

**DR 6.1**

**Town and Country Planning Act 1990**

**Acquisition of Land Act 1981**

**Local Government (Miscellaneous Provisions) Act 1976**

**Inquiry into:**

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

**and**

**Town and Country Planning Act**

**Stopping-up of public highway**

**Rebuttal Proof of Evidence**

**of**

**Richard Brown**

**of CBRE**

**On behalf of the Council of the City of Coventry**

**12<sup>th</sup> January 2023**

1. **INTRODUCTION**

1.1 This short rebuttal statement has been prepared following my review of Mr Hardman's Proof of Evidence ("PoE") submitted on behalf of Royal London Mutual Insurance Society Limited ("**Royal London**").

1.2 The purpose of my rebuttal statement is to point out key areas of difference between my town planning evidence and the evidence of Mr Hardman to assist the Inquiry in these matters.

1.3 In particular, this statement responds to the following two matters raised by Mr Hardman in his PoE:

1.3.1 Absence of a comprehensive approach by virtue of the Scheme excluding / failing to integrate Lower Precinct and the Market to ensure both contribute positively to improving the quality of the city centre offer, which as a consequence will have an adverse impact on the vitality and viability of Lower Precinct, the Market and wider City Centre (Mr Hardman's paragraph 3.3 (a) and (c), and expanded elsewhere in his PoE); and

1.3.2 Risk of displacement of occupiers from Lower Precinct to new units in the Scheme, which will impact on the future performance of Lower Precinct and the Market, with the result that both will decline due to lack of investment (Mr Hardman's paragraph 3.7).

1.4 In addition, this rebuttal statement provides an update on the status of the Section 73 planning application (application reference S73/2022/3160) relating to the Refined Scheme, namely that the Section 73 planning permission was issued by the Council on 9<sup>th</sup> January 2023.

**Matter 1: Absence of a Comprehensive Approach Through Excluding Lower Precinct and the Market from the Scheme**

1.5 I disagree with the position of Mr Hardman. Section 8 (pp 61 – 62) of my PoE (DR2.1) explains that:

1.5.1 CCAAP Policy CC19 (and the associated Figure 17b) neither envisages nor requires the inclusion of the Lower Precinct shopping centre area to secure the regeneration of the southern part of the Primary Shopping Area. The Lower Precinct shopping centre has always fallen outside of the boundary of the area identified by the planning framework for regeneration;

- 1.5.2 The Lower Precinct area is different in character to the Order Land; it is not in the same generally poor condition as the Order Land and is not needed for the proper planning of the area to deliver the relevant Development Plan policies and regeneration objectives; and
  - 1.5.3 The Refined Scheme will create a substantial new city centre resident population together with modern retail, leisure and other commercial space, and will also contribute to the vitality of the wider area, with potential to support other parts of the city centre, including those close to the Order Land such as the Lower Precinct area.
- 1.6 In addition, I would also note the following points:
  - 1.6.1 The Council has adopted a holistic approach to the improvement of the city centre evidenced by the public realm and other improvements to the city centre environment delivered over recent years, some of which are listed under paragraph 4.4 of my PoE.
  - 1.6.2 Details of further such improvements are set out in the proof of evidence of Mr Markwell (DR2.3) (paragraphs 3.7 – 3.22) which describes the major schemes that have been promoted to transform the wider city centre. This includes the circa £10m major refurbishment of the Upper Precinct area (extending from Broadgate to Market Way fronting Lower Precinct and along Smithford Way fronting West Orchards) in partnership with J.P. Morgan and Shearer Property Group. Works have included high quality landscaping and lighting improvements, the demolition of the Ernest Jones store and ramp, removal of the escalator bank into West Orchards and removal of the M&S/BHS link bridge. As noted by Mr Markwell, an aim of this significant investment was to restore legibility from Broadgate down through Upper Precinct to Lower Precinct.
  - 1.6.3 Policy CC19 specifies the need to retain the listed market building, together with the provision of improvements to its setting and connectivity to Queen Victoria Road and Market Way. As noted in Table 6.2 of my Proof of Evidence (pp 51-52), the retention of the listed Coventry Market building, together with improvements to its setting and connectivity to Queen Victoria Road and Market Way, are features that are embodied in the parameter plans and Development Principles Documents for both the Consented and Refined Schemes.

