

COUNCIL OF THE CITY OF COVENTRY

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

SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

SECTION 13 THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

THE ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

**OF THE COUNCIL OF THE CITY OF COVENTRY
FOR MAKING THE COMPULSORY PURCHASE ORDER**

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1. INTRODUCTION

- 1.1 This document is the non-statutory Statement of Reasons prepared by the Council of the City of Coventry (the "**Council**") to set out the background to, and the reasons for making, the Council of the City of Coventry (City Centre South) Compulsory Purchase Order 2022 ("**Order**"), which is being submitted to the Secretary of State for Levelling-Up, Housing and Communities ("**Secretary of State**") for confirmation. The Council is the acquiring authority for the purpose of the Order. The Order was made by the Council on 22 April 2022 pursuant the resolution of Cabinet on 11 January 2022.
- 1.2 The Council made the Order pursuant to powers in section 226(1)(a) of the Town and Country Planning Act 1990 ("**1990 Act**") and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 ("**1976 Act**"). These powers are explained later in this Statement of Reasons.
- 1.3 The land and new rights included in the Order which are the subject of the proposed acquisition are referred to as the "**Order Land**" and are described in the next section. The Council is the local planning authority and the highway authority for the Order Land.
- 1.4 The Order has been made to authorise the acquisition of the land and the creation of the new rights to facilitate the delivery of the scheme described in Section 5 below ("**Scheme**") and which, if implemented, will facilitate regeneration of one of the most tired and outdated areas of Coventry city centre. The Scheme has been designed to transform the land with a vibrant mix of uses including new homes, health uses, a hotel, shops, food and drink establishments, commercial workspace, leisure and community uses, new open space, new pedestrian and vehicular access and car parking and will further improve the setting of nearby listed buildings.
- 1.5 The schedule to the Order ("**Schedule**") lists the owners, lessees, tenants and occupiers of the Order Land. In addition, it lists all those other parties that have been identified as having a qualifying interest in the Order Land as defined by section 12(2) Acquisition of Land Act 1981, including neighbouring owners with the benefit of rights or interests over the Order Land.
- 1.6 The Council recognises that a compulsory purchase order should only be made if there is a compelling case in the public interest (paragraph 12 of the Department of Levelling-Up, Housing and Communities Guidance on Compulsory Purchase Process and the Crichel Down Rules, July 2020 ("**CPO Guidance**")) which justifies interfering with the human rights of those with an interest in the affected land. The Council considers that a clear and compelling case in the public interest exists for making the Order, as described in the following sections of this Statement of Reasons.

2. DESCRIPTION OF THE ORDER LAND

- 2.1 The extent of the land proposed to be acquired, and over which new rights are proposed, is shown on the map which accompanies the Order ("**Order Map**"). The land proposed to be compulsorily acquired pursuant to the Order is shown coloured either pink ("**Pink Land**") or green ("**Green Land**") on the Order Map. The land over which new rights are proposed to be created and acquired is shown coloured blue on the Order Map ("**Blue Land**").
- 2.2 The Order Land is situated in the southern part of the city centre about 600 metres north of Coventry mainline railway station. It forms the main part of the area bordered by Upper Precinct and Broadgate to the north, Hertford Street to the east, Warwick Row and Greyfriars Road to the south and Queen Victoria Road to the west. It is mainly pedestrianised.
- 2.3 The need for each plot of land, or rights over the land, to facilitate the Scheme has been carefully assessed. As already noted, the Schedule lists the owners, lessees and occupiers of the Order Land and those other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and inspection of Land Registry documents. There has been extensive enquiry to identify land interests, but it is recognised that the Order includes a number of interests where it has not been possible to identify the current owner.

- 2.4 The conservation areas surrounding the Order Land and the heritage assets around and within the Order Land are described in further detail in Sections 2, 4 and 7.

Land to be acquired – the Pink and Green Land

- 2.5 Together, the Pink Land and the Green Land proposed to be compulsorily acquired comprise an area of some 6.36 hectares and has been land referenced as comprising 223 plots.
- 2.6 The Pink Land and the Green Land form a substantial part of the city centre's post-war retail core. It encompasses areas of Shelton Square, Market Way, Bull Yard, the City Arcade, Rover Road, Hertford Street (other than properties on its eastern side) and Barracks Multistorey Car Parks ("**MSCP**"). The Pink Land also includes the ramp from the roof top car park above Market Way, which connects to the car park of the Grade II listed Coventry Retail Market ("**Market**"), the basement ramp between the Market and Rover Road, associated changes to the basement of the Market, a small number of external facing ground floor units of the Market which need to be acquired to enable the Scheme to be constructed, delivered and operated efficiently in terms of servicing and access arrangements, and certain other incidental features adjoining the Market building. The vast majority of the above ground extent of the Market building itself is not included in the Pink Land and the Market can continue trading throughout and after the Scheme works.
- 2.7 The Pink and Green Land are dominated by buildings constructed in the 1950s and 1960s during the city's post war reconstruction. The ground and first floors of the buildings are mainly in retail use or are vacant. There are a number of other town centre uses within the Pink Land and the Green Land including: offices, mainly at upper levels of the buildings, some 1,233 car parking spaces, servicing areas, food and drink establishments and mixed community uses including social enterprises and the Shop Front Theatre.
- 2.8 The Council owns the freehold interest in approximately 99% of the Pink and Green Land. However, the land is subject to a number of leasehold and occupational interests of premises used as shops, food and drink establishments, offices and for other business and community uses. The leases of 97 premises will either expire, or be capable of being brought to an end by contractual notice prior to the anticipated date for the commencement of development. However, there are 18 leasehold interests within the Order where the lease will not expire prior to the anticipated date for development to begin. The Council has engaged with the current owners and occupiers of each of these leasehold interests with a view to seeking to reach a suitable form of agreement with them to ensure vacant possession of the interest before commencement of development. This engagement and associated negotiations will continue throughout the compulsory purchase process.
- 2.9 The remaining 1% of the Pink and Green Land, where the Council does not own the freehold interest, is predominantly unregistered land within the site.
- 2.10 There are two Grade II listed structures within the Pink and Green Land. The first is the Grade II listed William Mitchell Mural at the Former Three Tuns Public House building in Bull Yard which is to be relocated as part of the Scheme. The second is the Grade II listed Coventry Market which is affected as described above. In addition, there are a number of examples of public art and commemorative plaques at various locations within the Pink and Green Land. These non-designated assets are referred to further in Section 7.
- 2.11 The Pink and Green Land sits within and forms the major part of the land for which outline planning permission for the Scheme was granted by the Council on 27 January 2022 pursuant to a hybrid planning application reference: OUT/2020/2876 ("**2022 Permission**"). The redline boundary of the 2022 Permission is referred to in this Statement as the "**Development Site**" or "**City Centre South**".
- 2.12 The progress made by the Council in seeking to acquire the Pink and Green Land by agreement is described in Section 12.

Land over which new rights are to be created and acquired – the Blue Land

- 2.13 The Blue Land over which new rights are to be created and acquired pursuant to section 13 of the 1976 Act ("**New Rights**") surrounds parts of the Pink and Green Land and is in a number of different

uses but predominantly retail and commercial. One residential building is included in part within the Blue Land.

- 2.14 The Blue land encompasses the Lower Precinct Multi-storey car park, land at Upper Precinct, land at Broadgate, land at Hertford Street, land at Warwick Row, land at Market Way, and land at Queen Victoria Road as more particularly set out in the table below.

Plot number	Description of the land
227	Approximately 13 square metres of land being part of adopted highway between Corporation Street and Lower Precinct Multi-Storey Car Park
228	Approximately 33 square metres of land being part of adopted highway situated between Corporation Street and Lower Precinct Multi-Storey Car Park
229	Approximately 146 square metres of land being part adopted highway between Corporation Street and service yards and part of buildings known as 85-101 Lower Precinct Multi-Storey Car Park
230	Approximately 286 square metres of land, covered walkways and section of adopted highway known as Corporation Street
231	Approximately 31 square metres of land below multi-storey car park only known as Lower Precinct Multi-Storey Car Park
232	Approximately 1860 square metres of multi-storey car park known as Lower Precinct Multi-Storey Car Park
233	Approximately 5129 square metres of land being the ground floor of Coventry Retail Market
233g	Approximately 2631 square metres of land at basement level within the Coventry Retail Market
233h	Approximately 5185 square metres of land being the roof top car park of Coventry Retail Market
233i	Approximately 30 square metres of land being ramp used as a walkway to Coventry Retail Market and Roof-Top Car Park
234	Approximately 2304 square metres of land being service access and loading bays, car parking spaces and dustbin areas, excluding footbridge, situated to the north of Coventry Retail Market
235	Approximately 1603 square metres of land being ground floor commercial premises known as 10-12 Market Way, with office building above situated to the west of Market Way
236	Approximately 283 square metres of land being paved public pedestrianised area with benches, dustbins, trees, street food vendors, public telephone boxes and a post box
237	Approximately 2722 square metres of land being ground floor commercial premises known as 43-47 The Precinct and 1 - 15 Market Way, situated to the south of Upper Precinct and to the west of Market Way

Plot number	Description of the land
238	Approximately 202 square metres of land being ground floor commercial premises and unoccupied office premises on the first floor, known as 1-3 Market Way, situated to the south of Upper Precinct and to the west of Market Way
239	Approximately 227 square metres of commercial premises known as 39-41 The Precinct, situated to the south of Upper Precinct
240	Approximately 212 square metres of land being ground floor commercial premises known as 35-37 The Precinct and unoccupied office premises on the first floor, situated to the south of Upper Precinct
241	Approximately 271 square metres of land being ground floor commercial premises known as 29 – 31 The Precinct and unoccupied office premises on the first floor, situated to the south of Upper Precinct
242a	Approximately 138 square metres of land being First Floor premises and above, situated to the south of Upper Precinct
243	Approximately 71 square metres of land being unoccupied commercial premises on the first floor known as 27 The Precinct, situated to the south of Upper Precinct
244	Approximately 194 square metres of land being ground floor commercial premises known as 25-27 The Precinct, situated to the south of Upper Precinct
245	Approximately 36 square metres of land being loading bays situated to the rear of 21-23 The Precinct and to the south of Upper Precinct
246	Approximately 185 square metres of land being commercial premises and office premises above, known as 21-23 The Precinct, situated to the south of Upper Precinct
247	Approximately 220 square metres of land being ground floor commercial premises known as 17-19 The Precinct and office premises on the first floor, situated to the south of Upper Precinct
248	Approximately 211 square metres of land being ground floor commercial premises known as 13-15 The Precinct and office premises on the first floor, situated to the south of Upper Precinct
249	Approximately 36 square metres of land being loading bays situated to the rear of the commercial premises known as 13-15 The Precinct and to the south of Upper Precinct
250	Approximately 425 square metres of land being ground floor commercial premises and office premises on the first floor, known as 5-11 The Precinct, situated to the south of Upper Precinct
251	Approximately 1441 square metres of land being commercial premises and office building known as Broadgate House
252	Approximately 118 square metres of land being commercial premises known as 69 Hertford Street
253	Approximately 91 square metres of land being commercial premises known as 68 Hertford Street

Plot number	Description of the land
254	Approximately 97 square metres of land being commercial premises known as 67 Hertford Street
255	Approximately 105 square metres of land being commercial premises known as 66 Hertford Street
256	Approximately 73 square metres of land and walkway being commercial premises known as 66 Hertford Street
257	Approximately 623 square metres of land being commercial premises known as 64 Hertford Street
258	Approximately 263 square metres of land being commercial premises known as 62 Hertford Street
259	Approximately 148 square metres of land being commercial premises known as 61 Hertford Street
260	Approximately 499 square metres of land being commercial premises known as 5 Warwick Row
261	Approximately 251 square metres of land being commercial premises known as 6 Warwick Row
262	Approximately 248 square metres of land being commercial premises known as 7 Warwick Row
263	Approximately 374 square metres of land being residential apartment building known as Beauchamp House
264	Approximately 49 square metres of land being residential apartment building known as Beauchamp House
265	Approximately 16 square metres of land forming section of residential building known as 103-107 Beauchamp House
266	Approximately 13 square metres of land forming section of residential building known as 103-107 Beauchamp House
267	Approximately 20 square metres of land forming section of residential building known as 103-107 Beauchamp House

- 2.15 The Council is the freehold owner of a significant proportion of the Blue Land, with some areas of land held under registered titles and other areas unregistered. There are a variety of leasehold interests and occupations within the Blue Land including retail and commercial properties.
- 2.16 There is one residential building, Beauchamp House, within the Blue Land. The rights sought in relation to Beauchamp House pertain to crane oversailing, surveys and the right to undertake protective works, scaffolding and boundary treatment. The residential occupiers will be able to continue in occupation throughout the works.
- 2.17 The Blue Land includes eight Grade II listed buildings:

Plot number	Description of listed building
233, 233g, 233h and 233i	Coventry Retail Market
235	The former Woolworth Building, Upper Precinct
237 and 238	Former British Home Stores Building and Carphone Warehouse
239-250	Upper Precinct, North and South Link Blocks and Piazza (Note – the Blue Land only encompasses part of the buildings included in the listing)
251	Broadgate House
260	5 Warwick Row
261 and 262	6 and 7 Warwick Row

Nature of rights sought and land affected

- 2.18 A summary of New Rights sought is set out below. Not all rights are required in respect of each plot within the Blue Land. The Schedule provides full details of the rights to be acquired with respect to each plot, which include the right:
- 2.18.1 to enter and remain on land for general construction, maintenance, repair and renewal purposes;
 - 2.18.2 to erect scaffolding and/or hoardings;
 - 2.18.3 to swing the jib of a crane loaded or unloaded through the airspace over properties;
 - 2.18.4 to carry out surveys of buildings and land;
 - 2.18.5 to enter onto land to make good and carry out protective works;
 - 2.18.6 to carry out boundary treatment works;
 - 2.18.7 to modify service media and other utilities;
 - 2.18.8 to alter and/or remove fire escapes (either on a temporary or permanent basis) and install fire escapes and to grant rights for owners and occupiers of land to use fire escapes;
 - 2.18.9 to carry out accommodation and reconfiguration works to properties where buildings will in whole or in part be demolished or accesses reconfigured in order to modify the retained properties so that they can be brought back into beneficial use; and
 - 2.18.10 to provide for, alter and/or remove service access.
- 2.19 The extent of rights required, and the works to be undertaken pursuant to such rights, varies between properties and the Council will seek to reach agreement with landowners and occupiers. A broad summary of why the rights are needed is set out below:
- 2.19.1 to enable access to land adjoining the Scheme site for the purposes of demolition, construction and future activities such as maintenance and renewal. Scaffolding will need

to be placed on such land in some cases. Rights to oversail with cranes a number of properties neighbouring the Development Site are also required;

- 2.19.2 to carry out boundary treatment works to certain properties that abut the Scheme. This is to ensure that boundary treatments of adjoining land and buildings are well maintained; and
- 2.19.3 to carry out works on land and buildings that are not required for the Scheme but that will be affected by the Scheme. This includes situations where accesses, fire escapes and service media will be affected by the Scheme through the demolition of existing buildings (either in whole or in part). Consequential modification works are therefore required to enable the affected properties to remain in beneficial use. Such works include removal of canopies, modification of service media and creation of new (temporary and/or permanent) fire escapes, including the right to grant rights over fire escapes to owners and occupiers of neighbouring land. Rights to carry out protective works to such affected properties are also required and, within this context, the right to enter land to survey is also required.

