

Reference Number:	S73/2022/3160
Case Officer:	Liam D'Onofrio
Site:	37 - 39 Market Way Coventry. CV1 1DF
Ward:	St. Michael's
Parish:	
Proposal:	<p>Variation of conditions 1, 2, 46, 50, and 51: imposed on planning permission OUT/2020/2876 granted on 27/01/22 (and as amended by non-material amendment NMA/2022/2523 granted 11/10/22) for: Hybrid planning application for: Full application: A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to north-east of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard; Outline application: B. For part of the site for the demolition of existing buildings and redevelopment of the land for mixed uses, including details of the layout of new development, with details of scale, access, appearance and landscaping reserved; and C. For part of the site for the demolition of existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed use redevelopment for residential units (Class C3), a hotel (Class C1), mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking</p>

	provision and formation of new pedestrian and vehicular access and stopping up of existing highway. Historic Reference: 11515856
Valid date:	11/11/2022
Consultation expiry:	05/12/2022
Application expiry date:	03-03-2023
Extension of time:	

INTRODUCTION: The purpose of this report is to consider the above application

RECOMMENDATION: That Planning permission be Granted

SUMMARY: This application seeks a minor material amendment, pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended), to enable changes to the hybrid planning permission OUT/2020/2876, which was granted on 27/01/22.

BACKGROUND: It has long been the ambition of Coventry City Council to regenerate the Southern part of the Coventry City Centre Primary Shopping Area. These principles were included in the Jerde Master plan prepared for the City Council in 2008/2009. Following an options appraisal undertaken by Council officers the southern area of the pedestrianised precinct was identified as the optimum location for the first phase of City Centre regeneration. The options appraisal findings were endorsed by Cabinet in September 2009.

In March 2012 Outline planning application OUT/2012/0575 was submitted for the comprehensive redevelopment of the City Centre South (CCS) area. This principle for a comprehensive mixed-use development was established when the application was granted at Planning Committee on 31st May 2012. The scheme was primarily comprised of retail uses built around a large anchor department store with only a small number of residential units proposed, up to 40 one and two-bedroom units. As the role and function of town centres changed nationally and the demand for retail space in city centres declined this development did not progress further.

Nevertheless, the area has continued to be identified as a focus for holistic redevelopment and it is recognised that the existing townscape forming the CCS regeneration area has buildings of a generally low-quality design and a low-quality public realm with key deficiencies including the lack of distinctive arrival points to draw pedestrians into the area, poor linkages between spaces and a poor setting to the Grade II Listed Coventry Market. The Council's continued aspirations to regenerate the area are reflected in 2016 Local Plan Policy R2: 'Coventry City

Centre – Development Strategy’ and the 2017 City Centre Area Action Plan (CCAAP) Policy CC1, which both state that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture. CCAAP Policy CC19 below provides policy guidance that specifically relates to the regeneration of the southern part of the Primary Shopping Area, which includes the City Centre South Site.

The demolition of Coventry Point, a 14-storey tower block, in 2019/20 presented a significant step in removing a physical barrier and created an uninterrupted pedestrian throughfare into the area by opening up the north-south route via Market Way. The adjoining Upper Precinct area of the city centre also forms a key part of Coventry’s shopping offer and has recently undergone significant upgrading, including the removal of unsympathetic additions, the improvement of pedestrian flows and public realm, the enhancement the post-war listed building group and the overall visitor experience. Public realm on the periphery of the site between The Wave and Bull Yard has also been enhanced at what will be a key entrance node into the City Centre South regeneration area.

Planning Committee resolved to grant planning permission for the hybrid planning application OUT/2020/2876 for the redevelopment of the CCS regeneration area in April 2021 and permission was granted in January 2022 following completion of the legal agreement. The hybrid application OUT/2022/2876 was split into Parts A, B and C. The full application element (Part A) comprised the physical works required to the Grade II listed Coventry Market and Grade II listed Three Tuns Mural, which required full details to assess the impact of the Consented Scheme upon the listed buildings. The outline element was split into two parts: where development plot’s footprints and heights were fixed (Part B) and where all matters were reserved for future consideration (Part C).

A competitive process to select a funding and development partner was subsequently undertaken by the Shearer Property Group and in addition to Shearer Property Regen Limited (SPRL), Hill Residential Limited (HRL) were selected as a developer/funding partner for the CCS regeneration scheme. Work then commenced on a review of the hybrid permission OUT/2020/2876 to optimise the opportunity to deliver a comprehensive regeneration scheme for the Site. This has included an application made under Section 96A of the Town and Country Planning Act 1990 (as amended) to make certain non-material changes to the hybrid permission (LPA ref: NMA/2022/2523 granted 11/10/22).

The current minor material amendment to the scheme being considered by this application seeks to enable changes to the hybrid permission OUT/2020/2876 (as amended), for the variation of Conditions No. 1, 2, 46, 50 and 51 to allow for alterations to approved Parameter Plans Document, Development Principles Document and associated drawings.

The LPA has considered the nature of the proposals and the implications of the changes proposed and are of the opinion that the amendments proposed to the scheme do not fundamentally alter or significantly differ from the scheme approved under OUT/2020/2876.

