

Planning Committee Report	
Planning Ref:	LB/2018/2494
Site:	Upper Precinct
Ward:	St Michaels
Proposal:	Listed Building Consent for the demolition of upper level pedestrian footbridges, ramps, walkways, canopies and covered escalator serving the West Orchards Shopping Centre. Extension and alteration of existing retail units incorporating the insertion of new shop fronts.
Case Officer:	Liam D'Onofrio

SUMMARY

Listed Building Consent is sought for works in association with the concurrent planning application S73/2018/2495. This associated planning application is a minor material amendment to vary/remove conditions imposed upon the original planning permission FUL/2017/2767 granted on 15/12/17 and will enable design changes and the removal of the student accommodation/extensions to the North Link building.

BACKGROUND

All the buildings forming part of this scheme, the Leofric Hotel, Marks and Spencer and British Home Stores (built 1955), and the North and South Link Blocks (built 1956) were formally listed as Grade II buildings in January 2018. This includes associated structures, the pedestrian thoroughfare, referred to as the 'piazza', the City Standard and the levelling stone (which marked the start of the post war redevelopment of the city centre in June 1946). The Library (former Locarno) and Woolworth building falling outside the application site on the western side of Market Way/Smithford Way were also listed at the same time. The building group has been listed for their architectural interest, as an accomplished example of a post-war commercial building group with sophisticated facades, elegant detailing and good quality materials; and their historic interest fulfilling the community hopes for a re-planned and rebuilt city after the catastrophic bombing in World War II, which destroyed so much of the city centre.

When the original planning application FUL/2017/2767 was assessed the application buildings were unlisted. The Listed Building Consent seeks to secure consent for the works and reflects changes to the original scheme currently being considered under the concurrent planning application S73/2018/2495.

KEY FACTS

Reason for report to committee:	Councillor O'Boyle has requested that the application be determined at Planning Committee for the reason that the proposal is of strategic importance to the economic growth of the city centre.
Current use of site:	Shops and commercial buildings within the central shopping area of the city centre.
Proposal:	Listed Building Consent to cover works proposed under concurrent planning application S73/2018/2495.

RECOMMENDATION

Planning committee are recommended to grant listed building consent subject to conditions listed within the report.

REASON FOR DECISION

- The proposal will not adversely impact upon the character or setting of listed buildings/heritage assets.
- The proposal accords with Policies: DE1 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF 2018.

BACKGROUND

APPLICATION PROPOSAL

Listed building consent is sought for a number of changes to the listed buildings within the Upper Precinct, as detailed below. This reflects the concurrent planning application S73/2018/2495:

North Link Block

- Reconfigure the link mall (to West Orchards) making it double height with escalators, stairs and a scenic lift by relocating the current Moss Bross unit at ground floor and widening the current mall at first floor.
- Introduce new means of escape routes from the walkway at first floor.
- Reconfigure 3 units (4, 5 & 6) at ground floor to provide attractive rentable units with new shop fronts.
- New shop fronts located between the existing Blue Hornton stone pilasters will be fully glazed. The level difference will be made up within the unit, an indicative ramp location has been shown, the final installation will be by the tenant.
- Reconfigure retail units at first floor, retaining the current units of Royal Gaming and JD Sports and create a new means of escape routes from the walkway with new full height shop fronts.
- Create a new Management Suite at first floor.

South Link Block

- Introduce new means of escape stair from walkway at first floor, into the southern alleyway, with a new structurally glazed canopy supported on steel columns.

Walkways/central piazza

The application proposals where possible remove the unsympathetic elements, create larger rentable retail spaces for tenants, and improve the circulation links to the walkways and through to West Orchards, which will be achieved through:

- Removal of the Escalators and its enclosure at ground and first floors.
- Remove the eastern ramp & the western bridge link to open up the view from the Lower Precinct eastwards to Coventry Cathedral (St Michaels).
- Cutback & straighten the first floor walkways.
- Replace the balustrades and lampposts, with a design emulating the original Upper Precinct installations, whilst meeting current Building Regulations.
- Introduce new columns, aligned with the structural bays of the original scheme and link into the vertical detail of the current 1993 fascia.
- Retain, repair & decorate the current 1993 walkway fascias.

British Home Stores Building

The application proposes to subdivide the existing single occupant building into multiple units of varying sizes at ground and first floors, with new double height shop fronts introduced, allowing the building to continue as a major asset in its prime location of the Upper Precinct and Market Way.

- Sub-division of the single occupant floor space into multiple occupancies at ground & first floors, with new plant zones at roof level.