Beauchamp House

- 2.20 In respect of Beauchamp House, rights are required to facilitate construction of the Scheme by the oversailing of cranes over the property and also (in respect of part only) to carry out surveys.

Queen Victoria Road

- 2.21 In respect of Queen Victoria Road, rights of access are required to facilitate the construction, maintenance, repair and renewal of the Scheme.

Lower Precinct Car Park

- 2.22 In respect of Lower Precinct Car Park, rights are required to facilitate the construction, maintenance, repair and renewal of the Scheme. This includes rights for the purposes of access, survey, erection of scaffold, carrying out of protective works and making good and the right to alter servicing accesses to existing premises.

Coventry Retail Market

- 2.23 In respect of the Market, rights are required to facilitate the construction, maintenance and renewal of the Scheme, including to demolish the connecting ramp at roof top car park level and to carry out modifications to the service access ramp at basement level. These include rights at all levels for the purposes of access, survey, erection of scaffold, carrying out of protective works and making good and oversailing with cranes. Rights are also required to modify service media.
- 2.24 At rooftop level, rights are required to demolish the existing ramp to the Market from the adjacent City Arcade Car Park, which is proposed to be demolished as part of the Scheme, and to make good the roof top car park surfacing in that location.
- 2.25 At basement level, rights are required to carry out works to tie in with the provision of a new basement access ramp to the Market, and to make consequential modifications to service media.

The Precinct

- 2.26 In respect of the Precinct, rights are required to facilitate the construction, maintenance, repair and renewal of the Scheme. These include rights on or over the land for the purposes of access, erection of scaffold, carrying out protective works and making good, carrying out boundary treatment works and oversailing with cranes. Rights are sought to alter vehicular and servicing access arrangements (temporarily during the works, and permanently).

Broadgate House

- 2.27 In respect of Broadgate House, rights are required to facilitate the construction, maintenance, repair and renewal of the Scheme. These include rights on or over the land for the purposes of access, erection of scaffold, carrying out protective works and making good, carrying out boundary treatment works and oversailing with cranes.
- 2.28 In addition, rights are required to carry out works to modify the property by the removal of an existing access into the Barracks Car Park (which is proposed to be demolished as part of the Scheme) to Broadgate House.

Hertford Street

- 2.29 In respect of the above properties on Hertford Street, rights are required to facilitate the construction, maintenance, repair and renewal of the Scheme. These include rights on or over the land for the purposes of access, erection of scaffold, carrying out protective works and making good, carrying out boundary treatment works and oversailing with cranes.
- 2.30 In addition, in respect of some of the properties, rights to carry out works to modify properties and carry out boundary treatment works to external walls that will be affected by the Scheme where the current canopy which stretches between properties on either side of Hertford Street is proposed to be removed.

Warwick Row

- 2.31 In respect of the properties on Warwick Row, rights are required to facilitate the construction, maintenance, repair and renewal of the Scheme. These include rights on or over the land for the purposes of access, erection of scaffold, carrying out protective works and making good, carrying out boundary treatment works and oversailing with cranes.
- 2.32 In addition, rights to carry out works to modify properties that will be affected by the Scheme to enable the property to continue in beneficial use are also required. This includes rights to alter and install fire escapes, modify service media, and in some cases consequential modification works to existing buildings.

Summary

- 2.33 In summary, the New Rights are required to facilitate the construction, use and maintenance of the Scheme and/or to carry out consequential modification works to properties affected by the Scheme and will only be exercised to the extent necessary for such purposes. The Council is seeking to secure such rights by agreement with the owners and occupiers of the land over which the rights are required as described in Section 12.

3. ENABLING POWERS FOR THE CPO AND RELATED STATUTORY PROVISIONS

CPO Enabling Powers

- 3.1 The Council has made the Order pursuant to its powers under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or, social, and/or environmental well-being of the authority's area. The Council is satisfied for the reasons set out below that the purpose of the Order falls within the powers set out above and that the Order may lawfully be made.

- 3.3 The Council is exercising its powers under section 226(1)(a) because it has not been possible to acquire by agreement all the interests that are required for the Scheme and it is not certain it will be able to acquire all the remaining land by agreement. The Council's purpose in seeking to acquire the land and using section 226(1)(a) is set out in detail in section 6 below.
- 3.4 Section 13 of the 1976 Act enables the Council to purchase rights which are not in existence when the Order is made and which are specified in the Order. The New Rights to be created and acquired are reasonably required for the reasons set out above, including to enable entry onto the land for construction, maintenance, repairs, carrying out of surveys, modifying service media and other utilities and carrying out consequential modifications to properties affected by the Scheme.
- 3.5 The CPO Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and sets out the overarching consideration in paragraph 12 that there must be a compelling case in the public interest for making a compulsory purchase order. The Council has taken full account of this overarching consideration in making this Order. The CPO Guidance states that compulsory purchase is intended as a last resort to secure the assembly of land needed to implement projects. It makes clear that acquiring authorities will be expected to demonstrate that they have taken reasonable steps to acquire the land and new rights included in an Order by agreement. However, the CPO Guidance also notes that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process valuable time will be lost. Dependent on when the land is required, the CPO Guidance acknowledges that it may often be sensible for local authorities to plan a compulsory purchase timetable and initiate formal procedures, in parallel with conducting negotiations (paragraph 2 of the CPO Guidance).
- 3.6 In summary, in exercising its powers of compulsory purchase, the Council is satisfied that it may lawfully do so under the powers set out above and there is a compelling case in the public interest for such exercise and that the public interest is sufficiently important to justify the interference with private rights.

Other relevant statutory provisions

- 3.7 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order.
- 3.8 Section 203 of the Housing and Planning Act 2016 ("**2016 Act**") authorises building works to be carried out and land put to a use even if the works or use would infringe a "relevant right or interest" as defined for the purposes of that provision to include, for example, easements and restrictive covenants, provided that the conditions for the application of that section are met. In the present case those conditions are that:
- 3.8.1 there is planning consent for the work and/or use;
 - 3.8.2 the land has either been acquired by the Council (whether by agreement or compulsorily), or the Council has appropriated the land for planning purposes;
 - 3.8.3 the Council could acquire the land compulsorily for the works/use (whether or not it in fact did so); and
 - 3.8.4 the work/use relates to the purposes for which the land was acquired or appropriated.
- 3.9 The Council is the freeholder of the vast majority of the Development Site. However, there are a number of third-party rights and interests which burden the Development Site and would restrict development of the Scheme. Therefore, the Council is intending to appropriate for planning purposes all of those interests in the Site which are already held by the Council and which are required for the Scheme. The Council's existing interests in the Development Site are therefore excluded from the CPO but are intended to be appropriated for planning purposes to override such third-party rights and interests and allow the Scheme to proceed. Section 246(1) of the TCPA 1990 states that any reference to the acquisition of land for planning purposes is a reference to the acquisition of land under section 226 or section 227 of the TCPA 1990, or land which has been appropriated for purposes for which land could be acquired under those sections. The appropriation of Council owned

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.

- 4.5 The City Centre as a whole has a relatively low level of homes (indeed there are not any within the red line Scheme boundary) and therefore misses out on the vibrancy and spending power of a resident population. Cities and places that have experienced recent economic success, such as Birmingham, Manchester, Sheffield and Leeds, have all benefited from significant housing growth, which is a key enabler for creating a diverse, growing local economy. These cities demonstrate that new housing in city centres is linked to the economic success and viability of the town centre.

City Centre South – the Development Site

- 4.6 The major post-war redevelopment of City Centre South primarily involved the provision of new retail and office units, the Market and public spaces, but no new homes. The original street pattern was swept away and this part of the city became one of the first, if not the first, pedestrianised shopping precincts in the United Kingdom.
- 4.7 The Development Site sits at the southern part of the City Centre's Primary Shopping Area comprising some 6.36 hectares and is predominantly occupied by 1950's and 1960's buildings that formed part of Coventry's post-war reconstruction.
- 4.8 The north of the Development Site is bounded by the Lower Precinct Shopping Centre, the former Woolworths building (Grade II listed), the former BHS building (Grade II listed), the south link building within Upper Precinct (Grade II listed) and Broadgate House (Grade II listed). This group of adjoining listed buildings all form part of Donald Gibson's post-war redevelopment of Coventry City Centre and were listed by Historic England in 2018 (Broadgate House was listed in 2013).
- 4.9 The eastern boundary of the Development Site is formed by Hertford Street. Its broad northern square links directly into Broadgate Square via pedestrian routes beneath Broadgate House. Historic buildings falling within the High Street Conservation Area, including the Grade II listed NatWest Bank building adjoin the eastern boundary. Hertford Street falls towards the south, with changes in level accommodated by a series of steps and ramps. Buildings on the eastern side of Hertford Street either fall outside the Development Site or are proposed to be treated following removal of the canopy. Buildings on the western side of Hertford Street are proposed to be demolished, including the vacant 6-storey Hertford House office block and Barracks Way multi-storey car park to the rear.
- 4.10 Hertford Street leads down to Bull Yard, which is a public square within the Development Site formed by two-storey post war development on three sides with the south eastern end open to the junction of Hertford Street, New Union Street and Warwick Row. The Litten Tree public house is a four-storey building occupying the corner of Bull Yard and fronting Warwick Row. The Litten Tree adjoins The Reform Club (No.5 Warwick Row) which is a Grade II listed building (within a run of historic listed buildings on Warwick Row) that falls outside of the Development Site boundary. The western side of Bull Yard includes the Grade II Listed William Mitchell mural which forms the concrete façade of raised 'Aztec style' symbols to the former Three Tuns Public House, which will be removed and relocated as part of the Scheme.
- 4.11 The western end of Bull Yard also provides a pedestrian route through beneath a six-storey commercial/office building into Shelton Square. Market Way is located to the north of Shelton Square formed by two-storey commercial buildings with roof top parking. City Arcade, incorporating Argos, is located to the south of Shelton Square and is also formed by two/three-storey buildings with roof top parking accessed from Greyfriars Road, which forms the southern extremity of the Development Site boundary. Beauchamp House residential apartments are located outside the Development Site to the southeast.
- 4.12 The western boundary of the Development Site adjoins Queen Victoria Road and is formed by the City Arcade, the Iceland store, a vacant plot adjoining Coventry Market and the Lower Precinct multi-storey car park, which is proposed to be retained. The Iceland store and vacant plot in this section of Queen Victoria Road are within Flood Zone 2/3. Residential apartments and the former IKEA building are located on the opposite side of the road.
- 4.13 Set between Iceland and the vacant plot is Rover Road, which has a taxi rank and provides pedestrian and vehicular access to the Grade II Listed Coventry Market and its service yard/basement ramp. The rotunda design of Coventry Market provides several pedestrian entrances

into the building, from Rover Road and the service yard and into Sherbourne Arcade/Lower Precinct. There are pedestrian links from the service yard beneath buildings back into Shelton Square and Market Way. Coventry Market's roof top car park, one of the features of its design also recognised as being one of the first examples of roof-top parking in the country, will remain accessible via the Lower Precinct multi-storey car park.

- 4.14 At present there are a mix of commercial uses within the Development Site. As of March 2020, existing floorspace (gross internal area) (excluding Coventry Point) was estimated to comprise:
- 4.14.1 31,340 square metres of retail floorspace (this includes Coventry Market ground floor and basement);
 - 4.14.2 7,300 square metres of office floorspace;
 - 4.14.3 160 square metres of storage floorspace;
 - 4.14.4 4,030 square metres of other uses, including Use Class F.1 Non-Residential Institutions including social enterprises and the Shop Front Theatre and Sui Generis floorspace; and,
 - 4.14.5 1,233 public car parking spaces accommodated in multi-storey car parks including City Arcade and Barracks MSCPs.
- 4.15 In total there are around 155 commercial units within the Development Site. The ground floor and basement of the Market comprises some 7,240 square metres of retail floor space. However, while the redline boundary of the Planning Application was drawn to include the Market, no internal alterations are proposed beyond the removal of the bridge link to the rooftop car park on Market Way, the removal and replacement of the ramp into the Market basement from Rover Road, works to the retaining wall to the north-east of the Market and associated basement configuration works.
- 4.16 Today, the general appearance of the existing buildings on the Development Site is tired and outdated. The area suffers from poor permeability and legibility with views through the Site blocked by tall buildings (although that situation has improved with the demolition of Coventry Point in 2020 as an enabling project for the CCS scheme). It also has poor linkages into the remainder of the City.
- 4.17 The existing public realm suffers from a lack of distinctive arrival points to draw people into the area and poor linkages between spaces. 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-west of the Coventry Market (south of the Lower Precinct MSCP and north of Rover Road) which has been derelict for several years and is now overgrown in appearance, following the demolition of the former Victoria Buildings. Many of the buildings within the Development Site are also of a generally poor design quality, where none have been listed by Historic England.
- 4.18 The Council has invested significantly in public realm improvements throughout the City Centre. This includes improvements to parts of the northern end of Hertford St (including resin bonded surfacing), new surfacing and a playground in a key area adjacent to the Site and opposite The Wave and a transformational set of improvements in the Upper Precinct, Market Way and Smithford Way (areas adjacent to the Site).
- 4.19 An historic area assessment covering the City Centre was undertaken by Historic England to outline its heritage significance.¹ The Site can be seen to comprise four main character areas, which are summarised below.

¹ Historic England, Report Number: 4/2020
<https://research.historicengland.org.uk/Report.aspx?i=16510&ru=%2FResults.aspx%3Fp%3D1%26n%3D10%26t%3Dcoventry%2520city%2520centre%26ns%3D1>

Hertford Street

- 4.20 Hertford Street rises in level from south west to north east. Changes in level of the walkways leading to the public realm area are accommodated by a series of steps and ramps. A roof structure (canopy) also spans the middle section of Hertford Street.
- 4.21 Buildings on the western side of Hertford Street are mainly two storey retail-type units, although heights generally increase within the northern part of Hertford Street. This includes Hertford House, a five storey vacant office block, which is located on top of units on the western side of Hertford Street.
- 4.22 At the north eastern end of Hertford Street is Hertford Square, which is enclosed on three sides. Broadgate House (Grade II listed) forms the northern termination point of Hertford Street and provides a pedestrian link through to the Broadgate area beyond.
- 4.23 To the rear of buildings on the western side of Hertford Street is the Barracks Lane MSCP, which is surrounded by circulation and servicing space to the rear of surrounding commercial properties. Vehicular access to the car park and service area is achieved via the Barracks Way tunnel, which runs beneath Hertford Street and connects to Greyfriars Lane to the east. The Shopmobility facility in Barracks MSCP is to be replaced to a suitable location within the City Centre prior to the demolition of this building, to ensure that the Shopmobility service is not disrupted.

Bull Yard

- 4.24 Bull Yard is a square, which provides an entrance into the southern part of the existing retail core. The eastern side is open to the junction of Hertford and New Union Streets. Other sides of Bull Yard are formed by two storey blocks of a similar 'contemporary' design, where the first floor on all three sides of the square also overhangs the ground floor to form a canopy.
- 4.25 The western side of Bull Yard includes the Grade II listed William Mitchell mural which forms the façade to the former Three Tuns Public House. This designated heritage asset is formed of pre-cast concrete and is in an 'Aztec-style' with raised symbols.
- 4.26 Immediately to the south of Bull Yard is the four storey brick-built building occupied by the Litten Tree public house. Adjacent to the Litten Tree building (outside of the Site) are a number of listed buildings along Warwick Row, including Grade II listed 5 Warwick Row ('the Reform Club').
- 4.27 Bull Yard also contains existing public art; the Thread Through Time Sculpture, the Phoenix Sculpture and the Dun Cow Relief.