SITE DESCRIPTION

The City Centre South application site relates to the southern part of the City Centre's Primary Shopping Area comprising some 6.36 hectares and predominantly occupied by 1950's and 1960's buildings that formed part of Coventry's post-war reconstruction.

To the north the application site bounds 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).

The eastern boundary of the application 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 application site or are proposed to be retained and enhanced. 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, but excluding the Coventry Empire building.

Hertford Street leads down to Bull Yard, which is a public square within the application site formed by two-storey post war development on three sides with the southeastern 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 application 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 City Centre South redevelopment.

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/three -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 application site boundary. Beauchamp House residential apartments are located outside the application site to the southeast.

The western boundary of the application site adjoins Queen Victoria Road and is formed by the City Arcade, the Iceland food store, a vacant plot adjoining Coventry Market and the Lower Precinct multi-storey car park, which is proposed to be retained. The Iceland food 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.

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 to vehicles via the adjoining Lower Precinct multi-storey car park.

The existing uses within the City Centre South application site are mainly characterised by retail uses at the ground floor and first floor levels, but also includes mixed city centre uses including:

- Office uses at upper levels;
- public multi-storey car parks including City Arcade and Barracks MSCPs;
- Servicing areas adjacent to Coventry Market, City Arcade and Barracks MSCPs;
- Mixed community uses including social enterprises and the Shop Front Theatre;
- Food and drink establishments; and
- The Shopmobility unit within Barracks MSCP.

APPLICATION PROPOSAL

This application seeks a minor material amendment, pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended), to enable changes to the hybrid planning permission OUT/2020/2876, which was granted on 27/01/22.

This minor material amendment seeks to vary Conditions No.1, 2, 46, 50 and 51 attached to hybrid planning permission OUT/2020/2876 (and as amended by non-material amendment application NMA/2022/2523 granted on 11/10/22) to allow for alterations to approved Parameter Plans Document, Development Principles Document and associated drawings. The changes to conditions are set out below:

Condition 1 requires submission of reserved matters details of appearance, access, landscaping and (as amended by the NMA application) scale, where layout is reserved, but in accordance with the superseded Parameter Plans Document Rev B March 2021, which is proposed to be revised in this minor material amendment application. It is proposed that reference is made instead to the revised Application Boundary Areas Parameter Plan, which identifies the areas where the layout is to be approved by the Parameter Plans.

Condition 2 requires submission of details of appearance, access, landscaping, layout and scale. It is proposed that reference is made instead to the revised Application Boundary Areas Parameter Plan, which identifies the areas where these matters are reserved.

Condition 46 lists the approved plans, drawings and documents with which the full and outline planning components of the hybrid permission OUT/2020/2876 must comply. A number of drawings, plans and documents are proposed to be replaced or added to accommodate changes proposed in this minor material amendment application.

Condition 50 sets out the maximum development quantum parameters for each land use. The maximum residential quantum is proposed to be increased from 1300 to 1500 units and the maximum non-residential quantum (excluding Class C1 hotel) reduced from 37,500sqm to 20,000sqm.

Condition 51 approves the parameter plan defining the extent of buildings to be demolished and retained on-site. The parameter plan is proposed to be revised by this minor material amendment application to reflect the fact that No.21-25a Hertford Street (including the HMV Empire building at 22 Hertford Street) is now proposed for retention and the adjoining building (north of the HMV Empire) will have the flexibility for demolition/retention.

The supporting Design and Access Statement states that the proposed amendments aim to realise the vision for a vibrant new mixed-use neighbourhood in Coventry city centre, contributing to the diversification of uses to include leisure, social infrastructure and food and drink uses and introduce a greater variety of tenure and size mix into the residential element. This includes:

- Increasing the total maximum of residential units by 200, to accommodate the increased demand for city centre living.
- Reducing the quantum of non-residential floorspace to adjust to the accelerated shift of retail spending online, whilst retaining the extent of ground floor active frontage, continuing to create a vibrant retail, leisure, commercial and social infrastructure offer and animated public realm.
- Retaining No.21-25A Hertford Street containing the HMV Empire, to retain existing functions that contribute to the city centre's evening economy and culture offer.
- Reviewing Blocks A1 and D to enhance the distinctive western gateway off Rover Road.
- Revising Block B which could accommodate a new space for leisure-led activities adjacent to 21-25A Hertford Street, complementing the existing HMV Empire offer.
- Realigning Blocks B, C and E (the Pavilion) to create an east-west vista between Coventry Market and the Christchurch Spire, introducing a finer grain public realm and greater variety of street widths, enhancing the pedestrian experience of the new public spaces.

- Realigning Blocks C and D to create a more distinctive street character on Lower Market Way south of Public Square 1 / Coventry Market.

In order to increase the total maximum of residential units, additional height has been added to appropriate locations across the site. A reduction in height has also been implemented to the north of Block B and to E. This is to enhance key townscape views to and from within the site.