- Introduce new means of escape route at ground floor exiting onto Barracks Way.
- Upgrade of the existing core and means of escape stair accessed from Barracks Way.
- Removal of the slate edge canopies to Upper Precinct & Market Way. The removal of the canopy will require part of the elevation to be in-filled, a recessed cornice detail with a reconstituted Ham Hill stone dressing head course, with the recess & cill below lined in Westmorland slate is proposed.
- Removal of the mezzanine aligned with Market Way, excluding the current Carphone Warehouse unit.
- Upper Precinct elevation - 5 narrow windows to be reduced in height, from the cill upwards by 1 storey.
- New double height shop front (ground & first) to Upper Precinct with a Westmorland slate 'goal post' and deeply recessed full glazed screen, the existing voids behind the 5 narrow feature windows will be consolidated & made deeper.
- New shop fronts to Units 22 Carphone Warehouse & Unit 35. The level difference will be made up within the unit.
- New double height shop fronts (ground, mezzanine & first) to Market Way with the existing Westmorland slate pilasters extended down to ground level to form goal posts. The level difference will be made up within the unit, an indicative ramp location has been shown the final installation will be by the tenant.
- Market Way feature window above Carphone Warehouse, lowest spandrel panel to be removed and the cill level raised. The reconstituted stone picture frame to be reinstated at the new cill level with brickwork infill between the new cill & the new cornice line.
- Amendment of the first floor entrance screen and the 2 storey travertine spandrel panel above, due to the realigned South Link Block walkway at first floor, with a new glazed entrance screen with central doors between with Westmoreland slate pilasters.

Mercia Lodge Building (Leofric Hotel)

The application proposes to increase the ground floor retail units by extending into the ground floor colonnade and install new shop fronts, reconfigure the current Top Shop store to create a large corner unit with a double height entrance from Broadgate & amend its first floor plate to incorporate part of the underutilised first floor exit lobby to the north link block walkway. The proposals to the retail elements of Mercia Lodge will allow it to continue as a major asset attractive to national retailers due to its prime location on Broadgate and Upper Precinct.

- Extension of retail space into the colonnade with the new shop fronts located 275mm behind the perimeter columns, making the active frontage of the retail space visible
- The existing Blue Horton (golden) columns which will now be inbound within the extended units will be clad with protection to ensure they are not fixed too or damaged by future retailers fitting out
- The colonnades coffered soffit with circular glass block lens will be encapsulated below and over-layed above to maintain them in situ.
- A void will be cut in the slab at first floor to the corner of Upper Precinct & Broadgate with a new wrap around window installed, accentuating the double height entrance space to unit 10 from Broadgate. The window reveals will have a picture frame in a reconstituted Clipsham stone, emulating the original Upper Precinct window treatment.
- The first floor external lobby will partially remain as the means of escape from the Mercia Lodge Student Accommodation and the current Top Shop Unit. The retained portion of the lobby will become an internal space, enclosed with a glazed screen & integrated doors. The remainder of the lobby will be incorporated into unit 10 at first floor with a new pop out display window

- The new pop-out display window to Unit 10 within the Upper Precinct will have a picture frame in a reconstituted Clipsham stone, emulating the original Upper Precinct window treatment.

M&S Building

The application proposes no works within the existing M&S unit:

- Removal of the slate edge canopies to Upper Precinct & Smithford Way will require part of the elevation to be in-filled, a recessed cornice detail with a reconstituted Clipsham stone dressing head course, with the recess & cill below lined in Westmorland slate is proposed.
- Amendment of the entrance screen due to the realigned North Link Block walkway at first floor, to form the interface of the new balustrade with the Blue Horton pilaster to the south of the entrance portico.

Materials

The scheme proposes the sensitive use of materials including the use of Blue Hornton stone (golden) and Westmoreland slate, Clipsham stone and Blockley City Blend brickwork, which is used through the Upper Precinct. The new shop fronts will be full height, single glazed with satin finish stainless steel edge support channels and satin finish stainless steel ironmongery and fittings for signage. The bottom edge of the shop front is supported above the external ground level with a new stall riser clad in reconstituted Clipsham stone in front of the new retaining concrete.

New columns will be used with folded metal column cladding to match the existing decorated walkway fascia, new Balustrades, handrails and lampposts will emulate the original installations and new balustrades to the escalators and stairs will be provided in structural glazing with satin finish stainless steel handrails to maintain visual connection within the new mall. The stairs will be folded metal with perforated risers & inlaid stone to match the mall floor finishes.

SITE DESCRIPTION

The application site relates to buildings within Upper Precinct located within the central shopping area of the city centre. The buildings all front Upper Precinct and include Mercia Lodge (the former Leofric Hotel), which also has a frontage to the western side of Broadgate Square, the Marks & Spenser building and BHS building, which also have frontages extending along the eastern side of Smithford Way and Market Way respectively and both the north and south link buildings within Upper Precinct.

The buildings are within a predominantly retail use with some office and residential accommodation to the upper floors of the buildings fronting Broadgate Square. All buildings have recently been listed Grade II (January 2018), including the central 'piazza' public open space, levelling stone and associated pedestrian bridges.