Shelton Square and City Arcade

- 4.28 The western side of Shelton Square is three storeys in height. The northern side of the Square is similarly treated, but with a rooftop car park (part of Barracks Lane MSCP) projecting out over the ground and first floor, forming a canopy for this retail frontage. The eastern side of the Square differs in appearance, comprising a ground floor and first floor retail frontage, with a further four storeys of office space above. The first floor retail frontage is accessed via a walkway which is accessed by stairs from ground floor level.
- 4.29 The Square is mostly enclosed to the south by a two storey block, which wraps around to adjoin the entrance to City Arcade.
- 4.30 City Arcade comprises an arcade of one and two storey retail units, which is mostly enclosed by a vaulted double-height ceiling, on top of which the City Arcade MSCP rooftop car parking is located. Pedestrian access to the City Arcade MSCP can be achieved by stairs in the main glass atrium at the Sheldon Square end of City Arcade. City Arcade opens out onto Queen Victoria Road. To the north of this entrance, there is further retail frontage onto Queen Victoria Road in the Albert Buildings (currently occupied by Iceland Foods).

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**”).

- 4.41 The CCCAAP identifies key areas for regeneration, important heritage assets that must be preserved and areas of opportunity for a range of uses including employment, housing, culture, tourism and leisure. The CCCAAP provides a framework for the transformation of the city centre over a 15 year period, whilst ensuring the appropriate level of new residential, office and retail floor space is delivered. CCCAAP Policy CC19 specifically identifies the Primary Shopping Area – South (i.e. City Centre South) for comprehensive redevelopment. The aim is to enhance the vitality and viability of the city as whole. The redevelopment of City Centre South, together with the Friargate Scheme described below, are seen as a flagship developments which will act as catalysts for further high quality development in the city. Although some of the retail assumptions in the policy must be considered within the context of events since its adoption, it provides a helpful policy framework for the city centre going forward.
- 4.42 Key schemes supporting the regeneration of Coventry city centre include:
- 4.42.1 Friargate: the Friargate scheme, adjacent to Coventry railway station and consented in 2011, will deliver over 3 million square feet of mixed use space across 15 hectares of brownfield land over a twenty year programme of development, including up to 14 new office buildings, homes, two new hotels, leisure facilities, convenience retail, restaurants and bars and high quality public realm linking together the development plots with the rail station and the city centre. To date, the scheme has delivered transformational infrastructure to “deck” across the ring road and provide a simple, landscaped route between the city centre, Friargate and the railway station and the completion of One Friargate in 2017 which has provided c.120,000 sqft of high quality commercial space occupied by public sector bodies. The next commercial office building, Two Friargate, providing 134,000 sqft of grade A office space, started on site in November 2020 and will be completed in Autumn 2022. The Council has an Agreement for Lease in place with a developer to realise the delivery of a new high quality 100 bedroom hotel adjacent to One Friargate, which is due to be completed in 2023.
 - 4.42.2 Coventry Station Masterplan: the station is being transformed through a £82m investment to create a new station building, bus interchange and multi-storey car park befitting the fastest growing station outside of London and providing a fitting arrival point for visitors to Coventry. The works are due to complete in spring 2022.
 - 4.42.3 Broadgate and Cathedral Lanes: following the Council’s transformation of a busy road thoroughfare and bus interchange into the city’s key public square, further investment was undertaken in 2015 to transform Cathedral Lanes into a food and leisure destination for Coventry. Since then, the Council has invested in a key scheme to demolish the old Nationwide building to bring back the historic route into Broadgate Square.
 - 4.42.4 Upper Precinct: The Council, working with its partners SPG and JP Morgan, has invested over £10m in transforming the main retail street in the city centre, Upper Precinct, into a genuine heart of the city. This has included high quality landscaping and lighting improvements, the demolition of the Ernest Jones store to restore legibility and permeability into Broadgate Square and new physical development works to restore this area to its previous standing.
 - 4.42.5 The Wave: is an indoor water park, with a 600 person capacity, situated on New Union Street in Coventry City Centre. The water park currently holds the record for the largest wave pool in the UK, at a capacity of 20 million litres. The park also contains a lazy river, a splash zone and six slides of varying intensity. In addition, there are state-of-the-art fitness facilities, including a 25m pool, squash courts, and the Mana Spa - which includes treatment rooms and heat experiences. The facilities also include a Bistro with alfresco dining area. The water park at The Wave opened on 21 October 2019, while the gym and the spa opened in July 2019. The building cost £36.7 million to build. The Wave has won an award from the World Waterpark Association.
 - 4.42.6 Belgrade Plaza: is a key mixed use scheme in Coventry. The development generated close to 200 new permanent service sector jobs in the bars, restaurants, hotels and car park as well as 500 construction jobs during the building period. The first phase of development

involved the creation of a 1091 space car park, a 119-bed Premier Inn hotel, three high street restaurants, JD Gym complex and 64 residential apartments. The development includes a 600 room, 20 storey student scheme which will include 6,000 sq. ft of ground floor leisure use and 40 apartments.

- 4.42.7 Coventry Telegraph: Opened 17th May 2021, in the historic former premises of the Coventry Evening Telegraph newspaper, as Coventry's first boutique hotel. It comprises 88 bedrooms, events suites and a rooftop bar overlooking Belgrade Square. The hotel invokes the famed mid-20th century architecture of the city and reflects the building's former life as a newspaper and print works.
- 4.42.8 Co-op: Located on Corporation Street in Coventry City Centre, the 1950's Co-Operative department store building was sold by Mid Counties Co-Operative in 2015 and has been transformed into a mixed-use destination development to include a collection of high-specification apartments with a private internal resident's park and members' lounge. The ground floor has attracted a range of independent restaurant operators including Café Morso, Rodizio Rico, Franzos and Heavenly Desserts.
- 4.42.9 Collections Centre: following Ikea's closure in March 2020, rather than leaving over 500,000 sqft of retail property to remain vacant adjacent to the CCS scheme, the Council has purchased the Ikea building and site and is working with a range of partners to create a Collections Centre for nationally significant arts, historical and artefact collections. This will bring new life and focus to this key part of the city and ensure a sustainable use for this key city centre asset.

5. EVOLUTION AND DESCRIPTION OF THE SCHEME

- 5.1 The principle of comprehensive mixed-use development of the Development Site was originally established by the outline planning permission granted by the Council on 31 May 2012 in respect of application reference OUT/2012/0575 (the "**2012 Permission**"). It comprised the comprehensive redevelopment of the Coventry City Centre South Area, comprising demolition and alteration of buildings and structures and the construction of retail stores, hotels, residential dwellings, car parking and public realm. It was primarily focussed on creating up to circa. 57,500 square metres of new and refurbished retail floorspace, with a relatively smaller proportion of associated hotel, residential and leisure uses (the "**2012 Scheme**").
- 5.2 Owing to on-going structural changes in high street retail, including the consolidation of department stores, and the shift towards city centre living and desire for more varied leisure experiences, the Council did not progress the 2012 Scheme. In response to these changes in circumstance, the Scheme proposes a significantly greater proportion of residential, leisure and commercial uses than the 2012 Scheme, with a lower quantum of on-site car parking to reflect the increased proportion of residential development proposed and the shift towards more sustainable modes of travel.
- 5.3 Since the 2012 Permission, a number of changes have taken place to transform Coventry's public spaces and other development schemes undertaken in the city. This includes completing the demolition of Coventry Point and undertaking a programme of public realm improvements across the city centre, most recently to the north of the site at Upper Precinct and Broadgate. The Council committed plans for improvements to the south-eastern component of the Site, to the south of Methodist Central Hall and west of the Wave. The improved public realm includes water features, a children's play area and green landscaping.
- 5.4 The planning application for the Scheme was submitted on 23 November 2020. The Council (in its role as local planning authority) resolved to grant permission for the Scheme on 22 April 2021. A related Section 106 Agreement to support deliver of the the Scheme was dated 26 January 2022 and the 2022 Permission was formally issued on 27 January 2022. The 2022 Permission is a hybrid application in three parts and forms the "underlying scheme" for the purposes of the CPO. The first part of the 2022 Permission provides full planning permission for works affecting listed structures, specifically the Market and the relocation of the mural in Bull Yard. Separate listed building consent applications for these works have also been granted (LB/2020/2857 and LB/2020/2860). The second

and third elements of the 2022 Permission provide outline permission for the remaining elements of the Scheme as further described below.

- 5.5 The full element of the 2022 Permission and the two listed building consents relate to the following works:

"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".

- 5.6 The areas of land subject to full element of the 2022 Permission are shown outlined in solid red on the plan which appears below.

- 5.7 The two outline elements of the 2022 Permission relate to demolition of all the buildings on the Development Site and redevelopment of the land for:

"Mixed use redevelopment comprising the provision of up to 1,300 residential units (Class C3), up to 150 hotel rooms (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway /Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway."

- 5.8 The first of the two outline elements of the 2022 Permission include permission for details of layout and scale (access, appearance and landscaping reserved) so that the local planning authority has certainty as to of the scale and layout of Block A1, the majority of Block A2 (close to the Market which sits outside the Development Site), part of Block C which faces the Grade II listed Reform Club which sits outside the Development Site at 5 Warwick Row, and parts of Block B, which face the Grade II listed former BHS Building and Grade II listed Broadgate House, both of which sit outside of the Development Site. The areas subject to this outline element of the 2022 Permission are hatched / edged in pink on the plan which appears below.

- 5.9 The Scheme includes the demolition of the existing two-storey commercial building (14-30 Market Way), and the associated roof top car park and link ramp, to facilitate the construction of the new commercial / residential Block A2. The ground surface water and combined water sewers within the service area west of the Market will be diverted to Block A2 to ensure that they will be outside the footprint of the new block.

- 5.10 During the demolition of 14-30 Market Way, will impact on the delivery, servicing and safe passage of customers to the external units of the Market. Site hoardings will be required to fully enclose the site boundary to allow for the safe demolition. Due to the proximity of the hoarding to the adjacent external Market units, noise levels will be high at times and therefore it is proposed that these units are relocated internally to allow a more suitable trading and shopping environment. Further planning details will be required as part of the detailed design of this part of the Scheme to assess whether the units will recommence trading in their current location.

- 5.11 The second element of the outline part of the 2022 Permission relates to the remainder of the Development Site and has all matters reserved. The land subject to this part of the outline permission is hatched in green on the plan below.

- 5.12 The Scheme envisages a comprehensive new mixed use regeneration scheme within the city centre, including a greater variety of uses to reinforce the existing city centre retail and leisure offer and to create a distinctive part of the city in which to live, work and play.

- 5.13 Core elements of the Scheme include:
- 5.13.1 Between 900 and 1,300 new homes (Class C3);
 - 5.13.2 A hotel with up to 150 bedrooms (Class C1);
 - 5.13.3 Mixed non-residential uses totalling between 22,000 and 37,500 square metres Gross Internal Area ('GIA') of floorspace, including retail, food and beverage, leisure, office and community uses (Class E), learning and non-residential institutions (Class F.1) and pub/drinking establishment, hot food and takeaway and cinema uses (sui generis);
 - 5.13.4 Between 90 and 300 car parking spaces; and
 - 5.13.5 Some 2 hectares of open space including two new public squares: one adjacent to the Market and the second to the south east of the Development Site, together with pedestrian priority boulevards and enhancements to both Market Way and the public space to the top of Hertford Street.
- 5.14 The scope and extent of the Scheme has been considered carefully and has been the subject of a long period of design evolution in discussion with the Council as local planning authority, as well as with other key stakeholders such as Historic England. This process has included the assessment of a number of design iterations and alternatives. In defining the Scheme, including the extent of the Site, regard has been had to the Development Plan, including Policy CC19 of the City Centre Area Action Plan, as well as to a number of other design, technical and commercial considerations. This process was adopted to ensure a comprehensive and integrated approach to the regeneration of this part of the City Centre to deliver the economic, social and environmental benefits listed at Section 8 and also the key Scheme objectives listed below.
- 5.15 The boundaries of the Development Site reflect the OJEU process for the developer selection and also reflect the site boundaries of the 2012 Permission.
- 5.16 The western boundary of the Scheme is bordered by Queen Victoria Road and Corporation Street. To the north, the Development Site extends around the southern and eastern side of the Market adjacent to the former Woolworths building and to the rear of the Precinct Shopping Centre. The Scheme is looking to secure rights over the Lower Precinct Service yard, north of the Market, in order to provide future servicing for Block A2.
- 5.17 The east of the Scheme takes in the properties on the western side of Hertford Street from Broadgate House down to Bull Yard. This allows the Scheme to accommodate the existing level change within this area.
- 5.18 The southern part of the Scheme incorporates the existing entrance off Greyfriars Road and is bordered in part by the exiting residential units at Beauchamp House. The Scheme re-uses part of the existing service yard area to the rear of the Litten Tree public house so as to maintain future servicing for the retained units on Warwick Row who utilise this area, and also for new Blocks C and D.
- 5.19 The proposals include the removal of Bull Yard so as to improve the pedestrian flow and sightlines around the city and to encourage footfall into this area from the Warwick Row side of the Scheme. This will also improve view of The Wave from the Market.
- 5.20 The key objectives of the Scheme are as follows:
- 5.20.1 To create a 21st century regional 'destination' capable of retaining graduates and attracting new visitors and tourists from a wider catchment area;
 - 5.20.2 To develop a 'whole-place' approach to urban design, acknowledging the aspirations of the Government's High Streets Task Force;

- 5.23 In devising the Scheme full account has been taken of changes which have occurred since the 2012 Permission was granted. In particular, those changes include the significant and continuing structural changes in high street retail, the shifts towards city centre living and reduced reliance on the private car in favour of more sustainable modes of transport, and the desire for more varied leisure experiences.
- 5.24 Consequently, the Scheme proposes residential, leisure and commercial uses, as well as on-site parking. The Scheme incorporates many of the key urban design features of the 2012 Scheme, including enhancement of the public realm, improving the setting of the Market and creating a more legible and permeable area within the city centre, with better linkages to the remainder of the city.
- 5.25 The Scheme is likely to be delivered in phases but adopts a comprehensive approach. The outline permission is based on approved parameter plans which allow for a degree of flexibility to accommodate further changes in demand and other conditions over the life of the 2022 Permission. Furthermore, the 2022 Permission is subject to planning conditions requiring all details to comply with the submitted and approved "Parameter Plans Document" and also to demonstrate accordance with the provisions of the "Development Principles Document".
- 5.26 The Development Principles Document sets out the mandatory and recommended development principles on a site wide and block-specific basis. Future applications for reserved matters approvals must 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. Mandatory development principles must be followed at detailed design stage. Recommended development principles comprise design guidance which should be followed unless it can be demonstrated that there are satisfactory reasons not to comply with the guidance.
- 5.27 The site wide development principles include 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.
- 5.28 The block specific development principles consider the surrounding urban context of the development plot and applies additional control to horizontal and vertical massing to protect the setting of adjacent buildings, to ensure appropriate height transitions and to protect the amenities of existing and future occupiers. Control is also applied to Block B and D 'zones', requiring a mandatory central space or courtyard.
- 5.29 Both the Parameter Plans Document and Development Principles Document have been developed with careful consideration of the following key matters:
- 5.29.1 The heights of buildings around the Development Site's perimeter;
 - 5.29.2 The height and mass in relation to the city centre's topography;
 - 5.29.3 The setting of the Grade II Listed Coventry Market, as well as other designated heritage assets including Grade II Listed former Woolworths, former BHS Building and Broadgate House;
 - 5.29.4 The desire and need to maintain and enhance the setting of other designated and non-designated heritage assets as well as taking into account other important features of the city centre such as Broadgate, the Precincts and the original Gibson Plan for the post-war reconstruction of the city centre;
 - 5.29.5 Respect for key urban design principles, including views of the 'Three Spires' (Christ Church, Holy Trinity Church and St. Michaels);
 - 5.29.6 The need to restore permeability and connectivity by creating legible and attractive north-south and east-west pedestrian routes across the Development Site;
 - 5.29.7 The need to ensure the adjacent commercial properties and Market can continue to be efficiently serviced, alongside the servicing needs arising from the Scheme; and

