



Ministry of Housing,
Communities &
Local Government

Liam D'Onofrio
Principal Town Planner – East Area Team
Coventry City Council
Place Directorate
Development Management

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Please ask for: Bijal Patel
Tel:
Email: Bijal.patel@communities.gov.uk

Your ref:

Our ref: PCU/LBC/U4610/3274775

Date: 24 June 2021

Dear Mr D'Onofrio

Planning (Listed Buildings and Conservation Areas) Act 1990
Application for Listed Building Consent
Address - 8A Bull Yard, Coventry, West Midlands
Application no - LB/2020/2860

I am directed by the Secretary of State for Housing, Communities and Local Government to refer to your email of 23 April 2021 with enclosures, concerning your council's application for Listed Building Consent for the removal and relocation of the Grade II listed William Mitchell Mural at the above address. The application was made in accordance with the provisions of Regulation 13 of the Planning (Listed Buildings and Conservation Area) Regulations 1990, as amended by Regulation 2 of the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

The Secretary of State has considered the information submitted by your council in support of the application and noted that The Twentieth Century Society and the Ancient Monument Society have objected to the proposal.

Paragraph 195 of the National Planning Policy Framework states 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:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

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- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

Historic England have been consulted on this application, and they consider that the listed building's permanent removal would be considered as substantial harm. However, it is Historic England's view that in this case the removal could be mitigated by successful relocation to a new permanent home where the mural could continue to be enjoyed by the public. On that basis, Historic England does not feel it necessary to refuse Listed Building Consent.

The Secretary of State has considered carefully the proposal, including the comments submitted by Historic England, and the objections submitted by The Twentieth Century Society and the Ancient Monuments Society, but has concluded that the benefits of the proposal outweigh the harm to the heritage asset.

The Secretary of State hereby grants Listed Building Consent for the works listed overleaf, subject to the following conditions:

1. The works hereby approved shall begin not later than 10 years from the date of this consent.

To conform with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

2. The works hereby approved shall be carried out in strict accordance with the details in the application documentation and shown on the following approved plans: Drg No.0910 and the Development Principles Document Revision B dated March 2021.

For the avoidance of doubt and to ensure that any works are carried out only in accordance with the terms of this permission in the interests of protecting this heritage asset in accordance with Policy HE2 of the Coventry Local Plan 2016.

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

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

The submission of these details prior to the commencement of development is fundamental to ensure certainty for relocation of the mural prior to removal, that an appropriate record is made of the mural within its existing and original context and

that a prominent and fitting new location is agreed in accordance with Policy HE2 of the Coventry Local Plan 2016, Policy C2 and CC19 of the City Centre Area Action Plan 2017 and the aims and objectives of the NPPF.

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

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

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

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

This letter does not convey any consent or approval required under any enactment, byelaw, order, or regulation, other than Section 8 and 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.

Yours sincerely

Edward Chapman

Edward Chapman
Planning Casework Manager
Encs: High Court challenge note