to be replaced or added to accommodate changes proposed in the S73 Application.
- 6.15 Condition 50 (as added via NMA/2022/2523) sets out the maximum development quanta parameters for each land use. The maximum residential quantum is proposed to be increased from 1300 to 1500 units and the maximum non-residential (excluding Class C1 hotel parameter) reduced from 37,500sqm to 20,000sqm.
- 6.16 Condition 51 (as added via NMA/2022/2523) approves the parameter plan defining the extent of buildings to be demolished and retained on-site. The parameter plan is proposed to be revised in the S73 Application, including to reflect the fact that the HMV Empire building at 22 Hertford Street is now proposed for retention.
- 6.17 At the time of writing my proof of evidence the S73 Application is being assessed by the Local Planning Authority. The assessment will be determined in accordance with the current development plan and other material considerations, ensuring that the Refined Scheme (i) remains acceptable within the townscape and (ii) does not form a fundamental change to the Consented Scheme. That assessment has yet to be carried out and I do not seek to pre-determine the outcome of that assessment; however, with those caveats it is considered that the S73 Application will be in overall accordance with the Development Plan, including the regeneration aims for the City Centre South area and the changes will not diminish the broad scale of economic, social and environmental benefits generated by the Consented Scheme.
- 6.18 Given this position, together with the fact that the Development Plan has not materially changed since approval of the 2022 Permission, I consider that there should not be any impediment to the S73 Application being approved in due course.

Summary of key points

- 6.19 The above section sets out:
 - 6.19.1 The design evolution of the Consented Scheme and the changes to development parameters.
 - 6.19.2 Details of the Section 96A application submission to enable the defined quantitative development parameters and Parameters Plans Document to be removed from the description of development of the 2022 Permission and transposed into new / amended planning conditions.
 - 6.19.3 A full account of the changes to relevant conditions made via the S96A application.
 - 6.19.4 An overview of the S73 Application S73M/2022/3160.

7. STOPPING-UP OF HIGHWAYS

- 7.1 There are three elements of stopping up of the public highway. These are:
 - 7.1.1 A section of Rover Road. The stopping up is required to allow for Block A1 of the proposed Scheme to be built. A new pedestrian and servicing vehicle access for the existing Coventry Market and the development proposed by the Scheme will be provided almost immediately to the south of the area to be stopped up. This results in only a minor route deviation for pedestrians and cyclists and maintains and provides servicing and emergency vehicle access (see DR 4.2).
 - 7.1.2 A section of Queen Victoria Road. The stopping up is required to allow for Block A1 of the proposed Scheme to be built. It also ensures the back of the highway aligns with the Lower Precinct Car Park to provide a continuously straight frontage (see DR 4.1).
 - 7.1.3 A section of Warwick Row. The stopping up is required to allow for Block C of the proposed Scheme to be built and a rationalisation of the public realm (see DR 4.3).
- 7.2 Section 10 'Stopping-Up of Highways' of Mr Russell Vaughan's Proof of Evidence (DR2.7) identifies the areas to be stopped up and associated plans in further detail.
- 7.3 The Council as both Local Planning Authority and Local Highway Authority are content that the stopping-up of public highway is necessary for the Scheme to be implemented and agree that the orders should be confirmed.

8. CONCLUSION

- 8.1 It has long been the ambition of the Council to regenerate the Southern part of the Coventry City Centre Primary Shopping Area, an area where it is recognised that the existing townscape has buildings of a generally low-quality design set within a low-quality public realm. It is essential that areas such as City Centre South shift from retail focussed activities to more dynamic, mixed-use developments with greater employment

opportunities and a strong residential heart. The existing predominantly low-rise post-war buildings present limited opportunity to adapt to these changes.

- 8.2 From the initial approval for the comprehensive redevelopment of the City Centre South area under application Ref: OUT/2012/0575 back in May 2012 the area has continued to be identified as a focus for holistic redevelopment, which is reflected within renewed Local Plan Policy and the CCAAP. The demolition of Coventry Point, a 14-storey tower block, in 2019/20 presented a significant step forward by removing a physical barrier and creating an uninterrupted pedestrian throughfare into the area by opening up the north-south route into the regeneration area via Market Way.
- 8.3 The Consented Scheme presents an up-to-date redevelopment proposal that reflects the changes in shopping and working patterns that have evolved since the 2012 permission. The successful selection of HRL in addition to SPRL as a developer/funding partner for the City Centre South regeneration scheme has seen further advancement and optimisation of the development. These changes are currently being considered via the S73 Application.
- 8.4 In terms of the S73 Application, I consider that the economic, social and environmental benefits generated by the Refined Scheme will be the same as the Consented Scheme in that it will contribute substantially to the economic, social and environmental wellbeing of the area and therefore, there would not be any impediment to granting the S73 Application.

9. STATEMENT OF TRUTH

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

Liam D'Onofrio



29th December 2022

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

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

and

Town and Country Planning Act

Stopping-up of public highway

Proof of Evidence

of

Liam D'Onofrio

Principal Town Planner at Coventry City Council

Appendix LDO1 – CCAAP Figure 17b: Primary Shopping Area – Development Guidelines

The Primary Shopping Area regeneration – South linked to Policy CC19 is denoted as Area (3)