- 5.29.8 Safeguarding the amenity of neighbouring occupiers in the context of urban design, deliverability and other considerations.
- 5.30 The 2022 Permission splits the Development Site into six distinct development blocks, which are as follows:
- 5.30.1 Block A1 is located on a vacant plot fronting Queen Victoria Road and adjoining Lower Precinct multi-storey car park to the north and the Grade II listed Market to the east. This block will include a new basement ramp access into the Market from Queen Victoria Road and has fixed vertical and horizontal parameters.
 - 5.30.2 Block A2 is located adjacent to the eastern elevation of the Grade II listed Market and south of the Grade II listed former Woolworths building. This block has fixed vertical parameters and horizontal parameters; however, the southern end of the building has flexible horizontal parameters.
 - 5.30.3 Block B will span from Market Way to Hertford Street and is described as a development 'Zone' within the parameter plans, as a number of different building arrangements can be accommodated around a publicly accessible central space. The northern end of the building has fixed horizontal and vertical parameters where adjacent to the Grade II listed former BHS and Broadgate House buildings.
 - 5.30.4 Block C will front Warwick Row adjoining the Grade II listed Reform Club and project to a similar depth as the Beauchamp House apartment building to the southwest. The southeast section of the block has fixed horizontal and vertical parameters including fenestration and roof detail to ensure the established building line on Warwick Row is followed and massing is appropriate adjoining to the Grade II listed Reform Club building and wider listed building group.
 - 5.30.5 Block D is located immediately south of the Market and will front Queen Victoria Road extending southwards to Greyfriars Road. Block D is described as a development 'Zone' within the parameter plans, as a number of different building arrangements can be accommodated around a mandatory central open space. Flexible building heights have a mandatory requirement for a gradual transition of three steps from the taller northern element of Block D to the lower element of Block D on Greyfriars Road.
 - 5.30.6 Block E is a detached two-storey building sitting between Block B and C.
- 5.31 An Environmental Impact Assessment (EIA) was volunteered by the applicant and carried out in accordance with the Town and Country Planning (EIA) Regulations 2017 (as amended).
- 5.32 The 2022 Permission provides for an overall maximum parameter of up to up to 1300 new homes within Use Class C3 and 37,500sq.m of non-residential mixed uses:
- 5.32.1 Residential: the residential dwellings may be brought forward as a combination of open market sale and Build to Rent accommodation. This will be established at Reserved Matters stage for each development block.
 - 5.32.2 Retail: the Scheme will include a variety of uses falling within Use Class E, which can include retail shops, services, restaurants and cafes, commercial workspace and community uses.
 - 5.32.3 Office: workspace is to be provided in a variety of sizes and formats, which will be able to meet the diverse requirements of businesses, including small-scale start-ups. The provision of high quality, flexible workspace in an attractive mixed-use setting as part of City Centre South will support the creation of new, high quality jobs in Coventry and contribute to a vibrant city centre.
 - 5.32.4 Leisure: the Scheme will include the ability to provide a cinema, bars and public houses and hot food takeaways. These uses will contribute to an enhanced leisure and evening

economy offer in the city centre, providing leisure opportunities outside of working and normal shopping hours.

- 5.32.5 Open Space and Public Realm: substantial areas of paved and landscaped open spaces are proposed within the Scheme. The proposed publicly accessible open space includes a new public square to the front of the Market and an improved and enlarged public square to the south-east of the Development Site, adjacent to the public realm improvements already undertaken to the west of the Wave. The existing open space to the top of Hertford Street will be retained and improved.
- 5.32.6 Market and MSCP: the Market contains a range of stalls selling groceries, household goods, takeaway food and other products. It is to be retained on the Development Site together with the Lower Precinct MSCP. The Market comprises some 7,240 square metres GIA of retail floor space and Lower Precinct MSCP provides parking for 584 cars. The Scheme will result in the removal of the existing Barracks Lane MSCP and other areas of car parking within the Site, but also provides for the provision of up to 300 new parking spaces.
- 5.32.7 Servicing and Vehicular Access: the proposed servicing strategy uses existing points of access from the local highway network where possible. A key point of access for delivery vehicles will be via Lower Market way off Greyfriars Road, with egress for delivery vehicles via the new access road, Rover Way (south of the Market) onto Queen Victoria Road. Existing access points via Barracks way underpass (off Greyfriars Lane) and off Queen Victoria Road via the Royal London Service Yard will also be utilised. Vehicular access within the public realm area will generally be limited to emergency vehicles and delivery access to the south of the Market which will take place outside of core shopping hours. Access will be controlled by the provision of automated barriers at key locations.

6. THE COUNCIL'S PURPOSE AND JUSTIFICATION FOR MAKING THE ORDER

- 6.1 The purpose of the Council in making the Order is to secure the acquisition of all relevant interests in and rights over the Order Land to facilitate the vital redevelopment of City Centre South through comprehensive redevelopment of the Development Site. The aim is to achieve substantial improvement in the mix of uses currently on the land, to improve the quality of commercial space, to provide new homes and introduce a residential population to the city centre and to improve the environment of the area and its permeability and connectivity. The Council considers that the residential, commercial (including retail and workspace), leisure, food and beverage and hotel uses comprised within the Scheme, including the public spaces, pedestrian linkages and community facilities, will meet the purpose for which the Order is being made. The Council considers that the Order and the Scheme will facilitate the improvement of the economic, social and environmental well-being of its area.

- 6.2 The overarching consideration for the Secretary of State in deciding when an Order should be confirmed is set out in paragraph 12 of the CPO Guidance which states:

"A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

- 6.3 In the context of that overarching consideration, paragraphs 12 -14 of the CPO Guidance and in particular paragraph 106 in Section 1 (regarding orders made under s226 of the 1990 Act) give relevant guidance on issues which should be considered:

- 6.3.1 whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area;

- 6.3.2 the extent to which the 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;
- 6.3.3 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe;
- 6.3.4 the potential financial viability of the Scheme, general funding intentions and the timing of available funding, sufficient to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed; and
- 6.3.5 any impediments to the Scheme going ahead.

6.4 Each of these factors is addressed in a separate section below.

7. **THE PLANNING POSITION AND EXTENT TO WHICH THE PURPOSE FOR ACQUISITION FITS WITH THE PLANNING FRAMEWORK**

The National Planning Policy Framework

- 7.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The National Planning Policy Framework ("**NPPF**") (published July 2021) reconfirms the statutory requirement set out in Section 38(6) relating to the determination of planning applications and also confirms that the NPPF must be taken into account as a material planning consideration in planning decisions (paragraphs 2 and 218).
- 7.3 Although not part of the statutory Development Plan, the NPPF sets out Government policy and should be considered in the determination of planning applications.
- 7.4 The presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 8 sets out the economic, social and environmental objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across the objectives.
- 7.5 The NPPF states that: "*...decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*"
- 7.6 Paragraph 11 sets out that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse benefits of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 7.7 The Government has also published National Planning Policy Guidance ("**NPPG**") notes to support the NPPF, providing high level guidance on specific planning issues and processes. NPPG notes are referenced where applicable in this Statement.

The Development Plan

- 7.8 Section 38(3) of the Planning and Compulsory Purchase Act 2004 (as amended) defines the Development Plan as:
 - 7.8.1 the Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area; and

7.8.2 the neighbourhood development plans which have been made in relation to that area.

7.9 In this instance, the current adopted Development Plan for the Site comprises the Local Plan and the CCCAAP, both adopted December 2017.

7.10 There are no emerging local plan documents to be considered.

Coventry City Council Local Plan

7.11 The Local Plan provides the overarching policy context for Coventry as a whole, as well as providing detailed policies and standards against which planning applications will be assessed.

Coventry City Council City Centre Area Action Plan

7.12 The CCCAAP provides a framework for the future growth and regeneration of Coventry city centre.

Other Material Policy Considerations

7.13 There are a number of adopted Supplementary Planning Guidance (“**SPG**”) and Supplementary Planning Documents (“**SPD**”) which are material policy considerations in the determination of planning applications for the Development Site:

7.13.1 Air Quality SPD adopted Aug 2019;

7.13.2 Coventry Connected (Transport and Accessibility) SPD adopted Jan 2019;

7.13.3 Delivering a More Sustainable City SPD adopted Jan 2009;

7.13.4 Design Guidance for New Residential Development SPG adopted Jan 1991;

7.13.5 Green Space Strategy 2019-2024 SPD; and

7.13.6 Health Impact Assessment SPD.

7.14 Whilst not carrying the same weight as an adopted SPD, the Coventry View Management Framework forms part of the Development Plan evidence base and is therefore a material consideration, specifically informing Development Plan policies in relation to key views across the city centre of the Three Spires of St Michael, Christ Church and Holy Trinity.

7.15 In addition, the One Coventry Plan Annual Performance Report 2020-2021 provides that the Scheme is a key regeneration priority for the city centre and will transform seven hectares of the city. Whilst this does not carry the same weight as other policy considerations, it helps to shape the way the Council works to improve the city and people's lives.

Ensuring the Vitality of Town Centres

7.16 Paragraph 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of their communities and take a positive approach to their growth and adaptation, including the promotion of their vitality and viability, allowing them to diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing for a suitable mix of uses, including housing.

7.17 Planning decisions should recognise the role of residential development in ensuring the vitality of centres and encourage residential development on appropriate sites.

7.18 Local Plan Policy R2: ‘Coventry City Centre – Development Strategy’ is reflected in the CCCAAP Policy CC1 and states that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture. The policy provides that this will be achieved by:

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

7.19 Policy CC19 'Primary Shopping Area regeneration – South' is a policy specific to the Development Site and states that the regeneration of the southern part of the Primary Shopping Area for predominantly comparison shopping will be promoted, encouraged and supported. This policy provides for:

- 7.19.1 an increase of at least 10,000 sq.m gross retail floor space;
- 7.19.2 a range of shop sizes that reflect market requirements;
- 7.19.3 high quality entrances from the Precinct, Queen Victoria Road and Bull Yard;
- 7.19.4 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;
- 7.19.5 the relocation of the listed mural situated in Bull Yard to a new and prominent site situated within the new development;
- 7.19.6 the retention of the listed market building, with improvements made to its setting and connectivity to Queen Victoria Road and Market Way;

7.19.7 associated residential provision of at least 40 homes as part of upper floors above retail uses; and

7.19.8 complementary leisure, office and hotel uses as part of upper floors above retail uses.

7.20 Local Plan Policy JE6 'Tourism/Visitor Related Development' states that proposals for development within Coventry City Centre, which would contribute towards the city's role as a tourist destination, will be supported subject to compatibility with other Local Plan policies.

7.21 A mixed-use development is therefore considered to be appropriate within this sequentially preferable, sustainable city centre location. The proposed specific uses are considered in greater detail below.

Retail, Community & Leisure

7.22 Local Plan Policies R2 and CC1 identify that the regeneration of the city centre will be achieved by enhancing its retail and leisure offer to strengthen the city's sub-regional role. Policy CC19 seeks to deliver at least 10,000sqm of additional retail floor space. Policy CC19 was informed by evidence in the Coventry City Wide Shopping and Centres Study 2014; however, the degree of structural change that has taken place in town centres in the intervening period is highlighted in the House of Commons - Housing, Communities and Local Government Committee report 'High Streets and Town Centres in 2030' February 2019, which recognises the 'enormous change' has taken place in retail, which has been profoundly disrupted by the growth of online shopping. As further set out below, the report envisages a positive future for the role of town centres but acknowledges the need for a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics.

7.23 To support this shift, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 recently amended the Town and Country Planning (Use Classes) Order 1987 (as amended), revoking the formerly distinct retail, commercial and leisure uses and creating a new, broader Use Class E - Commercial, Business and Service. The Government has made clear that Class E has been introduced to: *'...better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands.'*

7.24 The proposed CCS development reflects this ethos and direction of travel with flexible uses and a mixed-use approach in order to create a sustainable new piece of the city that is attractive to visitors with a broader range of food and beverage and leisure uses, as well as bringing a substantial number of new residents into the city centre, to support the vitality and vibrancy of the area and its commercial uses.

7.25 As part of the overall maximum parameter of up to 37,500sq.m of non-residential mixed uses, the Scheme will include a variety of uses falling within Use Class E, which can include retail shops, services, restaurants and cafes, commercial workspace and community uses.

7.26 The Scheme will create high quality ground floor commercial spaces that can respond to both current and future market dynamics due to their inherent flexibility and simplicity. These spaces will enable both shorter term, incubation type spaces to support local business growth as the City Centre evolves and changes as well as higher value, more conventional food and beverage, leisure and retail businesses who will be attracted to the new city centre offer being created. New units will sit within new, high-quality public realm spaces that remove the existing poor linkages between spaces and improve pedestrian movement and accessibility into the area.

7.27 The degree of structural change that has taken place in town centres in the intervening period is highlighted in the House of Commons - Housing, Communities and Local Government Committee report 'High Streets and Town Centres in 2030' February 2019, which states:

'An enormous change has taken place in retail in recent years. The traditional pattern of making purchases in physical stores, both in and out-of-town, has been profoundly disrupted by the growth

of online shopping. The impact of this on our high streets and town centres in the form of store closures, persistently empty shops and declining footfall is clear for all to see’.

- 7.28 The report does however envisage a positive future for the role of town centres and the summary conclusion states:

‘We firmly believe that our high streets and town centres can have a better and more balanced future ahead of them if our recommendations are followed. This will require a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics. With a properly planned strategic intervention led by the local authority, with the backing of local stakeholders and the wider community, we can redefine our high streets and town centres and ensure their long-term sustainability for future generations to come’.

- 7.29 This is reflected in the Scheme with flexible uses and a mixed-use approach in order to create a sustainable new area of the city that is attractive to visitors with a broader range of food and beverage and leisure uses, as well as bringing a substantial number of new residents into the city centre, to support the vitality and vibrancy of the retail. Use Class E includes retail, food and drink, financial services, professional services, indoor sport and recreation, medical or health services, creches, day nurseries or day centres, office/research and development facilities and industrial processes (light industry with no noise/smell/fumes etc.).
- 7.30 The flexibility afforded by Class E will enable a variety of appropriate city centre uses to be brought forward, responding to the requirements of future phases. Retail remains an essential component of the Scheme and the Parameter Plans identify active frontages at ground floor to ensure shopfronts or similar onto the street which create interest and activity.
- 7.31 In terms of office space, the 2022 Permission allows for workspace to be provided in a variety of sizes and formats, which will be able to meet the diverse requirements of businesses, including small-scale start-ups. The provision of high quality, flexible workspace in an attractive mixed-use setting as part of City Centre South will support the creation of new, high quality jobs in Coventry and contribute to a vibrant city centre.
- 7.32 As part of the overall maximum parameter of up to 37,500sqm of non-residential mixed uses, the Scheme will include the ability to provide a cinema, bars and public houses and hot food takeaways. These are ‘Sui Generis’ uses with no use class specified in the Use Class Order. These uses will contribute to an enhanced leisure and evening economy offer in the city centre, providing leisure opportunities outside of working and normal shopping hours.
- 7.33 The scheme 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, CCCAAP Policy CC1 and the NPPF.