PLANNING HISTORY

There have been a number of recent/relevant planning applications relating to this site:

Application Number	Description of Development	Decision and Date
PL/2022/0000181 /FUL	Erection of a shop-mobility hub (use class Sui Generis), inclusive of car parking and associated landscaping.	Pending - valid 15/12/22
NMA/2022/2523	Non-material amendment to OUT/2020/2876 to amend the wording of the original description of development to include the removal of defined quantitative development parameters and reference to the Parameters Plans Document for layout and scale and transpose these into new / amended planning conditions, to vary condition 2 to refer to all reserved matters, and to vary Condition 7 (vi) (energy assessment) and Condition 9 (noise and vibration) to change the trigger points and add an individual demolition plan condition.	Granted 11/10/22
OUT/2020/2876	Description of Development: Hybrid planning application for: Full application: A. Full Application for removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top car park surface and	Granted 27/01/22

	<p>balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to northeast of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement, and removal and relocation of William Mitchell mural from front elevation of the former Three Tuns Public House building in Bull Yard;</p> <p>Outline application:</p> <p>B. For part of the site (Parameters Plans Document March 2021 Revision B) for the demolition of all existing buildings and redevelopment of the land for mixed uses, including details of the layout and scale of new development, with details of access, appearance and landscaping reserved; and</p> <p>C. For part of the site for the demolition of all existing buildings and the redevelopment of the land for mixed use, with details of access, layout, scale, appearance and landscaping reserved. The scheme comprises a mixed-use redevelopment of up to 1,300 residential units (Class C3), up to 150 hotel rooms (Class C1), up to 37,500 sqm of mixed-use non-residential floorspace including Class E Commercial, Business and Service uses, Class F.1 Learning and Non-Residential Institutions, and Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses, hard and soft landscaping and new public open spaces including sustainable urban drainage systems, car parking provision and formation of new pedestrian and vehicular access and stopping up of existing highway.</p>	
LB/2020/2857	Removal of bridge link between Coventry Market roof top car park and roof top parking over existing retail units on Market Way and associated reinstatement works to roof top	Granted 24/06/2021

	car park surface and balustrade, removal of existing Coventry Market basement ramp from Rover Road and associated infilling and reinstatement works, works to retaining wall to north-east of Coventry Market, removal of existing pedestrian ramp into Coventry Market off Rover Road, creation of new Coventry Market basement ramp from Queen Victoria Road and associated works to Coventry Market basement.	(Secretary of State decision)
LB/2020/2860	Removal and relocation of the Grade II listed William Mitchell Mural.	Granted 24/06/2021 (Secretary of State decision)

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

Application Number	Description of Development	Decision and Date
OUT/2012/0575	Comprehensive redevelopment of Coventry City Centre South area, comprising demolition and alteration of buildings and structures and construction of anchor retail store and units accommodating shops, financial and professional services, cafes/ restaurants, public houses and hot food takeaways (use classes A1, A2, A3, A4, A5), hotel (use class C1), residential dwellings (use class C3), leisure uses (use class D2), new multi storey car park, servicing arrangements, public realm and engineering operations and other associated works and facilities and stopping up of public highway (outline application with all matters reserved).	Granted 31/05/2012
LB/2012/0571	Removal of bridge link between Coventry Retail Market roof top car park and roof top car parking over existing units on Market Way, and reinstatement works to roof top car park surface and balustrade.	Granted 18/06/2012 (Secretary of State decision)

LB/2012/0572	Removal and relocation of grade II listed William Mitchell Mural from the front elevation of the former Three Tuns Public House building in Bull Yard, to a new location to be agreed in writing with Coventry City Council (The Local Planning Authority) in consultation with English Heritage	Granted 18/03/2013 (Secretary of State decision)
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There are numerous historic planning applications relating to individual properties within the City Centre South site. The following are the most relevant:

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

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs
Policy DS3: Sustainable Development Policy
Policy DS4: (Part A) – General Masterplan Principles
Policy H1: Housing Land Requirements
Policy H3: Provision of New Housing
Policy H4: Securing a Mix of Housing
Policy H6: Affordable Housing
Policy H9: Residential Density
Policy H10 Student Accommodation
Policy H11 Homes in Multiple Occupation (HiMO's)
Policy HW1: Health Impact Assessments
Policy R1 Delivering Retail growth
Policy R2 Coventry City Centre – Development Strategy
Policy R3 The Network of Centres
Policy R6 Restaurants, bars and Hot Food Takeaways
Policy GE1 Green Infrastructure
Policy GE2: Green Space
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy JE1: Overall Economy and Employment Strategy
Policy JE4: Location of Office Development
Policy JE6: Tourism/Visitor Related Development
Policy JE7: Accessibility to Employment Opportunities
Policy DE1 Ensuring High Quality Design
Policy HE2: Conservation and Heritage Assets
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy AC5: Bus and Rapid Transit
Policy CO1: New or improved social community and leisure premises
Policy CO2: Re-Use of or redevelopment of facilities
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy EM3 Renewable Energy Generation
Policy EM4 Flood Risk Management
Policy EM5 Sustainable Drainage Systems (SuDS)
Policy EM6 Contaminated Land
Policy EM7 Air Quality
Policy IM1: Developer Contributions for Infrastructure

City Centre Area Action Plan (CCAAP) December 2017

Policy CC1: Coventry City Centre – Development Strategy
Policy CC2: Enhancement of Heritage Assets
Policy CC3: Building Design
Policy CC4: Public Art
Policy CC5: Lighting
Policy CC7: Tall Buildings