The Grade II listed Broadgate House does not form part of the application site, however part of the bridge deck to be demolished adjoins its western flank and this element of the building is included within the application site.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
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S73/2018/2495	Variation of condition 2 (plan numbers) and removal of conditions No. 2, 7, 10, 13, 14, 15, 18, 19, 21 and 22 imposed upon original Application: FUL/2017/2767 for the demolition of upper level pedestrian footbridges, ramps, walkways, canopies and covered escalator serving the West Orchards Shopping Centre. Extension and alteration of existing retail units incorporating the insertion of new shop fronts and associated stopping up of highway. Change of use, and extension at rear and roof level, of existing retail unit (A1 use) and upper level ancillary storage areas in northern link building to student accommodation (sui generis use) providing 75 student rooms within six cluster flats and communal facilities granted on 15/12/17.	Concurrent application pending.
FUL/2017/2767	Demolition of upper level pedestrian footbridges, ramps, walkways, canopies and covered escalator serving the West Orchards Shopping Centre. Extension and alteration of existing retail units incorporating the insertion of new shop fronts and associated stopping up of highway. Change of use, and extension at rear and roof level, of existing retail unit (A1 use) and upper level ancillary storage areas in northern link building to student accommodation (sui generis use) providing 75 student rooms within six cluster flats and communal facilities.	Granted 15/12/17
LB/2017/2781	Listed Building Consent for external alterations to Broadgate House associated with the removal of the upper level entrance ramp	Granted 18/12/18
FUL/2018/1693 (Unit 4 Upper Precinct)	Installation of new shop front including internal roller shutters, hoarding and associated internal works	Granted 20/07/18
LB/2018/2349	Reconfiguration of Units 16 and 20 including installation of new shop front to Unit 20	Granted 17/10/18
FUL/2018/2771	Installation of new shop front to Unit 20	Pending

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) 2018 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 promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this 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 DE1 Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

City Centre Area Action Plan 2017

Policy CC2: Enhancement of Heritage Assets

Policy CC18: The Primary Shopping Area

CONSULTATION

No objections raised subject to conditions have been received from:

- Historic England
- Conservation

Objections have been received from:

- The 20th Century Society

Immediate neighbours and local councillors have been notified; a site notice was posted on 06/09/18. A press notice was displayed in the Coventry Telegraph on 06/09/18.

One letter of objection has been received, raising the following material planning considerations:

- a) While removal of the intrusive escalator is a positive aspect most of the other proposals will harm the historic interest.
- b) Loss of the walkway bridges and ready access to the first floor shops will considerably reduce any hope of successful retailing that was part of the Gibson plan.
- c) Removal of the canopies will hugely detract from the crossroads of precincts and modernised entrances would be completely out of keeping with the original design.
- d) Restoration of railings and lighting standards to the Festive style is to be applauded.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the impact upon the character of the area and heritage assets.

Heritage character of the area and Heritage Assets

Relevant policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) 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 192. States that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF Paragraph 195 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.

Policy HE2 'Conservation and Heritage Assets' indicates that in order to help sustain the historic character, sense of place, environmental quality and local distinctiveness of Coventry, development proposals will be supported where they preserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of special historic, archaeological, architectural, artistic, landscape or townscape significance.

The CCAAP Policy CC2 'Enhancement of Heritage Assets' states, amongst other things, that all development relating to or in close proximity to heritage assets such as statutory and locally listed buildings, Scheduled Monuments, public artwork and non-designated heritage assets shall be undertaken sympathetically to those heritage assets and seek to preserve or enhance their setting. Development within the city centre primary shopping area must respect the architectural design principles of the significant elements of the post-World War II reconstruction such as Broadgate and the shopping Precincts.

In January 2018 the Upper Precinct buildings and also the Woolworths building on the western side of Market Way joined Broadgate House as being listed Grade II.

Historic England response

Following the listing of the buildings subject to this application a significant amount of discussion and consultation took place with Historic England (HE). They considered that in order for them to support the scheme they would need to be convinced that any harm to the heritage assets was outweighed by public benefit. With this in mind the applicants submitted to HE a detailed economic justification for the scheme which resulted in HE commenting that there are a number of works that would cause harm to the significance of

the listed buildings and in line with the NPPF such development should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. They go on to state “We fully accept the analysis offered regarding the retail situation and that Coventry shopping centre, in order to compete in the current challenging retail market and to move up the Harper Dennis Hobbs Vitality index, needs to be improved to attract top of the range retailers. We also agree that for the development to obtain finance, key anchor tenants must be secured as pre-lets to give funders and other prospective tenants’ confidence. We endorse the view that the retail market is currently very challenging and understand that tenants have the upper hand in lease negotiations, reinforced by the recent announcement of further store closures by Marks and Spencer.” They continue to comment that whilst they accept the analysis it is an untested supposition and hadn’t been proven 100% that the scheme was necessary to ensure the viability of the city centre. That said they recognised the considerable heritage benefits of the scheme such as removal of the escalators, and ramp and the restoration of the railings and lighting. They concluded “Our conclusion is that the particularly harmful elements of the works (canopies removed and the colonnade infilled) are probably necessary to the success of the scheme, and that in the context of the benefits to be delivered by the scheme they should be allowed if required by prospective tenants”.