Residential

- 7.34 NPPF paragraph 60 highlights the Government’s objective of significantly boosting the supply of homes and states the importance of a sufficient amount and variety of land being able to come forward where it is needed.
- 7.35 Local Plan Policy H1 ‘Housing Land Requirements’ states that provisions must be made for a minimum of 24,600 additional dwellings between 2011 and 2031 in the Local Plan area.
- 7.36 Local Plan Policy H3 ‘Provision of New Housing’ states that new residential development must provide a high-quality residential environment, which assists in delivering urban regeneration or contributes to creating sustainable communities and which overall enhances the built environment. A suitable residential environment will be provided within a sustainable location and will include safe and appropriate access, have adequate amenity space and parking provision and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

- 7.37 Policy H4 of the Local Plan requires proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city.
- 7.38 Policy R2 of the Local Plan requires focus for the entire sub-region as a national and international destination to live, work and play. It states that this includes a variety of places to live which cater for different needs.
- 7.39 Compared with other cities, Coventry has a relatively low level of city centre living, and therefore misses out on the vibrancy generated by a city centre residential population, as well as the benefits of capturing residents' local spending. Within the whole of the Development Site there is currently no residential development. The Scheme proposes up to 1300 new homes within Use Class C3.
- 7.40 CCCAP Policy CC19 requires associated residential provision of at least 40 homes as part of the upper floors above the retail uses. Whilst the Scheme comprises a much larger number of proposed homes, this addresses the shift in retail and office demand and provides for the increasing housing demands. The conflict in this regard is limited; the Scheme is compliant with the wider objectives of CCCAP (including Policy CC19) and the Local Plan regarding the regeneration and development of the City Centre and Local Plan Policy H3 in that the Scheme assists in delivering urban regeneration and contributes to creating sustainable communities.
- 7.41 Paragraph 119 of the NPPF states that planning decisions should promote the effective use of land in meeting the needs for homes and other uses. Strategic policies should set out clear strategies for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or brownfield land.
- 7.42 The Development Site is located within a highly sustainable city centre location, with excellent access to shops, services and public transport options. Although much of the Scheme is still in outline, the proposed 'Development Principles Document' shows that the Scheme has significant potential to provide a high-quality residential environment, including private communal courtyard spaces, that are safe from any environmental pollution issues. The Development Principles Document provides for the Scheme to deliver a series of external private communal amenity spaces that will provide sociable amenity spaces for the occupants of the Scheme. Future residents will also benefit from the proposed public realm, including the two proposed public squares.
- 7.43 The residential dwellings may be brought forward as a combination of open market sale and Build to Rent accommodation; this will be established at Reserved Matters stage for each development block. The residential accommodation complies with Local Plan Policies H3, H4, H5 and H6.

Hotel

- 7.44 Hotels are a main town centre use (as identified in the NPPF) and will be acceptably located within the city centre providing a sustainably located facility with excellent access to the city centre's shops, services and public transport links in accordance with Local Plan Policies R2, JE6 and CCCAAP Policy CC19.
- 7.45 The Scheme proposes a hotel of up to 150 bedrooms. Flexibility in the location of the potential hotel has been sought, with several potential locations proposed in the Land Use Parameter Plans.
- 7.46 The hotel use accords with Policy R2 and CC1 and CCCAAP Policy CC19. If a hotel is not brought forward in the development Blocks identified, other approved uses are permitted instead.

Open Space and Public Realm

- 7.47 The spaces created between the development blocks are highly important and Local Plan Policy R2 seeks to secure a connected public realm including public squares and green spaces, easily accessible through the creation of desirable and legible pedestrian routes. Local Plan Policy DE1 seeks to provide attractive, safe, uncluttered, active and easily identifiable, high-quality public spaces, make places that inter-connect and are easy to move through and ensure places are easily understood by users, with clear routes and distinct physical features.

- 7.48 Substantial areas of paved and landscaped open spaces are proposed within the Scheme. As the horizontal parameters of development blocks are flexible, the Parameter Plans set minimum and maximum street widths to achieve new pedestrian priority boulevards through the Development Site with space to accommodate tables and chairs and support the café culture. The proposed publicly accessible open space includes a new public square to the front of the Market and the south of Market Way and a new public square to the south-east of the Development Site, adjacent to the public realm improvements already undertaken to the west of the Wave. The area of existing open space to the top of Hertford Street will also be retained and improved.
- 7.49 Located adjacent to the existing Market will be public square No.1, which is an important nodal point in the Scheme and one which formally marks a transition between periods of development of the city. The Development Design Principles require accessibility for all needs to be considered carefully at reserved matters stage for this important space given the level changes around the Market.
- 7.50 Public square No.2 forms a key arrival point into the city centre on approach from the railway station and Greyfriars Green area. Several mandatory principles are included in the Development Principles Document which seek to ensure flexibility of use and management of pedestrian flows.
- 7.51 The open space and public realm proposed accords with Policy R2, DE1 and CC1 and will overall provide a net gain and substantial enhancements. Specific hard and soft landscaping details, as well as public art provision would be secured at Reserved Matter stage by condition.

Urban Design/Impact on visual amenity

- 7.52 Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area. Policy R2 reflects CCCAAP Policy CC1 and seeks to secure a high-quality sustainable built design. Policy R2 states that high quality sustainable built design and recognising and preserving key views to the iconic three spires is required to achieve the development strategy.

Achieving Well-Designed Places

- 7.53 Paragraph 130 of the NPPF states that “Planning policies and decisions should ensure that developments:
- 7.53.1 will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - 7.53.2 are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - 7.53.3 are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - 7.53.4 establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - 7.53.5 optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - 7.53.6 create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 7.54 Paragraph 134 of the NPPF requires that great weight should be given to proposals which help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.
- 7.55 The outline element of the 2022 Permission seeks to enable a flexible scheme where future applications for reserved matters approval will provide full design details that will sit within the agreed height and massing set out in the Parameters Plan Document and Development Principles Document that form part of the Scheme. The information provided in these documents will form a positive base on which architectural designs can evolve in an appropriate manner. Site wide and development block specific considerations are identified below:
- 7.55.1 Architectural Diversity: The Development Principles Document has a mandatory requirement that proposed buildings *must* incorporate diversity in their form, roofscape, and create legible blocks to ensure visual interest and richness in townscape as detailed applications are submitted.
 - 7.55.2 Active Frontages: The Development Principles Document addresses the need to provide active frontages in prominent pedestrian locations across the Development Site with a mandatory provision being indicated for buildings fronting Market Way and Hertford Street, the two proposed new public squares and Block E. This provision is beneficial in providing a positive relationship between the buildings and public realm creating dynamism and animation to the blocks with improved passive surveillance capacity and would therefore be supported through Local Plan Policy CC3.
 - 7.55.3 Mix of Uses: The Development Principles Document has a mandatory requirement that the Scheme must consist of a mix of uses to create a sustainable community and to achieve active frontage at the base of buildings.
 - 7.55.4 Scale, Height, Roofscape: There is a mandatory requirement that the visibility of rooftop plant must be screened from street-level view, using setbacks and well-considered screening. This is important for minimising massing impact of such elements and also protecting the appreciation of important viewpoints through the city.
 - 7.55.5 Materials: There is a mandatory requirement for building material selection to exhibit weight, permanence and solidity with material colours and tones required to contribute to variety in the appearance of individual and groups of buildings. It is a recommendation that brick should be considered as the default material, in a variety of tones and colours, alongside stone, metal (painted, corten, steel, profiled sheeting, copper and bronze) and limited areas of render. Although building materials will not be considered until reserved matters stage for each phase of the Scheme, these mandatory and recommended requirements will assist in providing a variety and interest to the street scene through a varied tonal palette either as individual plots or as groups of buildings.
 - 7.55.6 Site-wide Elevational Character: Elevational character within the Development Principles Document delivers aspirations of the designing of street rhythm, promoting clear divisions in the facade to create verticality and variety and also 'tripartite' design principles for buildings with a distinct base, middle and cap.
 - 7.55.7 Public Realm: Quality of public realm is key to the successful delivery of the Scheme and as such a number of mandatory principles within the Development Principles Document are established that form a sound base on which reserved matters proposals will come forward. These include requiring high-quality, well-designed public realm spaces that are accessible to all and well connecting to adjacent areas, with prioritisation of pedestrian movement, but with allowance for service and emergency vehicle access on a controlled basis.
 - 7.55.8 Accessibility: A notable challenge in level change in the Scheme is that of Hertford Street. Given this challenge and the primacy of the route toward Broadgate, the Development Principles Document states as a mandatory requirement that particular attention will be

paid to mitigate existing steep gradients on Hertford Street within the constraints of existing retained shop frontages and the Barracks Way service tunnel access.

- 7.55.9 Green Infrastructure: The inclusion of green and brown roofs is a recommended principle in the Development Principles Document and therefore justification will need to be provided for not accommodating these elements at the reserved matters detailed design stage.
- 7.55.10 Public Art Strategy: CCCAAP Policy CC4 states that established public art shall be retained within redevelopment proposals unless the benefits of its removal outweigh the harm of its loss. Where public art is lost, replacement works shall be incorporated into the new development unless robust justification is provided highlighting that this is not viable. The Development Principles Document recognised the important pieces of non-designated public art within the Development Site and set the following requirements for the relocation of these public art pieces:
- (a) The Phoenix sculpture by George Wagstaffe: The asset must be relocated to a prominent location in the public realm within or immediately adjacent to the Development Site, in order to maintain or enhance the significance of the asset. The 2022 Permission identifies a potential location for The Phoenix within Public Square No.2 close to its existing location.
 - (b) Sir Guy and the Dun Cow Relief: The Development Principles Documents provides that this asset should be relocated to a prominent location within the Development Site.
 - (c) Thread Through Time sculpture by Robert Conybear and Uta Molling: The asset must be relocated to a prominent location in the public realm within or immediately adjacent to the Development Site, in order to maintain or enhance the significance of the asset. The 2022 Permission has identified a potential location for the 'Thread through Time' sculpture within Public Square No.1 between the proposed Block E and the Market.
 - (d) Peeping Tom Wood Carving: The Development Principles Documents provides that asset should be relocated to a prominent location within the Development Site.
 - (e) Two Tone and Shelton Square plaques: The Development Principles Documents provides that consideration should be given to the relocation of these in the closest possible proximity to the geographic location from which they originate.
 - (f) The William Mitchell fibreglass decorative panels on Hertford Street; and the concrete panels to rear of 26-48 Hertford Street: The Development Principles Documents provides that incorporation of a sample of the existing architectural elements in the proposed development must be considered.
 - (g) Non-designated William Mitchell mural located within Hertford House: although this is not a public art piece, as it is located within a private space, it is still intended to secure the careful removal of this valued mural prior to demolition of the building, so that it can be suitably relocated.
 - (h) The Three Tuns Mural by William Mitchell is a Grade II listed designated heritage asset. The 2022 Permission secures the removal and relocation of this asset which is considered further at section 7 of this Statement of Reasons.

Heritage character of the area and Heritage Assets

- 7.56 Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special

regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

- 7.57 NPPF Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 7.58 NPPF Paragraph 201 advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- 7.58.1 the nature of the heritage asset prevents all reasonable uses of the site; and
 - 7.58.2 no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - 7.58.3 conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - 7.58.4 the harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.59 NPPF Paragraph 202 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.60 NPPF Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.61 Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general, and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.
- 7.62 Policy R2 states the preservation and enhancement of the character and setting of the historic built landscape and the archaeological environment.
- 7.63 The CCCAAP Policy CC2 'Enhancement of Heritage Assets' states, amongst other things, that all development relating to heritage assets shall be undertaken sympathetically and seek to preserve or enhance their setting.
- 7.64 The CCCAAP Policy CC19 provides for the relocation of the listed Three Tuns mural situated in Bull Yard and the retention of the listed market building.
- 7.65 Careful assessment was given to the impacts on individual designated heritage assets as part of the determination of the 2022 Permission.
- 7.65.1 Substantial harm was identified to the Three Tuns Mural (Grade II Listed). The identified adverse impacts seriously affect key elements of the asset's special architectural and historic interest. Specifically, the total loss of its original designed context and its existing relationships to the post-war modernist townscape. The Development Principles Document provided four potential locations for the replacement of the mural within the Scheme to add certainty as to the viability and design of the artwork's reintegration into the new Scheme.
 - 7.65.2 Substantial harm was identified to the Upper Precinct, North and South Links Blocks and Piazza, Broadgate House, Former British Home Stores Building and Carphone Warehouse, Marks and Spencer and 4-10 Smithford Way, the former Woolworth Building, Upper Precinct' (all Grade II Listed buildings forming a post-war building group).

- 7.65.3 Less than substantial harm was identified to the Market, the listed buildings fronting Warwick Row, including The Reform Club adjoining The Litten Tree public house, the Library (former Locarno) and Mercia House (former Leofric Hotel) forming the other part of the post war (Donald Gibson) building group.
- 7.65.4 Less than substantial harm is also identified for the Greyfriars Green Conservation Area.
- 7.65.5 Less than substantial harm is also identified to The Grade I Listed spires of St. Michael's Cathedral, Holy Trinity Church, and the Grade II* Listed Christchurch spire. The Spires are experienced from many viewpoints across the city and whilst the proposed development block positions and building heights set within the Parameters Plans Document have been carefully considered they seek to replace existing, generally low-rise buildings and will inevitably have a greater degree of harm upon view cones.
- 7.66 Non-designated heritage assets are not subject to the tests established by NPPF in respect of 'substantial harm' and 'less than substantial harm'. Nevertheless, NPPF Paragraph 203 is clear that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Scheme will involve the total loss of non-designated heritage assets, which include: Bull Yard, City Arcade, Market Way, Shelton Square, Hertford House, 26-48 Hertford Street, Hertford Street north, west side, Hertford Street shops east side, Barracks Car Park and The Litten Tree public house. As previously noted, Historic England has determined that these buildings are not suitable for Listing due to their lesser architectural quality and level of alteration.
- 7.67 The impacts on the designated and non-designated heritage assets were carefully considered when determining the 2022 Permission and associated listed building consents in light of the requirements of the NPPF and the Local Plan. In applying the policies regard was had to the public benefits of the Scheme (details of which are set out below) together with the following heritage benefits:
- 7.67.1 Enhancements to the experience of the heritage significance of the Grade II Listed Natwest Bank on Hertford Street through improved public realm within its immediate setting;
- 7.67.2 Enhancements to the experience of the heritage significance of non-designated Methodist Central Hall through improved public realm within its immediate setting;
- 7.67.3 Securing the optimum viable use of the Grade II listed Market through development within its immediate setting that will likely improve its viability as a commercial marketplace by improving its setting/footfall.
- 7.67.4 Proposed mitigations incorporated into the Scheme including the relocation of the Three Tuns Mural and other non-designated public art within the new Scheme.
- 7.68 Overall, the Scheme was considered to provide substantial widespread and long-lasting public benefits to Coventry's citizens at a multi-generational level. The local planning authority concluded that the substantial harm to certain designated heritage assets was necessary to achieve the substantial public benefits that outweigh that substantial harm; and that in the case where less than substantial harm was identified, on balance, the public benefits of the Scheme will outweigh the less than substantial harm identified to designated heritage assets in accordance with NPPF paragraphs 201 and 202.
- 7.69 Additionally, having considered the significance of the non-designated heritage assets and the scale of harm identified, it is concluded, on balance, the benefits delivered by the proposed Scheme will outweigh the potential harm to the identified non-designated heritage assets in accordance with NPPF paragraph 203.
- 7.70 NPPF Paragraph 204 advises that Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. The 2022 Permission has consequently been granted subject to conditions to control phasing of the development and to restrict demolition until reserved matters applications have been submitted that demonstrate a high-quality replacement Scheme. No further heritage consents are required for the Scheme.