Policy CC8: Green and Blue Infrastructure
Policy CC9: Drainage & Flood Risk
Policy CC10: Environmental Management
Policy CC11: Accessibility
Policy CC18: The Primary Shopping Area
Policy CC19: Primary Shopping Area regeneration – South
Policy CC22: Primary and Secondary Frontages

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a More Sustainable City
SPD Coventry Connected
SPD Energy
SPD Air Quality
Appendix 5 - Car Parking and Cycle Parking Standards

CONSULTATION

No Objections received from:

- Historic England

No objections subject to conditions/contributions have been received from:

- Highways
- Conservation
- Urban Design
- Environmental Protection
- Archaeology
- LLFA
- Sustainability
- Education
- Economic Development
- Streetlighting
- Public Health
- HSE
- NHS
- Housing

At the time of writing the report comments have not been received from:

- Highways England
- 20th Century Society
- Environment Agency
- Open Space
- Ecology
- Coventry Airport/NATs
- National Grid/Western Power

- Transport for West Midlands

Neighbour consultation

Immediate neighbours and local councillors have been notified; a site/press notice was posted on 17/11/22.

Three letters of objection have been received, raising the following material planning considerations:

- Traffic pollution/noise
- The development will have little benefit to locals and the city in general, failing to provide the benefits claimed.
- The scheme fails to adhere to the 25% affordable housing requirement.
- Block E is too narrow to create an attractive feature and narrow walkways between will fail to link areas.
- The long, almost unbroken frontage provided by Blocks B, E and C will create an unacceptable “wall” that will not be possible to make attractive.
- The Litten Tree PH should be retained.
- The scheme makes no, or inadequate, provision for independent retailers/affordable retailing.
- The height of the scheme will create ‘concrete canyons’.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- A type of criticism on job creation
- The minimum housing provision of 900 units should go up 200 in line with the increase to the maximum provision.

One comment has been received raising the following non-material planning considerations:

- Criticism of the consultation process and non-material matters not being considered by the S73 submission.
- The restoration or renovation of the existing buildings would be a better use of public money.

Royal London Mutual Insurance Society Limited (Royal London) have a land ownership interest in the application site. Notably, the northwest part of the application site is in Royal London’s long leasehold control. Royal London are the long leaseholders of the Lower Precinct shopping centre, the surrounding service yards and the adjoining Indoor Coventry Retail Market. Royal London question whether the changes proposed under the current application can be considered as ‘minor material’. Royal London clarify that they are not opposed to the regeneration of the city centre but have serious concerns that the current scheme is not deliverable and will not secure comprehensive redevelopment. Royal London also has concerns about the implications of the application proposals upon the servicing of both the Retail Market and the Lower Precinct Shopping Centre.

The applicant has continued to engage with Royal London on servicing arrangements, which are to be agreed and secured at Reserved Matters stage. Land ownership is not a material planning consideration, as the appropriate landownership certificates and notices have been satisfactorily served by the applicant.

APPRAISAL

The main issues in determining this application are the impact of the proposed changes to the hybrid permission upon the character of the area and heritage assets, the impact upon neighbouring amenity, highway considerations, flood risk, noise, contaminated land, air quality, ecology and infrastructure.

Principle of development

Local Plan Policy R2: 'Coventry City Centre – Development Strategy' reflects the City Centre AAP 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. 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.

Policy CC19 'Primary Shopping Area regeneration – South' is a policy specific to the application 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 will provide for:

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

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 Plan Policies.

NPPF Paragraph 86 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The principle for the redevelopment of the CCS regeneration area including the demolition of existing buildings and alterations to listed buildings has already been established under the hybrid planning application OUT/2020/2876, for which permission remains extant.

This minor material amendment application proposes the following changes to the planning permission issued under reference OUT/2020/2876 in terms of quantum of units / floor space by use:

Land Use	Hybrid permission OUT/2022/2876	Proposed
	Min/Max parameters	Min/Max parameters
Residential units	900 – 1300 units	900 -1500 units
Hotel	0 – 150 rooms	0 – 150 rooms (no change)

Commercial	22,000 – 37,500sq.m	13,275 - 20,000sq.m
Car park spaces	90 - 300	90 – 300 (no change)

Residential

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 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.

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.

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.

The application site is located within a highly sustainable city centre location, with excellent access to shops, services and public transport options. The increase from 1300 to 1500 residential units is therefore considered to be entirely appropriate. Officers are satisfied that the proposed residential use can be made compatible with the proposed mix of commercial uses to ensure that future occupiers' amenity is protected. Although the scheme is in Outline form, the proposed 'Development Principles Document' shows that the scheme has significant potential to provide a high-quality residential environment, including the creation of private communal courtyard spaces, that are safe from any environmental pollution issues.

As with the hybrid permission, 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 housing size mix will also be established at Reserved Matters stage.

Commercial uses

Local Plan Policy R2 and CCAAP Policy 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.