This application was submitted in line with the pre-application submission along with an updated economic position due to the worsening retail position in the economy. Historic England (HE) have commented along the same lines as their response at pre-application stage. They assert that the scheme encompasses works to the buildings covered by four recent Grade II listings, which include much of the Upper Precinct and that those listings recognise the significance of the site as the heart of the heroic post-war redevelopment of Coventry undertaken by the City Council, creating one of the first pedestrianised shopping areas in Europe. HE consider that within the proposals there are a number of works that would cause harm to the listed buildings. Cumulatively these works amount to substantial harm to the significance of the listed buildings comprising the Upper Precinct, although HE consider that there are also some clear heritage benefits to the scheme.

Within the proposals Historic England have identified a number of works that would cause harm to the significance of the listed buildings as they involve loss and change to significant parts of the architecture. They consider the most serious elements of that harm consist of:

- the removal of canopies from both elevations of M&S building and both elevations of the former BHS building;
- the formation of two story shop front in north elevation of the former BHS;
- the infilling the colonnade and the full enclosure of the inner line of columns on the former Leofric Hotel block.

In addition HE have identified a number of other less damaging changes, including:

- the removal of an internal mezzanine from the former BHS building;
- the new back wall in modern cladding on north (rear) wall of north link block;
- the new canopy over the staircase inserted in the walkway of the south link buildings;
- advancing the shop fronts to front edge of the walkways in the link blocks;
- the removal of the bridges connecting the link blocks with no replacements (1990’s fabric replacing earlier structures).

Cumulatively HE consider these works amount to substantial harm to the significance of the listed buildings comprising the Upper Precinct. They note that there are also some undoubted heritage benefits within the scheme, particularly:

- the removal of the 1990s ‘Elephants trunk’ (escalators);

- the removal of the intrusive 1990s ramp;
- the restoration/recreation of the railings and associated lighting on the first floor walkways of the link buildings to their 1950s form.

While these reverse many of the damaging changes to the Precinct that were made in the 1990's and are very positive benefits, HE consider that they do not outweigh the cumulative impact of the proposed scheme.

HE state that despite some heritage benefits of the scheme, the cumulative impact of the proposals causes substantial harm to the listed buildings; however HE have clarified that they have not objected to the scheme and recognise the uniquely challenging economic circumstances and the arguments set out in the economic viability report. HE advises that the City Council will need to weigh these carefully in coming to a balanced decision; assessing the scheme against the criteria set out in paragraph 195 of the NPPF 2018.

The 20th Century Society have objected to the scheme with concerns reflecting those of Historic England. They maintain support for the removal of the escalator.

Rationale for the development

The applicant's supporting information assesses the significance of the heritage assets and a rationale for the proposed works.

In terms of the removal of canopies from M&S and BHS buildings and creation of a two-storey shop front to the north elevation of the former BHS the applicant advises that the removal of the projecting canopies are intended to provide existing and prospective retailers with a more prominent street frontage, which will help them to attract customers. The proposed remedial works have been designed in such a way to enable the line of the original canopies to be appreciated in the context of the overall building. A new double-height entrance to the former BHS building is also proposed along with shop front alterations fronting Market Way. The applicant's supporting Heritage Impact Assessment (HIA) notes that ground floor shop fronts beneath canopies or colonnades are a distinctive aspect of 1950's retail architecture and the removal of the canopies will reduce the illustrative value of these buildings as a part of the early pedestrianised scheme and its distinctiveness as a 1950s retail development. Aesthetically, the character of these façades with the ground floor overshadowed by a projecting canopy, will be altered. While the Westmorland slate detail following the line of the canopies will mitigate this change it still represents an adverse effect on the significance of the buildings, although unlike HE the applicant's HIA concludes that this harm is minor, 'less than substantial' harm. The Planning Statement advises that the proposed canopy removal are critical improvements to make the buildings more attractive to high quality, high street retailers. The works have been designed sensitively and in a manner that is respectful to the original building, incorporating original brick and Westmoreland Slate materials where appropriate.

In terms of the infilling the colonnade and the full enclosure of the inner line of columns on Mercia House (former Leofric Hotel) block the applicant advises that scheme seeks to remove what they perceive as a dark, covered environment in front of the existing shop fronts as it is important for high street retailers that their shop fronts are active and prominent on the building frontage to attract tenants and shoppers alike. The applicant adds that the clear glazing will be sensitively introduced so that the structure and fabric of the original building can be appreciated. They consider that this will allow the retailers to have their shop fronts on the front of the building which will create a more active and prominent frontage to attract customers. A covered colonnade will remain a feature of both the North and South Link blocks. The case officer notes that the previously approved shop front were attached

centrally to the forward supporting columns. The shop fronts have been pushed back under the current scheme (and concurrent listed building consent) to leave a 275mm gap behind the forward supporting pillars.

In terms of the 'less damaging' changes identified by HE the applicant indicates that the removal of an internal mezzanine from the former BHS building along with the subdivision of the existing single occupancy floor space at ground and first floor level to create multiple units of varying sizes is proposed to meet the needs of the current retail market.