Promoting Sustainable Transport

- 7.71 NPPF Paragraph 104 requires transport issues to be considered in development proposals, so that opportunities from existing or proposed infrastructure can be realised in the scale, location and density of development that can be accommodated. Opportunities to promote walking, cycling and public transport use should be pursued, with patterns of movement, streets, parking and other considerations being integral to scheme design.
- 7.72 NPPF Paragraph 111 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.73 NPPF Paragraph 112 requires that developments should give priority to pedestrian and cycle movements, within the scheme and with surrounding areas; address the needs of people with reduced mobility; create places that are safe, secure and attractive; allow for the efficient delivery of goods and access by service and emergency vehicles; and, be designed to enable charging of ultra-low emission vehicles.
- 7.74 Local Plan Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should:
- 7.74.1 Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes;
 - 7.74.2 Consider the transport and accessibility needs of everyone living, working or visiting the city;
 - 7.74.3 Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form; and
 - 7.74.4 Actively support the provision and integration of emerging and future intelligent mobility infrastructure.
- 7.75 Local Policy AC3: Demand Management states that "Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5". With regard to the provision of car parking within the City Centre, Appendix 5 states that "The level of privately allocated car parking for applications within the City Centre will be determined on a site by site basis on the merits of the application and criteria in the NPPF". AC3 acknowledges that the incorrect provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene.
- 7.76 Appendix 5 also states that 5% of all new parking spaces should include provision for electric car charging points. Where this is demonstrated to be impractical, 5% of spaces should have the capacity to be easily retrofitted for the provision of electric car charging points; including provision of ducting to accommodate a suitable power supply which facilitates high speed charging.
- 7.77 Policy AC4: Walking and Cycling states that "Development proposals should incorporate appropriate safe and convenient access to walking and cycling routes. Where these links do not exist, new and upgraded routes will be required and these must appropriately link into established networks to ensure that routes are continuous. The expected type of provision will depend on the scale, use and location of the site. For larger developments, financial contributions may be required to support improved pedestrian and /or cycling routes on the wider network".
- 7.78 Policy R2 encourages provision of a high-quality public transport system that benefits from seamless integration and is well connected to existing and new infrastructure. It also states to provide an attractive and safe environment for pedestrians, cyclists and motorists.

- 7.79 City Centre AAP Policy CC11(e) encourages proposals for the redevelopment of the Barracks MSCP and City Arcade MSCP as part of the wider regeneration of the city centre. Policy CC11 requires that any change in the provision of public car parking spaces must be clearly justified as part of an ongoing review process and be shown to have an acceptable impact on the performance and accessibility of the city centre and overall car parking provision.
- 7.80 Policy CC11: Accessibility states that “Development proposals should support the needs of pedestrians and cyclists by incorporating new dedicated safe and direct pedestrian and cycle routes which integrate seamlessly into established networks including connecting to the public transport network, interchanges and stops to deliver seamless integration together with provision of high quality cycle parking”. The enhancement of the permeability of the Development Site and its pedestrian linkages with the surrounding area is a core principle of the Scheme. The Access and Movement Parameter Plan approved pursuant to the 2022 Permission defines the proposed vehicular and pedestrian/cycle access points into the Development Site.
- 7.81 The approved Access and Movement Parameter Plan identifies areas of the Development Site which will prioritise pedestrian movement in the public realm, with limited access for service vehicles during off-peak hours, and allowing for emergency vehicle access, as necessary. It is envisaged that the majority of the pedestrian priority space will encompass public realm, reflecting recent investment in public realm improvements within the Precinct’s area. In the case of the existing service yard to the north of Coventry Market, this area will remain a service yard, meeting the needs of Coventry Market, Lower Precinct and City Centre South.
- 7.82 Short-stay cycle parking for visitors and long-stay cycle parking for residents of the Scheme will be provided in subsequent reserved matters applications in accordance with the relevant policy requirements. In March 2021, the West Midlands Cycle Hire scheme commenced operations within Coventry, with docking stations for bikes being located throughout the city centre, and it is anticipated that provision for further docking stations will be made within the City Centre South development to reflect the site’s potential to attract cycle trips.
- 7.83 In terms of car parking, a minimum of 90 and maximum of 300 car parking spaces will be delivered for future residential development, all of which will be able to accommodate electric vehicles. There will also be the opportunity for future residents to purchase season tickets for parking spaces within the city centre’s public car parks. With the loss of the Barracks MSCP and City Arcade MSCP there will be an overall reduction in car parking spaces available for public use. Nevertheless, the new Salt Lane MSCP opened in 2020, and reports have confirmed that there will still be sufficient capacity to meet demand for public car parking within the city centre even allowing for the loss of these, and other, car parks. Disabled parking and parking for delivery vehicles for the residential properties will be developed at reserved matters stage for each phase.
- 7.84 Vehicular access will be from existing accesses from Barrack Street, City Arcade existing car park access and the existing service access to the north of the Market off Queen Victoria Road. These will be retained for service and operational vehicles only with some provision for car park spaces. At Reserved Matters stage, further details must be provided on access in terms of the type of vehicles anticipated to use each access point with vehicle tracking evidence to ensure that there is adequate space for service vehicles to turn around safely to exit in a forward gear whilst not impacting on any customer parking provided.
- 7.85 Pedestrian/cycle access is proposed to be via existing routes through the site such as Market Way, Hertford Street and Warwick Road/New Union Street. It is also proposed to amend Rover Way (via Queen Victoria Rd) to allow for pedestrian/cycle access only. A relocated pedestrian crossing will be configured into the proposed signalised Queen Victoria Road/Croft Road/Rover Road junction, linking into proposed enhanced pedestrian and cycle routes into the city centre from Spon End and Coundon (currently under construction with completion due during 2023).
- 7.86 A detailed Travel Plan is required to be submitted for approval at the reserved matters stage to outline implementation of sustainable travel measures and a detailed action plan of delivery to capitalise upon the city centre location of the development. The Scheme promotes sustainable transport as it is in a prime location for housing, with retail, leisure services and public transport services within walking distance. The Development Site is well served by bus services operating along Queen

Victoria Road and Greyfriars Road, and Coventry's proposed Very Light Rail scheme will also be routed along these streets. The railway and bus stations are both around 600 metres from the site, with bus services connecting to both from Queen Victoria Road.

- 7.87 A construction travel plan must also be submitted to detail construction traffic demands, routes, mitigation etc. These will be conditioned as part of the outline planning permission.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 7.88 NPPF Paragraph 157 sets out that new development should be expected to comply with any development plan policies or local requirements for decentralised energy supply, unless it can be demonstrated that this is not feasible or viable. The Scheme will make a positive contribution to the city's efforts to deal with the climate emergency largely through significant energy efficiency improvements. The Scheme will connect to the city's District Heating scheme in its entirety. This comprehensive approach, compared to a piecemeal approach where individual buildings get connected (and an approach based on the refurbishment of existing buildings would still likely result in gas usage), allows for a much more cost effective and deliverable approach to energy efficiency. More broadly, integrating low carbon and net zero ambitions is much easier to do in a new development scheme compared with attempting to retrofit existing buildings.
- 7.89 NPPF Paragraph 159 states that development should be directed away from areas at highest risk of flooding.
- 7.90 NPPF Paragraph 167 requires that flood risk is not increased elsewhere, as demonstrated in a site-specific flood risk assessment.
- 7.91 NPPF Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
- 7.92 Local Plan Policy EM4 states that all major developments must be assessed in respect of the level of flood risk from all sources. If development in areas at risk of flooding is the only option following the application of the sequential test, it will only be permitted where the criteria set out in Policy EM4 are met.
- 7.93 City Centre AAP Policy CC9 'Drainage & Flood Risk' states that development shall be designed and located to minimise the risk of flooding and if permitted development, development should be resilient to flooding.
- 7.94 The majority of the Development Site is within Flood Zone 1; however, part of Block A1 and Block D adjacent to Queen Victoria Road and Rover Road are within Flood Zone 2. The Scheme is supported by a Flood Risk Assessment and includes, through consultation with the Environment Agency, a flood attenuation scheme that will protect future occupiers of the buildings without increasing flood risk elsewhere. The 2022 Permission includes conditions to secure the agreed flood attenuation.

Contaminated Land

- 7.95 Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of wastewater by whatever means.
- 7.96 Due to the location and history of the Development Site, there is an increased risk of unexploded ordnance being found within the site; however, conditions have been imposed on the 2022 Permission to secure the recommendations within the supporting unexploded ordnance (UXO) assessment. Standard land contamination conditions and associated remediation requirements have also been applied to safeguard health, safety and the environment in accordance with Policy EM6 of the Local Plan.
- 7.97 Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Air quality mitigation measures will be determined once the final site layout is known at reserved matters stage

to support the aims of Policy and avoid any negative air quality impacts. A condition has been imposed on the 2022 Permission to secure these measures for each phase at the reserved matters stage.

- 7.98 The Scheme is located within a highly sustainable location where future residents will have excellent access to shops and services and public transport options. The provision of electric vehicle charging points and a maximum dry NOx emissions rate of 40mg/kWh for (low emission) gas boilers have been secured by condition.

Ecology and Green Infrastructure

- 7.99 Policy GE3 of the Local Plan states that proposals for development will be expected to ensure that they lead to a net gain of biodiversity, protect or enhance biodiversity assets and secure their long term management and maintenance, avoid negative impacts on existing biodiversity, and preserve species which are legally protected, in decline, or rare within Coventry.
- 7.100 Policy GE4 'Tree Protection' notes that trees make a valuable contribution to the city's green landscape. New developments should seek to retain existing trees and other landscape features, incorporating them into a high-quality design and landscape proposals where possible.
- 7.101 Policy R2 encourages the reintroduction of green and blue infrastructure throughout the city centre, including opportunities for de-culverting wherever possible.
- 7.102 City Centre AAP Policy CC8 'Green and Blue Infrastructure' states that new development will be expected to maintain the quantity, quality and functionality of existing green and blue infrastructure and that development proposals should enhance blue and green infrastructure, and create and improve linkages between the areas.
- 7.103 The Scheme will not impact on any statutory or non-statutory wildlife sites and there are no records of notable wildlife from the area. Bats (Pipistrelles) are recorded generally within the city centre and Peregrine Falcon nests within the centre. The existing Development Site is largely comprised of buildings and hardstanding with relatively low biodiversity value, although the site does include an undeveloped plot (Block A1) which has established as ruderal, urban habitat and has value within the urban centre.
- 7.104 The Biodiversity Net Gain Assessment submitted in support of the 2022 Permission suggests that the Scheme will lead to a net gain in biodiversity. The net gain depends upon the delivery of significant areas of green and brown roofs. Conditions have been imposed on the 2022 Permission to secure details of soft landscaping, green and brown roofs, tree planting and biodiversity features, such as bat and bird boxes at the reserved matters stage.
- 7.105 Accordingly, the Council is satisfied that the purpose for which the Order Land is being acquired fits with the adopted Local Plan for the area.

8. CONTRIBUTION TO WELL-BEING AND OTHER BENEFITS

Economic Benefits

- 8.1 The average economic activity amongst the working-age population is significantly lower at the local neighbourhood (52.8%) and local authority (72.4%) levels than the national average of 76.8% (2011 Census). The Council's Economic Development service has undertaken analysis to show that the Scheme has the potential to deliver the following economic benefits. However, the actual level of economic benefits will be dependent upon the final Scheme design implemented:
- 8.1.1 £1.1bn in total economic benefits: Delivery of the Scheme represents an investment of £350m in Coventry, which will deliver transformational benefits for local people and businesses and generate over £1.1bn in economic benefits over 25 years.
- 8.1.2 £583m in net additional overall GVA: the economic output of the Scheme is at least double that which could reasonably be expected to occur if the status quo is maintained, with the

construction and operation of the Scheme contributing at least £583m in net additional Gross Value Added (GVA) to the Coventry and West Midlands economy by 2045.

- 8.1.3 Up to 1,700 full time jobs on completion: the existing Development Site is characterised by a high level of vacancy in the retail and office units representing a lost opportunity to support economic activity and jobs. As at March 2020, the estimated vacancy rate was 26%. Given the on-going structural changes which have been exacerbated by the COVID pandemic, it is likely that this level of vacancy is higher and existing jobs supported is lower. On completion, the proposed Retail/Leisure, Office, Healthcare and Hotel accommodation is expected to provide employment for up to 1,700 full time equivalent (FTE) workers, with a mix of full and part time positions at varying skill levels expected to be available.
 - 8.1.4 Up to 620 full time construction jobs over three years: construction of the Scheme is expected to require 1,857 person years of labour – supporting the equivalent of 620 full time construction jobs sustained for the entire anticipated 3 year duration of the build. It will also create a minimum of 70 apprenticeship opportunities, alongside other training and skills development opportunities, helping local young people to learn a trade for life.
 - 8.1.5 Growth in tax base: the proposed new homes will generate an estimated £1.6m per annum in Council Tax while the commercial uses are expected to generate around £0.75m per annum in business rates and the new homes up to £9.8m per annum in New Homes Bonus over six years.
 - 8.1.6 Growth in a sustainable city centre community: as well as delivering a £33.5m pa increase in household expenditure the city centre resident population will increase by 24%.
 - 8.1.7 New retail, office, leisure and hotel accommodation: the Scheme will support a broader range of employment opportunities than currently supported by the existing Development Site, which predominantly comprises low-quality retail and office floorspace, which does not meet modern occupier requirements.
 - 8.1.8 Improved employment opportunities: the creation of high-quality office accommodation aimed at smaller office typologies such as co-working space will support inward investment and high employment opportunities accessible to the local population will be created, particularly in retail, leisure and hotel uses.
- 8.2 The investment, financial return, economic value and jobs growth that the Scheme will bring forward will deliver a number of benefits to Coventry's existing residents. On completion, the Scheme will deliver a significant number of jobs across a range of skills levels and the Council will work with the developer to ensure these are signposted through the relevant job brokerage services (including the Council's own service). Similarly, a scheme of this size will create apprenticeship and learning opportunities that can provide pathways into employment for local people, including young people.

Social Benefits

- 8.3 The Scheme will deliver the following social benefits:
- 8.3.1 Provision of new high-quality homes in a sustainable city centre location: the Development Site currently provides no housing and the wider city centre's housing offer predominantly comprises purpose-built student accommodation.
 - 8.3.2 The Scheme will deliver up to 1,300 new high-quality homes as part of a sustainable mixed-use neighbourhood. If this maximum parameter of residential development was delivered, it would enable Coventry to meet over 5% of its minimum housing target defined in Local Plan Policy DS1.
 - 8.3.3 The current DLUHC Standard Method to calculating Local Housing Need is substantially higher than the Local Plan Policy DS1 requirement of 1,230 homes per annum, at 1,722 homes per annum. The Scheme will contribute substantially to Coventry's ability to increase its housing delivery above its current three-year average of 1,154 homes per

annum and contribute to addressing its substantially higher quantum of unmet need. The delivery of this number of new homes is significant in both the city-wide and city centre context. The Scheme will increase the variety of provision in the local housing market.