The aims and objectives of CCAAP Policy CC19 remain relevant; however, the desire for an increase of 10,000sq.m of new retail floor space was informed by evidence, including most importantly the Shopping and Centres Study completed by Nathaniel Lichfield and Partners in 2014. It is recognised that there has been a profound structural shift in shopping patterns since this time, which has led to a decline of some high streets and town centres across the country. A deliverable scheme for the regeneration of the CCS Site will therefore need to have a reduced retail provision to that originally envisaged in 2014; however, a predominant commercial use will remain at ground floor level and a significantly greater number of residential units on upper floors will add to the vitality and viability of the area.

The applicant reports that they have been engaging proactively with prospective retail, leisure, commercial, social infrastructure use operators since grant of the hybrid permission. Whilst there is still strong market demand for new leisure and competitive socialising uses, and a degree of retail provision, the continued consolidation of high street retail in face of post-pandemic spending trends, including an accelerated shift towards online competitors, has impacted on the size and type of space in town centres demanded by occupiers.

The supporting Planning Statement notes: *‘Coventry City Centre’s current retail offer continues to be affected by weaknesses in terms of its lacking representation of quality retailers, with a very limited representation of operators from the upper middle/quality end of the spectrum. A 2022 survey of the 200 largest towns/cities undertaken by Property Market Analysis LLP (PROMIS), continues to characterise Coventry as a ‘Sub Regional Weak Town’ on the basis of its retail spending volume and quality. There has been substantial investment in the quality of public realm in the Precinct during 2020/21, however, Coventry city centre still struggles with negative perceptions of its visitor offer and needs to compete with leakage of spend to out-of-town centres as well as the competing centres of Leamington Spa, Solihull and Birmingham.’*

‘Coventry continues to have a significantly below average volume and quality of retail provision relative to the size and affluence of its retail catchment, which can imply a shortfall in the provision of modern (i.e. quality) retail floorspace.’

There is however a positive acknowledgement within the Planning Statement that in spite of the challenges: *‘Coventry city centre performs above-average relative to comparable centres in terms of its food and beverage offer, improving its PROMIS score between 2020 and 2021. Also, Coventry has a large and growing catchment area, with the potential for new catchments’ and demographics’ spend to be captured to support new retail and leisure space, as well as through the delivery of significant residential development as part of the development.’*

Given the structural changes to the UK retail sector it is considered that achieving an increase of 10,000sq.m of retail floor space for the CCS scheme is unattainable. Nevertheless, the redevelopment of the CCS site will still be capable of achieving all the other aims and objectives of Policy CC19. The reduced parameters for the commercial floorspace of 13,275 - 20,000sq.m is therefore considered appropriate, coupled with the mandatory requirements within the Development Principles

Document that the ground floor of buildings on Market Way, Hertford Street and the two new public squares must predominantly comprise active frontage.

The proposed changes to Condition 50 to alter the maximum residential quantum from 1300 to 1500 units and the maximum non-residential quantum (excluding Class C1 hotel) reduced from 37,500sqm to 20,000sqm are considered acceptable in principle as the extent of floorspace changes proposed do not fundamentally alter the nature of the Scheme, which would still be based on a large component of residential and a relatively significant level of commercial floorspace. The redevelopment and regeneration of the CCS site still provides an adaptable, robust and sustainable scheme that will enable significant economic, social and environmental benefits in accordance with the aims and objectives of Local Plan Policy R2 and CCAAP Policies CC1 and CC19.

The horizontal and vertical parameters of the hybrid permission have also been adjusted accordingly and the subsequent changes to the streetscene/townscape, public realm and setting of adjacent heritage assets are considered below.

Impact on visual amenity

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.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a. 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;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. 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);
- d. 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;
- e. 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
- f. 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.

The hybrid permission OUT/2020/2876 sought to enable a flexible scheme where future applicants could submit a Reserved Matters planning application providing full design details that will sit within the agreed height and mass Parameters Plan Document and Development Principles Document that formed part of that scheme. The successful selection of a development partner (Hill Residential Limited) has

created some additional certainty on the design evolution of the scheme. Much of the scheme remains within the physical parameters of the hybrid permission OUT/2022/2876; however, where changes to vertical and horizontal parameters are proposed they have been carefully considered within the townscape and assessed against spire views, adjacent listed buildings and the setting of Greyfriars Green Conservation Area.

The changes to the horizontal and vertical parameters (height and massing) are informed by submitted parameter plans, axonometric diagrams and a Townscape Visual Impact Assessment (TVIA).

Block A1

The key consideration in the acceptability of the height at Block A1 was the availability of view of the Holy Trinity Spire from the Western approach to the city along the B4101. The spire became visible from this approach following the demolition of the Coventry Point office building on Market Way in 2019/20. The currently proposed upper height of Block A1 is in line with the consented massing and therefore remains acceptable.

Block A2

Similar to the assessment of Block A1, impacts upon the Holy Trinity spire views from the West informed the maximum height parameter of Block A2. The parameters provided three steps in height and the middle step has been raised to match the higher step to the southern end of the building. There is no overall height increase and no height change adjacent to the adjoining Grade II listed Woolworths building. The minor height deviation is not seen as impactful and is in keeping with the previously consented massing parameters.