The removal of bridges connecting the link blocks are noted by HE as 1990's fabric having replaced original 1950's structures. The removal of the bridges form part of the overall aims of public realm and vista improvements and link into the upper terrace upgrades, including the removal of the escalator, the new lamp standards and railings based on original 1950's designs. The applicant considers that the removal of the bridges will take away a disruptive and poorly detailed intrusion into the 1950's scheme. Whilst they recognise that the current bridges do maintain the pedestrian circuit of the upper level of the Upper Precinct they have nevertheless failed to remedy the access challenges which have meant that the upper-level shop units have never been commercially successful. By encircling the Upper Precinct, the bridges (and ramp above Ernest Jones) do create a strong sense of enclosure but this does not replicate the balance with the axial arrangement of the Precinct which was evident in the original scheme. The removal of the bridges and ramp will break the original pedestrian circuit at the upper level but by reinstating the axial focus of the original scheme, these proposals will, on balance, have a positive effect on the significance of the Precinct by enhancing the ability to appreciate its design.

The new first floor stairwell canopy to the South Link building was debated under the original 2017 application where the glass canopy over the stairway and void was amended to replace the I-beam canopy supports with a less intrusive solution and set further back from the balcony edge. The stairwell is a necessary fire escape route and the canopy is necessary to stop rainwater from running down the stairs into the walkway below. Design amendments in 2017 sought to achieve the least intrusive design and it officers considered that the canopy will be fairly unobtrusive from the street level below.

The 2017 application approved the forward repositioning of the shop fronts; however the current minor material amendment seeks to replace the shop fronts within the North and South link blocks on their existing and original alignment. Several full height glazed shop front applications have already been approved independently with the replacement shop front at Footlocker already having been installed.

In terms of HE's concerns regarding the new back wall covered in modern cladding on the north (rear) wall of north link block; following the removal of the student accommodation and associated extensions no changes are proposed to this elevation.

HE also identify some 'undoubted heritage benefits' within the scheme, including the removal of the 1990s 'Elephants trunk' (escalators); the removal of the intrusive 1990s ramp; and the restoration/recreation of the railings and associated lighting on the first floor walkways of the link buildings to their 1950s form.

The supporting HIA advises that the development to refurbish the Upper Precinct area represents a complex set of interventions. Some of these rectify past damage to the significance of the Precinct and should be seen as enhancing that significance, some have a neutral effect and a small number of them represent a level of harm to the significance of

the designated heritage assets. The removal of the insensitive modern escalator, bridges and extensions to the upper terrace of the Upper Precinct and the reinstatement of more historic balustrades and lampposts to the upper terrace link blocks as well as reinstatement of the original sine-wave balcony fronts to the former Leofric Hotel are major heritage benefits that would allow for a better appreciation of the original plan form of the Precinct and reveal key views towards the Cathedral spire. These aspects of the proposals would enhance the significance of these listed buildings. Reconfiguring shop fronts to the north link block, the former Leofric Hotel would result in some loss of historic fabric and would alter the original appearance of these buildings. However, they have been designed to preserve interesting features such as the blue Horton Stone columns and would update the appearance and functionality of these buildings as retail spaces.

The economic argument

The significant level of investment proposed for Upper Precinct sits behind a backdrop of continuing structural change and lower consumer spending that the UK retail market is suffering from. The applicant's supporting economic viability report considers that the retail environment in Coventry has declined and that changes to Upper Precinct are necessary to attract high street retailers. In order for the development to obtain finance, key anchor tenants must be secured as pre-lets to give both funders and other prospective tenants' confidence. This development will have a positive impact on the existing City Centre offer but will also act as a catalyst for City Centre South.

As discussed above, Historic England were consulted at pre-application stage and concluded that the proposed works are probably necessary to the economic success of the scheme and that they may be justified if required by prospective tenants. The applicant considers that the proposed works are *essential* to the success of the scheme. The economic viability report has since been updated to reflect the further deterioration in the retail market within the last six months.

The supporting viability report considers that the removal of the canopies and infilling of the Broadgate colonnade as small-scale interventions that are sensitively designed and required by occupiers to improve prominence, visibility and light, allowing the building to attract quality retailers who in turn will lift the surrounding environment by attracting similar quality occupiers. The viability report advises that without the removal of the canopies and the infilling of the colonnade occupiers will not be attracted, key buildings will remain vacant and the remaining initiatives in The Precinct could be put in jeopardy and the regeneration of the City Centre thwarted.

HE's response confirms that they recognise the uniquely challenging economic circumstances and the arguments set out in the economic viability report but maintain that it is for the City Council to carefully weigh the benefits against the harm in coming to a balanced decision.

The proposed development forms a comprehensive package of works and investment that seeks to secure the long-term future of the Precinct. The harm arising from the proposals is balanced by the heritage benefits, the economic benefits along with the wider public benefits of the scheme which are considered in greater detail below.