- 8.3.4 Improved pedestrian environment and public safety: the environmental benefits also identify an improvement in quality and quantity of the public realm more generally, whilst the text below focusses on the benefits to pedestrians travelling through the site and wider city centre.
- 8.3.5 The Scheme significantly improves the permeability of the Development Site by reinstating the two historic north-south routes along Market Way and Hertford Street and creating new east-west linkages across the Site, to overcome the existing fragmented and illegible urban design. These east-west linkages would complement planned investment in improved pedestrian and cycle routes into the city centre from the Spon End area, with the re-modelling of Junction 7 on the ring road as part of the Council's approved Local Air Quality Action Plan.
- 8.3.6 Improved surveillance: As secured by the Parameter Plans Document and Development Principles Document, the Scheme will improve passive surveillance through the removal of inactive frontages and ill-defined servicing areas and through the introduction of a new residential population on-site, thereby benefitting public safety.

Environmental Benefits

- 8.4 The Scheme will deliver the following environmental benefits:

- 8.4.1 Provision of new high-quality homes in a sustainable city centre location: The Scheme will deliver up to 1,300 new high-quality homes as part of a sustainable mixed-use neighbourhood, this maximises the use of previously developed brownfield land within the existing urban area of Coventry, thereby minimising the requirement to deliver an equivalent number of homes on greenfield land, with its associated loss of biodiversity and amenity value.
- 8.4.2 Creation of a larger amount and better quality of public space: The Development Site's current layout hinders pedestrian connectivity through the site and into the city centre, with an illegible mixture of servicing areas, pedestrian precincts and lower-quality public spaces. A comprehensive approach to the redevelopment of the Development Site will enable the delivery of a legible and attractive public realm, including soft landscaped areas and planting with their associated biodiversity and amenity benefits. The Scheme will provide a qualitative improvement to the publicly accessible space within the Development Site.
- 8.4.3 This public realm will be well-defined and well-designed as a place to pass through and a place to dwell, centred on two new public squares and improvements to the existing space at Hertford Street. The layout of public realm within the Scheme has sought to maximise the benefits of recent or on-going public realm improvements immediately adjacent to the Development Site, such as the new children's play area and water feature adjacent to the Wave and Christchurch Spire.
- 8.4.4 Alongside the biodiversity and amenity benefits, the qualitative improvement in public realm will likely support health and wellbeing benefits for existing local residents and future residents of the Scheme, given the improved opportunities for walking and socialising.
- 8.4.5 Potential for net biodiversity gain: Whilst landscaping is a reserved matter for the majority of the Scheme, an indicative Net Biodiversity Gain Assessment was produced to inform the application for the 2022 Permission. This assessed the likely biodiversity net gain that could be achieved on-site, based on the illustrative landscape masterplan and potential green and brown roof areas. The Assessment demonstrated the potential to achieve a net biodiversity gain of circa. 67% compared to the existing site characteristics, which significantly exceeds the 10% improvement enshrined in the Environment Act 2021.

8.4.6 Together, the Development Principles Document, the Preliminary Environmental Assessment and the Net Biodiversity Gain Assessment, provide recommendations in relation to green and brown roof areas and soft landscape design, which will be incorporated in the detailed design of landscape proposals to be submitted at reserved matters stage.

8.4.7 Positive townscape effects: The Scheme will deliver:

- (a) Beneficial townscape effects of major-to-moderate significance within the Coventry Central Retail townscape character area, with the re-introduction of historic north-south routes across the site (Market Way and Hertford Street) and creation of new east-west routes, improving the permeability and legibility of pedestrian circulation;
- (b) Beneficial townscape effects of moderate-to-minor significance on the adjacent Greyfriars Green townscape character area, with the introduction of varied rooflines and façade treatment and use of high-quality materials; and
- (c) Beneficial effects of minor significance in the Coventry West and Coventry South Mixed Use townscape character area south and west of the Development Site, with the removal of the inactive frontage associated with City Arcade and its multi-storey car park and replacement with high-quality buildings with active street frontages set within a high-quality public realm.

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

8.5 The Council is therefore satisfied that the Scheme will deliver significant contributions 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.

9. **ALTERNATIVES TO COMPULSORY PURCHASE**

9.1 Paragraph 106 of the CPO Guidance states that, amongst the factors which the Secretary of State can be expected to consider when determining whether to confirm an order made under section 226(1)(a), is "*whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means*". This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

9.2 Here, there are no reasonable alternatives to the Scheme. There is no alternative location for the delivery of the Scheme, and there is no evidence that piecemeal redevelopment is likely to come forward sufficiently to meet policy objectives nor, indeed, would it be consistent with the planning framework.

9.3 The comprehensive regeneration of the City Centre South cannot be achieved without the wholesale regeneration of the Order Lands. Policy CC19 of the CCCAP clearly prioritises comprehensive redevelopment over a piecemeal approach. The Council is the freehold owner of the majority of the Site. As a result, there are no other landowners within the Site with land interests sufficient to deliver competing proposals. In any event, any theoretical alternative to the Scheme would not of itself be sufficient to prevent there being a compelling case for the use of compulsory purchase powers as there are good reasons for the option pursued by the Order. No alternative proposals to the Scheme have been promoted.

10. MEANS OF DELIVERY, POTENTIAL VIABILITY AND FUNDING

- 10.1 The Council has entered into a grant funding agreement with the West Midlands Combined Authority (“**WMCA**”), which provides funding of up to £98.8m; to be utilised against various enabling costs, including land assembly and demolition, as well as potentially supporting the delivery of the Scheme itself. To date, public sector spending on the Scheme has been £14.9m.
- 10.2 In addition to the WMCA grant funding, the Development Agreement (“**DA**”) between the Council and Shearer Property Regeneration Limited (“**SPRL**”) – the SPV established by and guaranteed by SPG to deliver the Scheme - places an obligation on SPRL to secure a funding partner to finance the remaining development costs required to deliver the Scheme.
- 10.3 The arrangements set out within the DA are for the incoming party proposed by SPRL, to take on the role of the ‘Approved Funder’ and for that entity to then provide the necessary finance to cover the costs of getting to a start on site (what is called an “**Unconditional Date**” in the DA). These costs will include preparing detailed scheme design plans, preparing and submitting initial reserved matters planning applications, undertaking site investigations, the procurement of a main contractor to build the Scheme (where applicable) and indemnifying the Council regarding land assembly costs above the relevant capped WMCA grant figure. The DA also incorporates provision for the developer to seek an additional ‘Viability Amount’ if that was ever required, subject to the approval of the Council at its absolute discretion. Over the second half of 2021, SPG ran a competitive process, to invite proposals from prospective partners to invest into SPRL and to support it with the delivery of the Scheme.
- 10.4 The response SPG received to this process was very encouraging, with three parties shortlisted from a longer list of interested parties, all having a strong track record of working on complex regeneration schemes and having access to internal resources to be able to drive forward a project of the scale of the Scheme.
- 10.5 SPG has recently identified a preferred partner, which is to fulfil the role of ‘Approved Funder’ under the terms of the DA and in turn, invest into SPRL to take forward the Scheme. This proposed funding partner has set out a commitment to fund the costs that SRPL is responsible for up to the Unconditional Date, such as detailed design and initial reserved matters planning applications.
- 10.6 The initial proposals received from SPG’s proposed funding partner indicate a deliverable and viable project, within the context of the wider anticipated forms of public sector contributions towards costs such as demolition and land assembly. These initial proposals are now subject to further detailed development, so as to inform the reserved matters planning applications.
- 10.7 The Council’s analysis of these initial proposals remains ongoing but the indications are that this viability position has been arrived at through optimisation of the masterplan (both in terms of block design and use mix), the ability of the proposed funding partner to undertake construction works itself, and the partner’s experience in delivering urban residential led schemes.
- 10.8 The key next stages for progressing the Scheme from a funding and delivery perspective include the satisfaction by SPRL of various pre-conditions under the DA, as well as the Approved Funder identifying areas within the DA which may require modification to reflect its specific financing arrangements. The DA anticipates that such refinements may be required, with any changes being subject to the Council’s agreement.
- 10.9 Notwithstanding the encouraging progress SPG is making, it is important that the Council is able to satisfy itself that it would have an alternative means of delivery approach as a fallback position. The Council and its advisors consider that there are reasonable grounds to conclude that in such circumstances, a Council led delivery approach could be achieved within financial parameters similar to the proposals which SPG received from prospective JV Funding and Delivery Partners. Under such an approach, the Council would take on a ‘Master Developer’ remit, with responsibility for enabling the site, including the funding and facilitation of land assembly, as well as potentially undertaking demolition works. It would then seek to deliver enabled development phases, either directly or with private sector investment. This is a model not dissimilar to the one being successfully employed by Sheffield City Council in bringing forward a mixed use regeneration scheme of

comparable scale in its city centre. Any proposal for the Council to put additional funding into the Scheme (whether pursuant to a request from SPRL or as part of an alternative delivery approach) would be subject to Cabinet and Full Council approval.

- 10.10 Overall, there is a reasonable prospect of Scheme delivery by SPG and an appointed delivery and funding partner within the DA period. In the event that this process was not for some reason satisfactorily concluded during the DA period, it would be, subject to appropriate approvals, the Council's anticipated intention to continue to bring forward the Scheme as the 'master developer' and take responsibility for overseeing the completion of land assembly, application of the WMCA grant funding towards enabling works and releasing enabled development plots itself to third party developers to deliver. The MHCLG Guidance on Compulsory Purchase Process and the Crichel Down Rules guidance in relation to potential financial viability and funding as set out in this report is thus considered satisfied in this regard.

11. IMPEDIMENTS TO DELIVERY AND WHETHER THE SCHEME HAS A REASONABLE PROSPECT OF GOING AHEAD

- 11.1 Paragraph 15 of the CPO Guidance confirms that an acquiring authority will need to show that the scheme is unlikely to be prevented by any physical or legal impediments to implementation.
- 11.2 As described above, the Council has considered the means of delivery, potential viability and funding of the Scheme and is satisfied that there are no resulting impediments to delivery. In addition, the Council is also satisfied that there are no physical or legal impediments to the Scheme proceeding.
- 11.3 Investigations undertaken to date have not revealed any physical factors which would impede development.
- 11.4 The Order Land includes areas of open space as considered below. To the extent that there are any interests in the open space land affected by the Scheme, which are not already owned by the Council, those interests are included within the Order. An application has been made at the same time as the submission of the Order for a certificate pursuant to section 19(1) of the 1981 Act. The total area of open space to be re-provided within the Scheme will exceed that being acquired pursuant to the Order and will be equally advantageous as the land taken.
- 11.5 There is some operational land of statutory undertakers. All statutory undertakers have been identified and discussions are progressing with them. No interests within the Order Land fall within the definition of "Crown Land" as confirmed below although it will be necessary for existing post boxes within the Development Site to be temporarily relocated during the construction works and relevant discussions are ongoing with Royal Mail.
- 11.6 There are a number of electricity substations within the Order Lands. In addition, there are leasehold interests which encompass telecommunication apparatus and masts operated by telecommunications companies. SPG has been engaging with relevant operators. It is considered likely that agreement will be reached in all cases. In addition, there a number of statutory undertakers who operate apparatus within the Order Land. SPG are also in discussions with all of those undertakers regarding diversion of the apparatus.
- 11.7 As described above, Planning Permission has been granted for the Scheme and reserved matters applications will be submitted in respect of the detailed design of the Scheme. As a result, it is considered that there are no planning impediments that would prevent implementation of the Scheme.
- 11.8 Applications for three orders under section 247 of the 1990 Act are being made in respect of the stopping up of three small areas of public highway that sit within the boundary of the Development Site as further set out at paragraph 16 below. It is intended that if objections to the applications for stopping up orders are made, any public inquiry will be co-joined with the public inquiry relating to the Order.
- 11.9 In summary, the Council is satisfied that there are no financial, physical, planning or legal impediments to the Scheme proceeding and that there is a reasonable prospect that it will proceed.

12. STEPS TAKEN BY THE COUNCIL TO ACQUIRE LAND BY AGREEMENT

- 12.1 The Council owns the freehold of the majority of the Pink and Green Land. This land is subject to various long-leasehold, short-leasehold and other occupational interests that need to be acquired for the Scheme to proceed. The occupational interests are mostly held by retail occupiers in respect of individual shop units, although there are a small number of office and licenced premises occupiers.
- 12.2 Since 2013 the Council has actively sought to acquire the long-leasehold interests in this land.
- 12.3 The long-leasehold interest acquired by the Council since this date are:
- 12.3.1 Coventry Point – a 14 storey office building. The long leasehold interest in Blocks 1 and 2 Coventry Point, Market Way was acquired by the Council on 6 April 2018. Building demolished by the Council in 2020.
 - 12.3.2 21-25 Hertford Street – retail parade, long leasehold acquired by the Council on 6th April 2018. Comprises cinema and shops on the north west side of Hertford Street together with the basement bar below these addresses.
 - 12.3.3 26-48 Hertford Street and part of 12 Bull Yard – retail parade, long leasehold acquired by the Council on 6th April 2018.
 - 12.3.4 14-16 Market Way – two retail units. Long leasehold was acquired by the Council on 28th November 2017.
 - 12.3.5 1-23 Shelton Square & 1A City Arcade – retail parade. Long leasehold acquired by the Council on 6th April 2018.
 - 12.3.6 1-11 (odd numbers) Shelton Square and 1a City Arcade was acquired by the Council on 13th September 2013.
- 12.4 The remaining leasehold and other occupational interests are summarised in Table 1 below.

Table 1

Category	Type	Number of Interests
1a	Occupational leases with expiry or landlord break dates that fall after 31 January 2023 (being the earliest date on which vacant possession is required).	13
1b	Non-occupational leases with expiry or landlord break dates that fall after 31 January 2023.	5
2	Occupational leases with expiry or break dates that fall before 31 January 2023, and provide the tenant with security of tenure under the Landlord and Tenant Act 1954.	30
3	Occupational leases with expiry or break dates that fall before 31 January 2023 and are excluded from the security of tenure provisions of the Landlord and Tenant Act 1954.	67
All		115

- 12.5 In September 2019, the Council established a “Land Assembly Group” (“**LAG**”). The LAG comprises officers from the Council, the Council’s development partner, the Council’s appointed compulsory purchase surveyor, Deloitte, and the Council’s appointed solicitors, Pinsent Masons. The LAG meets on a two weekly basis to consider and agree the action required to ensure that engagement with existing interests is appropriate and in accordance with the CPO Guidance, and to monitor progress with that action.