Block B

The largest development block, Block B has a number of key interfaces in the townscape. The original north/south route through the block will be altered to an east/west route; however, the permeability sought through the block will still be achieved. The height of the central element of the block is largely the same as consented. The Hertford Street elevation is increased in sections by 4.65m and 8.91m. The southern elevation (facing Block E) increases by 4.65m and 14.1m to the southwest corner. The Market Way elevation adjoining the former Grade II listed BHS building removes consented height increments and increases height by 9.7m and 3.4m (up to the southwest corner element). The Northern section of Block B (rear of the former BHS and Upper Precinct) has been reduced in height by 25m.

Despite these changes the mass remains acceptable when delivered alongside positive architectural consideration at upper levels. The applicant has implemented officers' suggestions to set back built form of the higher southwest corner of Block B / better articulate this elevation to soften the height change (further detail on this change is provided with the Heritage section of the report). This is set within mandatory principles in the Development Principles Document, although final design detailing will be considered at reserved matters stage.

Block C

The height of Block C remains largely the same, but with 15m added to the northern corner of the block. The sensitive Warwick Row elevation retains the same height and stepped increments but the deeper projection of the block to the north adds a further height increment of some 3.7m, which provides a consistent additional step-up in building height to reflect that of the consented scheme.

A greater height was originally proposed to the northern section of Block C fronting Warwick Row, which increased the Blocks dominance to the northern Block B and views from within the Greyfriars Green Conservation Area and the setting of its listed buildings. Based upon TVIA views this element of the block also sat closer to Christchurch Spire when viewed from the Butts western approach into the city centre. Parameter plans have been amended to reduce the height of the section of Block C fronting Warwick Row to ensure that a more successful height transition is provided between Blocks B and C with built form reducing down towards the conservation area. The reduction to Block C has also acceptably increased the space between the block and Christchurch Spire when viewed from the Butts view cone.

Block D

Sited to the western edge of the site Block D fronts toward Queen Victoria Road and Greyfriars Road, whilst forming new frontages toward the market and access from the southwest. The tallest element is located to the north of the block at the junction of Croft Road and Queen Victoria Road in line with the overarching massing design of the existing consented scheme. The block then drops in height increments towards the south

The proposed changes will increase the height by 1m to the southern end of the block and by 5.59m and 7.6m to the northern end opposite Coventry Market. No objections are raised to the massing changes. As with all elements of the scheme, the detailed design Reserved Matters stages will necessitate the requirement for architectural treatments to introduce positive variety in order that the massing may read as a positive collection of elements, thus visually mitigating the consistency of massing.

Block E

The parameters of Block E have notably altered as a result of the contraction of space between Block C and B. This change is acceptable as it retains a positive linkage between two of the city's key heritage assets in Christchurch Spire and the Coventry Indoor Market; however, the delivery of a subservient and visually transparent form of Block E will play an important role to successfully deliver this space between buildings. Officers note that the form of Block E appears to be singular and elongated, which may not produce a positive design outcome; however, (as with all development blocks) this needs to be considered against the Development Principles Document, which sets requirements for ease of movement between the active frontages of Blocks B and C with potential for Block E to form two

separate elements. The overall height of Block E has reduced by 6.8m compared with the consented scheme.

The hybrid scheme was always intended to provide flexible horizontal and vertical parameters and the proposed minor material layout changes are seen to be in keeping with the aims and objectives established consent.

Representations from local residents are noted regarding concerns around the unbroken frontage provided by Blocks B, E and C creating an unacceptable 'wall' that will not be possible to make attractive and the height of the scheme creating 'concrete canyons'. As with the previous hybrid permission the development 'blocks' do not present a final layout and the Development Principles Document will inform future reserved matters applications with site wide development principles to control active frontages, architectural diversity and form, materials and scale, height and rooftop variety.

Public Realm

The spaces created between the development blocks are highly important and 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. 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.

Substantial areas of paved and landscaped areas remain a feature of the site. The horizontal parameters of development blocks remain flexible; however, the Parameter Plans Document sets minimum street width of 7 metres to provide an appropriate street width. The open space and public realm proposed accords with Policy R2, DE1 and CC1.

Specific hard and soft landscaping details, as well as public art provision would be secured at Reserved Matter stage by condition.

Other matters

The need to provide architectural diversity, active frontages, a mix of uses, screening of roof top plant, public art, public realm etc. remain requirements set within the Development Principles Document and will be considered at Reserved Matters stage.

To conclude, Officers are satisfied that the proposed changes to the hybrid permission (i) remain acceptable within the townscape/setting of heritage assets and (ii) do not form a fundamental change to the hybrid permission. Therefore, proposed changes can be advanced as a minor material amendment under Section 73 of the TCPA.

Heritage character of the area and Heritage Assets

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.

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.

NPPF Paragraph 200 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:

- 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
- 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.

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.

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.

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.

The CCAAP 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.

The principle for the demolition of non-designated heritage assets, the removal and relocation of the Grade II listed Three Tuns mural and the physical alterations to

listed buildings have already been established under the hybrid permission OUT/2022/2876. The proposed development does not propose any alterations to the full planning component of the hybrid permission in respect of the works to Coventry Market or the Three Tuns Mural. No changes are proposed to the associated Listed Building Consents either (references: LB/2020/0857 and LB/2020/0860).

This application therefore focusses the assessment upon the changes to the horizontal and vertical parameter plans and what impact this has upon the setting of surrounding heritage assets.