Public benefits

Historic England consider that the scheme as a whole causes substantial harm to the significance of the designated heritage assets and the application has therefore been assessed on this basis. NPPF Paragraph 195 advises that where a proposed development

will lead to substantial harm the local planning authority should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm (alternative caveats (a) to (d) are not considered to be relevant in this case).

The applicant identifies several important public benefits resulting from the scheme:

- The development will help attract new national multiple retailers to the City Centre and provide larger and modern accommodation for existing retailers who wish to expand their operations.
- The proposed improvements will help Coventry compete more effectively with other shopping destinations in the region through the provision of enhanced units which can attract national multiple retailers.
- These proposals reflect what is happening in many City Centres across the UK reflecting a desire from retailers to invest in existing shop units to create a more contemporary feel and environment for shoppers so that they are willing to visit physical stores against the backdrop of an increased threat from online shopping.
- The 2014 Coventry City Wide Shopping and Centres Study considers that “investment within the city centre has not kept pace with development within district centres and retail parks” and recommends improving the range and choice of shops by encouraging intensification, development and the re-occupation of vacant premises and maintaining, or improving where necessary, the generally high quality environment within each centre. The proposed development will remedy some existing deficiencies in the quality of retail units and the surrounding environment and in doing so significantly strengthen this part of the City Centre.
- The design of the Upper Precinct is currently compromised from a retail perspective by the colonnades and canopies which reduce the visibility of the shop front for retailers and create an uninviting environment for shoppers. This situation is exacerbated by the visual and physical clutter created by the pedestrian bridges and external escalator. The proposed development will create a much stronger and legible retail environment incorporating the Lower Precinct through the Upper Precinct and on to Cathedral Lanes. The access to the West Orchard Shopping Centre will feature a more contemporary and inviting new entrance set back within the façade of the North Link Block improving linkages and legibility between these two shopping areas.
- The proposed development represents a significant new capital investment of c. £17million at Upper Precinct and will raise the overall level of economic activity and expenditure in the area.
- The overall effect of these changes will be to create a more vibrant Upper Precinct and successful shopping destination for visitors to the City Centre as a whole.

The planning balance

The supporting HIA considers that the harm would be balanced by the heritage benefits of reinstating original features, removing subsequent detracting features and improving the aesthetic quality of the buildings. As such the overall effects on the significance of all four listed buildings is considered to be neutral. The proposals also deliver several public benefits by securing the long-term future of the Precinct as well as delivering public realm enhancements and improving the retail provision in Coventry. The HIA concludes overall, in accordance with national and local policy and in consideration of the statutory requirements under the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposals would preserve the significance of the assets concerned.

Officers consider that the recent Grade II listings which include much of the Upper Precinct recognises the significance of the application site and the group value of the buildings which form a key component of the city's post-war redevelopment.

Historic England have identified the harm created by the proposed scheme as being 'substantial' as a whole, although they are able to identify the more damaging, less damaging and positive heritage benefits. NPPF Paragraph 195 advises that where a proposed development will lead to substantial harm the local planning authority should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

Significant weight is attached to the economic viability report. Local plan Policy DS1 notes that Coventry City Centre as the sub-regional retail centre has failed to 'punch its weight' in recent times and is in need of regeneration and investment. Local Plan Policy R2 and CCAAP Policy CC1 promotes the city centre's continued development and regeneration to ensure it is a truly world class city centre, leading in design, sustainability and culture. This will be achieved by, amongst other things: enhancement of its retail offer to strengthen the city's sub-regional role. Officers recognise the significant level of investment being proposed must be considered a substantial benefit to the City providing not only an exciting new chapter in the enhancement and evolution of the Upper Precinct retail buildings, but also as a potential catalyst to further development, such as City Centre South.

The proposed alterations clearly must be balanced against the Council's heritage policies and the overall impact, both positive and negative, upon the heritage assets. Officers are mindful that it is typical for commercial buildings in particular to be altered, refurbished and modernised to retain a contemporary presence. This is true of the majority of shop interiors within Upper Precinct, which have been removed and renewed on numerous occasions and shop fronts have been replaced resulting in no consistent rhythm to the existing Precinct shop fronts.

The applicant does not seek to rely on the economic justification alone and while this is a key element of the proposed development to encourage other developers and retailers to populate and enhance the area, the scheme will also provide a high quality development that has been carefully and sensitively considered within its context. The scheme seeks to address a number of factors, including upgrading the design of the existing shop fronts and openings to enhance the feeling of quality within the Upper Precinct, removal of insensitive alterations such as the pedestrian ramp and escalator, improvements to pedestrian permeability and vistas through the Upper Precinct and an overall enhancement of the shopper's/visitor's experience of the area. Materials have been carefully considered and officers are satisfied that the development does respect the integrity of the spirit of the original built form and design.

One of the most controversial elements of the scheme relates to the loss of the canopies the BHS/M&S buildings and the infilling of the colonnade to the former Leofric Hotel. Historic England has accepted the analysis offered regarding the retail situation within the supporting economic viability report stating that the proposed works are 'probably necessary' to the economic success of the scheme and that they may be justified if required by prospective tenants.