- 12.6 The activity of the LAG is aligned to the Council's Site Assembly Strategy. A copy of this strategy has been issued to leaseholders and occupiers within the Pink and Green Land and is published on the Council's website.
- 12.7 In the absence of agreement, compulsory purchase will be required to acquire the Category 1a and Category 1b interests in Table 1. Where appropriate, unconditional offers have been made for the acquisition of these interests, and some of these negotiations are at an advanced stage. In the case of existing tenants who are seeking relocation premises, the Council has offered flexibility on the timing of both the surrender of existing leases, and of the calculation and payment of compensation. In some cases, this includes the offer of lease surrender and/or the grant of mutually flexible leases to enable the Council to secure possession without the need to use compulsory purchase powers. This flexibility has enabled constructive dialogue to take place with all interests in Category 1a and Category 1b, and this engagement will continue in parallel with the statutory process.
- 12.8 It is not expected that compulsory purchase will be required to acquire the Category 2 and Category 3 interests. The Council has served the necessary notices, under section 25 of the Landlord and Tenant Act 1954 (the "**1954 Act**"), to bring the Category 2 leases to an end. This action will require the Council to pay compensation to these tenants in accordance with section 37 of the 1954 Act. The Council will determine the Category 3 leases as necessary to enable the Scheme to proceed.
- 12.9 In addition to the interests set out in Table 1, 37 properties (principally retail units) within the Pink and Green Land are currently vacant. Any new leases granted by the Council over these properties will be short-term and provide the ability to obtain possession before the development start date at nil cost.
- 12.10 Where appropriate, the Council has also sought to engage with landowners with an interest in the Blue Land, who might be affected by the acquisition of new rights required to build and maintain the Scheme. This has included engagement with the owners and occupiers of Beauchamp House, the residential block located to the southeast of the Development Site. In July 2020, Deloitte undertook a virtual presentation to these owners and occupiers, and a recording of this presentation, and copy of the slide deck presented was subsequently circulated.
- 12.11 Affected parties have also been invited to attend two CPO "surgery" events, on 4 and 10 August 2021, at which representatives from the Council and Deloitte were available to discuss the timing and impact of the Scheme with individual owners and occupiers.

Proposals for relocating businesses

- 12.12 The Council has prepared and published a Site Assembly Strategy for businesses which provides a range on information for those affected by the proposals including how those with interests in the Pink and Green Land will be contacted to discuss the acquisition of their properties and available assistance to help with relocations. This Site Assembly Strategy is available on the Council's website which additionally includes information on the background to the Scheme, explains the compulsory purchase and compensation process, where to find further information and resources and contact details for further queries. This can be viewed at: https://www.coventry.gov.uk/info/372/city_centre_developments/3921/city_centre_south/2.
- 12.13 The Council has instructed a local property agent, Holt Commercial Ltd, to maintain a schedule of retail premises available to let in the local area (the "**Availability Schedule**"). The Availability Schedule is updated on a two monthly basis and copies of this schedule have been provided to those occupiers looking for assistance in relocating to alternative premises. The October 2021 update of the Availability Schedule includes up to 29 units (with some larger units being capable of sub-division) which are currently vacant and to let in Coventry City Centre. These vacant units have a total floor area of 6,479 sq m. The total floor area of the units in Category 1a of Table 1 is 6,127 sq m (or 3,731 sq m excluding the Coventry Empire). The Council owns the majority of these units.
- 12.14 The Availability Schedule demonstrates there are a range of suitable available properties within the local area. Given this, and the time available before vacant possession is required, and taking into account the Council's knowledge of occupiers' preferences obtained from engagement to date, the Council is confident that all viable businesses that wish to relocate should be able to do so locally.

On-going engagement

- 12.15 In accordance with the CPO Guidance and the Council's Site Assembly Strategy, engagement by the Council and Deloitte will continue in parallel with all stages of the compulsory purchase process. The Council remains committed to acquire all interests by agreement, although in order to mitigate the impact on some of the occupiers it may be beneficial for many occupiers to remain in occupation until physical possession is required. Discussions with affected parties will continue with a view to securing the acquisition of interests by agreement where appropriate and reducing the number of interests that need to be acquired compulsorily.

13. HUMAN RIGHTS CONSIDERATIONS

- 13.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights ("**Convention Rights**").
- 13.2 Convention Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home). In addition, in effect, Article 14 prohibits discrimination, on any grounds, in the way public authorities secure enjoyment of the rights protected by the European Convention on Human Rights.
- 13.3 In relation to the rights protected under Article 1 of the First Protocol (right to peaceful enjoyment of possessions) the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are accurately reflected in paragraphs 12 and 13 of the CPO Guidance:

"A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in the land it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time."

- 13.4 If a compelling case in the public interest can be demonstrated, as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above, a compelling case in the public interest exists for the making and confirmation of the Order. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring including the

economic, social and environmental well-being improvements referred to above. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

- 13.5 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

14. THE PUBLIC SECTOR EQUALITY DUTY

- 14.1 In discharging all its functions, the Council (and the Secretary of State) has a statutory duty under section 149 of the Equality Act 2010 ("**2010 Act**"), "the public sector equality duty", to have due regard to the need to:

- 14.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 14.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 14.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 14.2 Section 149 of the 2010 Act gives greater detail of what each of the above matters involves which the Council has taken into account. The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

- 14.3 An Equality Impact Assessment ("**EqlA**") has been undertaken to assess the impact on protected groups of the making of the Order and implementation of the Scheme, to assist decision-makers in discharging the public sector equality duty. The EqlA includes consideration of the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme.

- 14.4 In preparing the EqlA, an equalities and communication survey was sent to approximately 130 businesses and property owners who may be impacted by the making of the Order and the implementation of the Scheme. Due to an initial low response, the survey was sent out a second time. Those businesses that responded provided information about their demographics and any specific needs they had regarding communications. Within the survey, a question was asked regarding whether customers of the business are considered to be predominantly from a particular group or community to allow possible impacts on customers to be measured in addition to the owners and staff of the businesses affected.

- 14.5 The EqlA for the proposed Order identifies that the wider community potentially affected would include:

- 14.5.1 those who currently own or occupy land within and around the affected area including business and land owners;
- 14.5.2 current visitors as well as future visitors to the affected area for work or leisure and to use the retail and other City Centre South facilities; and
- 14.5.3 those who live around the Order Land now and those who will live within or around the land in the future.

- 14.6 The potential impact on each of the protected groups is examined in detail within the EqlA.

- 14.7 The EqlA notes that the implementation of the Council's published Site Assembly Strategy, taken together with the statutory compensation code, will ensure that fair and non-discriminatory processes are in place. Those responsible for disposing of the completed retail and residential phases will be required, by Part 4 of the 2010 Act, to ensure that they do not discriminate against protected groups

when selecting tenants and purchasers, in the terms they offer and when managing the completed development.

14.8 The EqIA identifies the following potential negative impacts on protected groups:

- 14.8.1 Most of the business occupiers and their staff fell within the 19-64 year age group giving rise to a potential for this age group to be disproportionately impacted by business loss or relocation. However, business and relocation support is being provided together with assistance for those who may need employment or career support through connection to local services.
- 14.8.2 Access to essential services, including banks and chemists, may be disrupted during construction which may result in a temporary adverse impact on protected groups based on age and disability as well as pregnancy and maternity due to disruption in this part of the city centre environment during the construction phase. However, suitable mitigation measures would be put in place during the construction process to reduce the adverse effects on these groups.
- 14.8.3 The Barracks MSCP is due to be demolished leading to a potential adverse impact on those in protected groups based on disability due to the disruption to the Shopmobility facility. However, a condition of the 2022 Permission requires the Shopmobility facility in Barracks MSCP to be replaced to a suitable location within the city centre prior to the demolition of this building to ensure that the Shopmobility service is not disrupted. The Council is taking forward work to explore the option of locating the facility near to the new Salt Lane car park (less than 150 metres away from the existing location for Shopmobility). If this location is not possible then another suitable alternative location will be provided.
- 14.8.4 One of the affected businesses has customers predominantly from the LGBTQ+ community. The Council will work with the business and other representatives of this community to ensure that their requirements for a safe space to socialise are met.
- 14.8.5 There will be an adverse impact resulting from construction noise and traffic for local residents, in particular homeworkers.
- 14.8.6 There is a potential perceived loss of safe spaces for homeless and rough sleepers during demolition and construction. Steps for Change – the local support service for homeless people - are located in the affected area. When the development works begin, the Council will work with Steps for Change to ensure there is sufficient support for homeless people and rough sleepers. The Council will also ensure that the support services are aware of demolition timetables so they can support anyone who may be sleeping in affected areas.
- 14.8.7 Although very close to the affected area, there is no impact on the Central Methodist Hall other than slight disruption during the construction phase. The Council will work closely with representatives of the church to ensure this is kept to a minimum and doesn't affect religious services and other sensitive events.
- 14.8.8 There will be an adverse impact resulting from the loss of the disabled parking spaces within the Development Site, including on the ground floor in the service area to the Market. However, the Council is working closely with Royal London to ensure that disabled parking bays will be re-provided on the rooftop car park of the Market.

14.9 The EqIA additionally identifies the following positive impacts on protected groups:

- 14.9.1 The Scheme will offer jobs and training opportunities, including for those age 16-18 years. These will include construction apprenticeships and employment opportunities in retail and leisure.
- 14.9.2 The Scheme will include leisure facilities, for example a cinema, cafes and restaurants, giving social opportunities for young people.

- 14.9.3 Improved green space and places to socialise will give parents and carers space for younger children to enjoy.
- 14.9.4 New housing provision within the Scheme will offer a mix of much needed high-quality housing of particular benefit for the 19-64 age group. The Scheme will also provide increased access to affordable housing for those with lower incomes.
- 14.9.5 The Scheme has the potential to offer over 1,000 new full-time jobs as well as 620 new construction related jobs.
- 14.9.6 The Scheme will include positive accessibility principles, including the mandatory principle to mitigate existing steep gradients on Hertford Street. Tactile paving will be provided at crossing points, together with sloped pavements as well as stairs for wheelchair and mobility scooter accessibility, at grade access and an uncluttered public realm. All aspects of the Scheme will meet the required accessibility standard and will be legally compliant. Seating styles will cater for a range of needs, including some with arms and backrests to support the 65+ year age group.
- 14.9.7 There will be a courtyard area for rest and relaxation and space for community use. The community use space can support opportunities to get involved in social activities, which may have positive health impacts and reduce loneliness in the 65+ year age group. The availability of accessible health facilities will also positively impact this age range.
- 14.9.8 There will be a considered approach to lighting which will have a significant impact on orientation, security and visual quality. This will impact crime and the fear of crime and is of benefit for a number of protected groups including those based on sex.
- 14.9.9 It is considered that once the redevelopment proposals have been completed, all groups would benefit from the improved physical environment in the City Centre South area as well as the wider economic benefits stemming from the Scheme. The proposed new, well-connected and well-designed public spaces would create quality meeting places which would help to foster good relations between all members of the community. The new public spaces together with the safe improved public links will also help to mitigate crime and the fear of crime, of particular benefit to vulnerable members of protected groups.
- 14.10 The EqIA will be monitored and reviewed throughout the progress of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 14.11 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction. The Scheme proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, employment and training opportunities and public realm improvements. These features of the proposals will assist in ensuring that protected groups have equal access to the new jobs, facilities and homes in a major growth area.

15. **SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

- 15.1 Section 19 of the Acquisition of Land Act 1981 defines “open space” as any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground”. The Order Land includes five areas that potentially fall within the statutory definition of “open space” as set out below:

Table 2

	Description of Area	Current area	Proposed area
Area 1	Top of Hertford Street	1416 m2	1810 m2
Area 2	Shelton Square	969 m2	1215 m2
Area 3	Area near to Beauchamp House	221 m2	-
Area 4	Bull Yard (A)	9 m2	-
Area 5	Bull Yard (B)	1424 m2	1002 m2
Total		4039 m2	4047 m2

15.2 The total area of “open space” within the Order Land is 4039 sqm. The total area of land within the Scheme that will be re-provided as open space is 4047 sqm. The total area of open space to be re-provided within the Scheme therefore exceeds that being acquired pursuant to the Order and will be equally advantageous as the land taken. An application for a certificate pursuant to section 19(1) of the 1981 Act will be made at the same time as the submission of the Order.

15.3 There is no other land within the Order Land that falls within the scope of sections 16, 17, 18 or 19 of the 1981 Act.

15.4 No interests within the Order Land fall within the definition of “Crown Land” as defined in section 293(1) of the Town and Country Planning Act 1990, section 82C of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 31 of the Planning (Hazardous Substances) Act 1990 (as amended) although it will be necessary for existing post boxes within the Development Site to be temporarily relocated during the construction works. Relevant discussions are ongoing with Royal Mail.

16. RELATED ORDERS AND CONSENTS

16.1 There are three areas of publicly maintained adopted highway within the boundary of the Scheme and which will need to be stopped up before the Scheme can be fully implemented. These areas are as follows:

Highway Area	Description of highway land
1	Part of adopted highway known as Rover Road
2	Part of adopted highways known as Queen Victoria Street
3	Part of pedestrianised area at Bull Yard

16.2 Applications to allow these areas of highway to be stopped up to facilitate delivery of the Scheme are being made pursuant to section 247 of the 1990 Act. It is intended that any objections to these applications will be heard at a conjoined public inquiry with any objections to the making of the Order.

16.3 As set out in detail at section 5 above, the Scheme benefits from the 2022 Permission which takes the form of a hybrid permission in which the details for the layout and scale for areas of the Scheme (being those needed to assess the impacts of the Scheme on heritage assets) are already approved, with the remainder in outline with all matters reserved. The Council is not aware of any reason why the necessary reserved matters approvals will not be granted in due course.

16.4 Listed Building Consent (ref LB/2020/2857) was granted on 24th June 2021 for the removal of the bridge link between the roof top car park of the Market and the roof top parking over the existing retail units on Market Way together with associated reinstatement works to the roof top car park surface and balustrade, the removal of the existing Market basement ramp from Rover Road and

associated infilling and reinstatement works, works to retaining wall to north-east of the Market, removal of existing pedestrian ramp into the Market off Rover Road, the creation of a new Market basement ramp from Queen Victoria Road and associated works to the Market basement.

16.5 Listed Building Consent (ref LB/2020/2860) was also granted on 24th June 2021 for the removal and relocation of the Grade II listed William Mitchell Mural from the front elevation to a new location to be agreed in writing with the local planning authority in consultation with Historic England.

16.6 Traffic regulation orders may be required in due course. The details of any necessary traffic regulation orders will be agreed with the local highway authority following reserved matters approval has been obtained in relation to access for the Scheme.

16.7 The Council is not aware of any reason why all necessary orders required for the implementation of the Scheme will not be obtained in due course.

17. **LEGAL STATUS OF THIS STATEMENT OF REASONS**

17.1 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

18. **CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION**

18.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

Name	Role	Contact Details
Adam Hunt	Strategic Lead – Property and Development	Adam.Hunt@coventry.gov.uk Tel: 07525 234968
Richard Moon	Director – Property Services and Development	Richard.Moon@coventry.gov.uk Tel: 02476 972338

18.2 Owners and tenants of properties affected by the Order who wish to negotiate a sale and/or relocation or discuss matters of compensation should contact:

Name	Role	Contact Details
Graeme Lawes	Director – Deloitte LLP	grlawes@deloitte.co.uk Tel: 07798 517324

19. **INSPECTION OF THE ORDER, MAP AND OTHER DOUMENTS**

19.1 A copy of the Order and of the Order map and other documents may be seen at:

19.1.1 The Council House, CV1 5RR between the hours of 9:00-17:00 Monday to Friday (please ask at reception to see the documents); and

19.1.2 on the Council's website at: www.coventry.gov.uk/viewcpo

20. **DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF AN INQUIRY**

20.1 Documents and plans may be inspected at the same venues and times as the Order, identified above.

20.2 **List of Documents**

- 20.2.1 The Order and Order Map
- 20.2.2 Report to Cabinet dated 11 January 2022
- 20.2.3 The 2012 Permission
- 20.2.4 The 2022 Permission
- 20.2.5 National Planning Policy Framework (relevant extracts)
- 20.2.6 The Government Guidance on Compulsory Purchase Process dated October 2015 (relevant extracts)
- 20.2.7 Equality Impact Assessment
- 20.2.8 Relevant planning policy extracts from the Local Plan and CCCAAP
- 20.2.9 Photographs of the key areas within the Development Site