Historic England have stated that they have no comments to make further to those raised in their response to the earlier approved scheme. It is expected that any planning agreement in relation to the demolition and reinstatement of the Three Tuns mural to be reflected in this application.

Conservation notes that the impact of the development upon heritage assets has altered compared to the hybrid permission, although not to a large extent. Nevertheless, the changes require some of the impacts to heritage assets to be reconsidered.

Conservation notes the height increases to Block B and Block C on Hertford Street and Warwick Row respectively and considers that the changes to built form will increase the dominance of the buildings, challenging the heights of the buildings on the opposite site of the Hertford Street, views from within the Greyfriars Green Conservation Area and the setting of listed buildings within. Following advice from Officers the applicant has amended parameter plans to reduce the front section of Block C fronting Warwick Row to ensure that the blocks provide a more successful transition in built form, reducing down towards the conservation area. The reductions to Block C have also addressed concerns raised by Conservation regarding the loss of space between the building and Christchurch Spire when viewed from The Butts view cone.

Conservation considers the retention of the HMV Empire building fronting Hertford Street and the reduction of height to the northern section of Block B (behind the HMV Empire) as both positive changes, as proposed new buildings will no longer being visible over the Grade II listed Upper Precinct buildings.

Conservation note that the loss of graduated height increases to Block B on Market Way combined with the overall height increase has created a jump of some 20 metres within the elevation. This has created a hard and potentially insensitive edge near to the Grade II listed former BHS building. Conservation, in a similar response to Urban Design, have advised that it would be more sensitive to the setting of the listed building, and the post war development within the precincts, if this hard edge could be softened to provide a smoother transition. To address this point, the applicant has implemented officers' suggestions to set back built form of this hard edge from the Market Way façade to create a visual break and draw the eye to a horizontal emphasis on the lower section of the building and/or create inset balconies/terraces to better articulate this elevation. This is set within mandatory principles of the Development Principles Document, although final design detailing will be considered at reserved matters stage.

Conservation notes the height increase to the northwest corner of Block D, but conclude that the impacts of the new proposal will not be vastly different to the impacts associated to the hybrid permission upon the Grade II listed Market.

Conservation note that Block E is intended to become a standout building that draws the eye and its narrowing on plan. Compared to the hybrid permission, it does not detract from this opportunity and still delivers the intended visual relationship between the Grade II listed Market and the Grade II* listed Christchurch Spire. The final design will be controlled at reserved matters stage.

Conservation note that building chamfers approved with the hybrid permission have been lost with the current scheme proposing 90-degree corners. It is noted that whilst chamfers are not a strong part of the character of built form within the city centre the flexible horizontal parameters do not preclude a chamfer design coming forward at reserved matters stage

Public Art

Owing to the retention of No.21-25a Hertford Street, the Grade II listed Three Tuns mural can no longer be relocated on the Hertford Street elevation of Block B, which was one of three potential options within the previously approved Development Principles Document. The updated Development Principles Document has revised this potential relocation option to the Block B façade on Market Way. The other options on Block C fronting Warwick Row and within Public Square No.1 are unchanged. The mandatory principle remains within to the amended Development Principles Document that the Tuns Mural must be relocated to a prominent location within or close to the CCS site, which preserves and enhances its significance. This change has been secured through a Deed of Variation to the S106 Agreement also.

Archaeology

Although previously the case with the hybrid permission, the re-positioning of Block C further to the north will cover more of the City Wall alignment. It remains that an archaeological investigation needs to be undertaken and the wall will need to be protected in-situ if relatively intact remains are found by creating solutions, such as a pile and beam foundation. The Archaeologist has requested a slightly updated condition that puts a greater focus upon mitigation than the standard. The applicant has agreed to the condition.

Public Benefits and Planning Balance

As identified within the hybrid permission OUT/2020/2876, the approved development resulted in substantial and less than substantial harm to designated heritage assets and the total loss of non-designated post-war heritage assets proposed for demolition. There is not considered to be any relevant change to this previously assessed position with the current scheme.

Under the hybrid permission the public benefits of the scheme were carefully considered and assessed to successfully outweigh this identified harm. The applicant has provided an updated Public Benefits Statement, which recognises the

additional benefits of the S73 scheme through the potential 200 addition residential units and the retention of 21-25a Hertford Street, which retains the HMV Empire, in recognition of the cultural and leisure offer the use provides.

The Public Benefits Statement also refers to securing 20% affordable housing; subject to securing external funding from public bodies. This has not therefore been included as a public benefit at this stage. The 'Developer Contributions' section of the report goes into greater detail, but the Section 106 legal agreement will require viability to be re-viewed at later stages of the development when it is anticipated 20% affordable housing will be provided following the external funding being in place.

The scale and ambition of this scheme, as amended, is considered to still provide substantial, widespread and long-lasting public benefits to Coventry's citizens at a multi-generational level.

It is concluded, on balance, that the substantial harm and less than substantial harm identified is necessary to achieve the substantial public benefits, including heritage benefits, achieved as a result of the proposed development and these will outweigh that harm, in accordance with NPPF paragraphs 200 and 202.