In this regard Historic England have stated that if the Council were minded to grant consent it would be important to ensure that these works were only undertaken as part of a definitive scheme which realised the full suite of heritage benefits. A phasing condition is suggested

to cover this. HE also recommend that the demolition works be subject to a condition where the removal of the canopies and the enclosure of the colonnades do not take place until the respective tenants have signed leases and confirmed in writing that they will not take the space unless these works are realised. The National Planning Guidance is very clear that third parties such as statutory consultees can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. However, the decision as to whether it is appropriate to impose such conditions rests with the local planning authority. As with any condition, the local planning authority should consider whether the six tests will be met. Where third parties suggest conditions it is essential for them to first consider whether the six tests will be met on a case by case basis with reference to the facts of the proposal under consideration. Whilst the applicant has confirmed that they are happy to agree to this condition, the condition does not meet the tests and is considered ultra vires and therefore is not included in the list of suggested conditions.

Taking all matters into the balance it is considered that the development will achieve substantial public benefits that will outweigh the harm identified. Officers also give weight to the fact that the 'substantial harm' is focussed to specific elements of the scheme, which are accepted by Historic England as being 'probably necessary' to the modernisation and economic success of the scheme. Further weight is given to the heritage benefits of the scheme, namely the removal of the escalator, ramp and reinstatement of railings/lamps.

Conclusion

The National Planning Policy Framework is very clear about the protection of heritage assets and at para 195 advises that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The retail officer in the city is currently poor and in decline, the position nationally with retails is recognised as struggling. Our own Local Plan notes that Coventry City Centre as a sub-regional retail centre has failed to 'punch its weight' in recent times and is in need of regeneration and investment and that comparison retail investments should, wherever possible, be focused towards the city centre to help it reclaim some of its market share and improve its competitive position. In line with the requirements of the NPPF the applicants submitted supporting economic justification for the proposed changes which demonstrates that the changes are required in order to attract a better retail offer into the city. An improved retail offer along with an improved built environment secures significant public benefits and it is on this basis that officers consider the requirements of the NPPF are met. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: Drg No. A901UPC-CTA-00-GF-DR-A-07001 00, A901UPC-CTA-00-GF-DR-A-07002 00, A901UPC-CTA-00-M1-DR-A-07003 00, A901UPC-CTA-00-01-DR-A-07004 00, A901UPC-CTA-00-02-DR-A-07005 00,