- 1.6.4 The Refined Scheme does not alter the shopper access arrangements to Lower Precinct via Sherbourne Arcade (which connects Lower Precinct to the Market via a pedestrian tunnel which runs beneath the vehicular link route between the east and west service yards), nor does it alter the pedestrian access arrangements to the Lower Precinct from the Lower Precinct MSCP or the market roof top car park. Also, all other existing ground-floor pedestrian access points into the market are retained as a result of the Refined Scheme. These arrangements are shown on the plan included at **Appendix RBR1**.
- 1.6.5 The proposed improvements to the setting of the Market, which includes a major new public square to the south and south east on the building, will serve to enhance its prominence and usage, and create the potential to draw more people through to Sherbourne Arcade and the Lower Precinct (and vice versa).
- 1.6.6 Usage of the Lower Precinct MSCP and the market roof top car park for shoppers will likely be enhanced as a result of the Scheme, including due to the removal of the Barracks MSCP and other public car parking currently located within the Order Land. The Lower Precinct MSCP and the market roof top car park connect directly to Lower Precinct so have potential to increase footfall to this area and also the Market.

## **Matter 2: Risk of Occupier Displacement from Lower Precinct to new units in the Scheme**

- 1.7 An impact assessment, as referenced in paragraph 90 of the National Planning Policy Framework ("**NPPF**"), has not been carried out by the Applicant as part of the Scheme (and nor has one been submitted as part of the evidence prepared by Mr Hardman).
- 1.8 The NPPF does not require such an assessment for the Scheme. The NPPF only requires impacts on the vitality and viability of town centres to be assessed as a result of applications for retail and leisure development outside of town centres. National policy applies a town centre first approach, and does not require town centre developments, such as proposed through the Refined Scheme, to assess their impacts on other town centres or on other locations within the same town centre. In promoting the vitality of town centres, the NPPF does not preclude other new retail propositions to come into a city centre. Nor is competition between retail businesses within a city centre considered to be a material planning consideration.
- 1.9 I have included a short note prepared by Chris Thomas at **Appendix RBR2** which provides further detail in response to the matter of occupier displacement. In summary,

it is considered that any displacement to the Scheme from Lower Precinct or from elsewhere in the city centre will be limited for the following reasons:

- 1.9.1 Coventry has an existing large catchment area and varied demographic profile, which includes an existing more prosperous demographic, with the potential for new catchments and younger demographics to be introduced;
- 1.9.2 PROMIS reports identify that Coventry city centre has a significantly below average volume and quality of retail provision relative to the size and affluence of the shopping population;
- 1.9.3 The city centre does not provide a higher end or premium offer to capture spend from the existing more prosperous demographic currently visiting the city centre. The Scheme can complement the existing city centre retail offer by seeking to provide a higher end / premium offer (see paragraphs 4.4 and 7.5 of the Proof of Evidence of Mr Markwell (DR2.3)); and
- 1.9.4 The Scheme will add to the vitality of the city centre through the improved quality of retail offer and associated leisure and other commercial uses to be provided through the Scheme and also through the new residential component of the Scheme. This will increase footfall and dwell times across the city centre as a whole, therefore also benefiting areas outside of the Order Land.

### **Matter 3: The Refined Scheme Planning Permission**

- 1.10 Since the submission of my PoE, and also that of Mr D'Onofrio (DR2.6), who is dealing with planning matters on behalf of the Council as local planning authority, the Section 73 planning application for the Refined Scheme (application reference S73/2022/3160), as described at Section 5 of my PoE, was granted planning permission by the Council on 9<sup>th</sup> January 2023 (**DR3.29**).
- 1.11 Similar to the Officer Committee Report prepared for the Consented Scheme, the Officer Report prepared for the Refined Scheme sets out the planning balance exercise undertaken by the Council and concludes that the Refined Scheme remains in accordance with development plan policies, supplementary planning guidelines and the aims and objectives of the NPPF.