Additionally, having considered the significance of the non-designated heritage assets and the scale of harm identified, it remains the conclusion, on balance, that the benefits delivered by the proposed development will outweigh the potential harm to the identified non-designated heritage assets in accordance with NPPF Paragraph 203.

Impact on residential amenity

In terms of the amenities of future occupiers within the proposed new blocks, the scheme is considered to provide potential for a high-quality residential environment. This will be considered in greater detail at reserved matters stage.

Conditions originally imposed to protect future occupiers' amenity are retained. With the retention of No.21-25a Hertford Street, which contains a music venue and nightclub, Environmental Protection has asked for some additional conditions to cover acoustic glazing and a scheme of entertainment noise insulation for 22 and 25a Hertford Street (the HMV Empire building).

In terms of the amenities of existing residents the amended scheme is supported by a Daylight and Sunlight Assessment, that assesses in detail the potential impact of the proposed development upon existing occupiers that surround the site. The impact upon sunlight and daylight to the majority of properties is *negligible* and therefore in accordance with the Building Research Establishment (BRE) Guidelines.

As with the hybrid permission, the assessment identifies several residential properties on Starley Way where the impact upon daylight and sunlight is minor adverse; however, the amended scheme also pushed several properties into the moderate adverse category. The impact upon Beauchamp House off Greyfriars Road is moderate adverse for daylight but negligible for sunlight. The impact upon Vicroft Court off Queen Victoria Road for both sunlight and daylight is moderate

adverse. The impact upon No.52-53 and 54-57 Hertford Street is also moderate adverse.

As with the hybrid permission, Officers note that given the generally low-rise nature of the existing buildings within the application site neighbouring windows experience high levels of sunlight and daylight, that are above average for a dense urban city centre such as Coventry. A higher density of development is both appropriate within the city centre and also necessary for securing the intended vision for City Centre South and its associated wide-ranging benefits. There are a small number of residential windows overall that are affected to a minor adverse or moderate adverse impact; however, the level of outlook, light and privacy is generally consistent with the more compact form of development expected within a high-density city centre. The impact upon existing residents is not therefore considered to be so significant as to warrant refusal of the amended scheme.

The scheme, as amended, is not therefore considered to give rise to any significant impact upon the amenities of existing or future occupiers that would warrant refusal.

Other matters

The hybrid permission OUT/2020/2876 assessed a number of matters in detail, including highways, contaminated land, air quality, flood risk, bio-diversity and protected species and imposed relevant conditions, which will be reflected in this S73 permission. These matters have been re-assessed as part of the S73 application where relevant and, subject to the recommended conditions and S106 legal agreement, are considered satisfactory.

Developer Contributions

Policy IM1 'Developer Contributions for Infrastructure' states that development will be expected to provide or contribute towards provision of: a) Measures to directly mitigate its impact and make it acceptable in planning terms; and b) Physical, social and green infrastructure to support the needs associated with the development.

The supporting text of Policy IM1 recognises that: *there may be specific circumstances which mean the planning obligations and policies make a development, which otherwise positively contributes to the delivery of the Local Plan, unviable. In these cases, applicants will be expected to demonstrate how planning obligations and policies result in the development being unviable by preparing a Viability Assessment.*

As with the hybrid permission, the S73 scheme is supported by a financial viability assessment, which has been independently assessed by the City Council's assessor, who concludes that the proposed development cannot viably meet the on-site affordable housing requirement of 25% (Policy H6) or support off-site financial contributions without impacting adversely on development viability and deliverability.

Officers recognise that even in the current absence of affordable housing and other

off-site financial contributions, the proposed development positively contributes to the delivery of the comprehensive redevelopment of a part of the city centre, which is identified and supported by in Policy CC19, including a range of substantial economic, social and environmental benefits.

It is important to note that the financial viability assessment has been undertaken at a time when both the UK economy and the high street are facing unprecedented challenges. This is therefore a 'snapshot' of the scheme's viability at this time. The viability position may well change when the reserved matters come forward and a review mechanism was incorporated in the Section 106 Legal Agreement for the hybrid permission, which requires a financial viability assessment to be submitted on a phased basis, in order that the applicant and Local Planning Authority can re-assess viability.

This provides the Local Planning Authority with the ability to secure affordable housing / financial contributions in the future, should scheme viability allow. A deed of variation to the original S106 has been secured to account for the plus 200 residential units proposed for this amended scheme, secure the revised options for the Three Tuns mural and monitoring of the Coventry Market service yard.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development. The Development Principles Document sets mandatory requirements that: the gradient of the public realm must manage level changes across the site sufficiently in order that pedestrians are able to cross the public realm safely and with ease, including wheelchair users; particular attention must 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; and the design of the development proposals must be inclusive so everyone can use it safely and easily.

Human Rights Implications

This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term “engage” means that human rights may be affected or relevant.

This application has the legitimate aim of providing a comprehensive development on the site. The rights engaged by this application, including the right to a fair trial, the protection of property and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Conclusion

In view of the acceptability of the changes to the land use quanta and associated changes to the layout and massing, set within the Development Principles Document and Parameter Plans Document, the scheme remains in accordance with development plan policies, supplementary planning guidelines and the aims and objectives of the NPPF and therefore the minor material amendment application is recommended for approval, subject to relevant conditions and a deed of variation to the S106.