A901UPC-CTA-00-03-DR-A-07006	00,	A901UPC-CTA-00-04-DR-A-07007	00,
A901UPC-CTA-00-RF-DR-A-07008	00,	A901UPC-CTA-00-B1-DR-A-07009	00,
A901UPC-CTA-00-XX-DR-A-07010	00,	A901UPC-CTA-01-XX-DR-A-07011	00,
A901UPC-CTA-03-XX-DR-A-07012	00,	A901UPC-CTA-04-XX-DR-A-07013	00,
A901UPC-CTA-05-XX-DR-A-07014	00,	A901UPC-CTA-06-XX-DR-A-07015	00,
A901UPC-CTA-00-GF-DR-A-07016	03,	A901UPC-CTA-00-M1-DR-A-07017	03,
A901UPC-CTA-00-01-DR-A-07018	03,	A901UPC-CTA-00-02-DR-A-07019	03,
A901UPC-CTA-00-RF-DR-A-07022	02,	A901UPC-CTA-00-GF-DR-A-07024	01,
A901UPC-CTA-00-M1-DR-A-07025	01,	A901UPC-CTA-00-01-DR-A-07026	02,
A901UPC-CTA-00-02-DR-A-07027	01,	A901UPC-CTA-00-XX-DR-A-07031	01,
A901UPC-CTA-00-B1-DR-A-0732	00,	A901UPC-CTA-01-GF-DR-A-07037	03,
A901UPC-CTA-01-M1-DR-A-07074	03,	A901UPC-CTA-01-01-DR-A-07038	03,
A901UPC-CTA-01-02-DR-A-07039	02,	A901UPC-CTA-01-XX-DR-A-07043	03,
A901UPC-CTA-01-XX-DR-A-07044	02,	A1 A901UPC-CTA-01-XX-DR-A-0790	00,
A1 A901UPC-CTA-01-XX-DR-A-0745	03,	A901UPC-CTA-02-GF-DR-A-07047	03,
A901UPC-CTA-02-01-DR-A-07048	03,	A901UPC-CTA-02-02-DR-A-0799	00,
A901UPC-CTA-02-XX-DR-A-07049	04,	A901UPC-CTA-02-XX-DR-A-0791	00,
A901UPC-CTA-02-XX-DR-A-0750	03,	A901UPC-CTA-03-GF-DR-A-07051	03,
A901UPC-CTA-03-M1-DR-A-07052	03,	A901UPC-CTA-03-01-DR-A-07053	03,
A901UPC-CTA-03-02-DR-A-07072	03,	A901UPC-CTA-03-RF-DR-A-07073	01,
A901UPC-CTA-03-XX-DR-A-07054	03,	A901UPC-CTA-03-XX-DR-A-07055	03,
A901UPC-CTA-03-XX-DR-A-07056	02,	A901UPC-CTA-03-XX-DR-A-07057	02,
A901UPC-CTA-03-XX-DR-A-0795	00,	A901UPC-CTA-03-XX-DR-A-07058	03,
A901UPC-CTA-03-XX-DR-A-0796	00,	A901UPC-CTA-03-XX-DR-A-07059	03,
A901UPC-CTA-03-XX-DR-A-0797	00,	A901UPC-CTA-03-XX-DR-A-07060	02,
A901UPC-CTA-04-GF-DR-A-07061	02,	A901UPC-CTA-04-01-DR-A-07062	02,
A901UPC-CTA-04-XX-DR-A-07063	02,	A901UPC-CTA-04-XX-DR-A-07064	02,
A901UPC-CTA-04-XX-DR-A-0792	00,	A901UPC-CTA-04-XX-DR-A-07065	02,
A901UPC-CTA-04-XX-DR-A-0793	00,	A901UPC-CTA-04-XX-DR-A-07066	02,
A901UPC-CTA-04-XX-DR-A-0794	00,	A901UPC-CTA-04-XX-DR-A-07067	02,
A901UPC-CTA-05-XX-DR-A-07068	02,	A901UPC-CTA-04-XX-DR-A-07071	04,
A901UPC-CTA-02-XX-DR-A-07078	05,	A901UPC-CTA-03-XX-DR-A-07079	05,
A901UPC-CTA-03-XX-DR-A-07080	03,	A901UPC-CTA-04-XX-DR-A-07081	03,
A901UPC-CTA-04-XX-DR-A-07082	03,	A901UPCA-CTA-02-XX-DR-A-07083	02,
A901UPCA-CTA-02-XX-DR-A-07084	02,	A901UPC-CTA-00-GF-DR-A-07085	01,
A901UPC-CTA-00-GF-DR-A-07086	00,	A901UPC-CTA-06-XX-DR-A-07087	00,
A901UPC-CTA-06-XX-DR-A-07088	01,	A901UPC-CTA-06-XX-DR-A-07089	01,
A901UPC-CTA-5-XX-DR-A-07111	00,	A901UPC-CTA-5-XX-DR-A-07112	00,
A901UPC-CTA-5-XX-DR-A-07113	00,	A901UPC-CTA-4-XX-DR-A-07114	00,
A901UPC-CTA-4-XX-DR-A-07115	00,	A901UPC-CTA-4-XX-DR-A-07116	00,
A901UPC-CTA-3-XX-DR-A-07117	00,	A901UPC-CTA-3-XX-DR-A-07118	00,
A901UPC-CTA-3-XX-DR-A-07119	00,	A901UPC-CTA-6-XX-DR-A-07120	00,
A901UPC-CTA-6-XX-DR-A-07121	00,	A901UPC-CTA-XX-XX-DR-A-07130	00,
A901UPC-CTA-1-XX-DR-A-07137	00,	A901UPC-CTA-00-XX-DR-A-07-139-01,	
A901UPC-CTA-1-XX-DR-A-07165	00,	A901UPC-CTA-2-XX-DR-A-07166	00,
A901UPC-CTA-3-XX-DR-A-07167	00,	A901UPC-CTA-5-XX-DR-A-07168.	

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development shall be carried out only in full accordance with sample details of the elevational materials, including mortar colour and hard landscaping in relation to

the public realm improvements, which have been submitted to and approved in writing by the local planning authority.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policies HE2 and DE1 of the Coventry Local Plan 2016.*

4. A phasing plan identifying each of the relevant phases of development identified below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these elements: (i) the north link (Building 1), (ii) the south link (Building 2), (iii) Topshop/Mercia Lodge (Building 4), (iv) associated demolition of the existing central shop unit (Ernest Jones), the ramp over, the two bridges linking the north and south link buildings at first floor and (v) the external escalator. Details shall include how pedestrian access will be made available through the Upper Precinct during the development phases and the temporary making good of the public realm following the removal of the escalators, ramp and shop unit and associated bridge supports. All details shall be carried out as approved.

Reason: *To ensure that listed building works are undertaken as part of a definitive scheme and that pedestrian access is incorporated into each phase of the development in the interests of public safety and visual amenity and in accordance with Policies HE2 and DE1 of the Coventry Local Plan 2016.*

5. The works comprising the infilling of the colonnade with forward projecting glazed shop fronts shall not commence unless and until details relevant to each phase have been submitted to and approved in writing by the local planning authority. The details shall include: (a) 1:10 scale drawings of frames and fixings to windows and doors and associated sections; (b) 1:10 scale drawings showing how level thresholds will be achieved. Thereafter the development shall be carried out in accordance with the approved details.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policies HE2 and DE1 of the Coventry Local Plan 2016.*