## **2. STATEMENT OF TRUTH**

- 2.1 I confirm that I have made clear which facts and matters referred to in this rebuttal proof of evidence are within my own knowledge and which are not. Those that are within my

own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

A handwritten signature in black ink, appearing to read 'Richard Brown', with a stylized, cursive script.

**Richard Brown**

12 January 2023

**Appendices to Rebuttal Proof of Evidence  
of  
Richard Brown  
of CBRE**

## **APPENDICES CONTENTS**

**Appendix RBR1:** Pedestrian Access - Market, Lower Precinct And Lower Precinct  
MSCP

**Appendix RBR2:** Supplemental Note By Chris Thomas Of CBRE



## APPENDIX RBR1: PEDESTRIAN ACCESS - MARKET, LOWER PRECINCT AND LOWER PRECINCT MSCP



Note: the dotted lines indicate pedestrian access from connections from the MSCP and the market rooftop car park and the solid arrows indicate the entrances to the market at ground level.

## APPENDIX RBR2: SUPPLEMENTAL NOTE BY CHRIS THOMAS OF CBRE

### Likelihood of Occupier Displacement

- 1.1 Coventry city centre under-performs in terms of the level and type of retailing it provides. As noted in my retail report which is included at Appendix RB1 to the PoE of Richard Brown (DR2.1):
  - 1.1.1 The poor quality of buildings and the urban environment generally (therefore) impacts on the type and quality of retailers represented within the Site and is reflected in the fact that Coventry has been identified for several years in PROMIS Reports as having a significantly below average volume and quality of retail provision relative to the size and affluence of the shopping population (paragraph 3.6 of the retail report); and
  - 1.1.2 Coventry has an existing large catchment area and varied demographic profile, with the potential for new catchments and younger demographics to be introduced through the delivery of significant residential development as part of the development. In combination, these demographics will create a diverse audience for retail and leisure operators to attract – helping to create a 24/7 sustainable town centre economy (paragraph 4.5 (1) of the retail report).
- 1.2 The purpose of the Scheme is to complement the existing city centre retail and leisure offer and to prevent further retail spend leakage from the city centre. This position of complementarity is also explained in the evidence of Mr Markwell (DR2.3) (his paragraphs 3.3 – 3.5), which I reproduce below for ease of reference:
  - 1.2.1 *“Coventry’s existing leisure offer (also) needs improvement. It is currently limited to the ice rink and Odeon cinema at Sky Dome, The Wave and the HMV Empire. Apart from two small leisure uses in Cathedral Lanes, there are very few other competitive socialising leisure uses which are vital for a healthy city centre mix and which also stimulate a night-time economy (para 3.3)”*
  - 1.2.2 *“SPRL commissioned a report from Data technology company, CACI, ‘Understanding the Future Potential of City Centre South (2022)’ to support the project’s future strategic decisions in Coventry. They combined their in house data with Mobile App Geolocation Data to track and provide an assessment of visitors to the city – who they are, where they come from and when they visit (para 3.4).”*

1.2.3 *“One of the findings of the CACI report is that the city does not provide a higher end or premium offer to capture spend from the existing more prosperous demographic currently visiting the city centre who live in the suburbs/edge of city locations to the south of the city. The report concluded that the Scheme could potentially help fill this gap (para 3.5)”.*

1.3 There are no plans to target occupiers from Lower Precinct and the Market and both should benefit significantly from the increased footfall the Scheme will provide plus the new residents for the residential element of the scheme, which will enhance city centre vitality and viability.

1.4 The Refined Scheme has a lower level of Commercial / Retail space than the Consented Scheme to better reflect the existing market conditions and the likely direction and demand for ‘Physical Retail’ in the future.

1.5 In light of the above points, it is considered that the Scheme, and particularly the Refined Scheme, will unlikely lead to any significant occupier displacement from Lower Precinct or from elsewhere in the city centre.

#### **Consequent Inability to Make Investment in Lower Precinct**

1.6 Investment in Lower Precinct may be required but that would need to be done anyway, even in the absence of the Scheme, to ensure existing retailers remained trading within the city and did not look to close stores or move to Out of Town locations. There is a small risk that some retailers might relocate but as noted, the Scheme will enhance the shopper/customer experience and increase footfall and dwell times, to the benefit of the vitality of the city centre as a whole.