

Planning Committee Report	
Planning Ref:	S73/2018/2495
Site:	Upper Precinct
Ward:	St Michaels
Proposal:	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.
Case Officer:	Liam D'Onofrio

SUMMARY

This minor material amendment 'Section73' application seeks to vary/remove conditions imposed upon the original planning permission FUL/2017/2767, which was granted on 15/12/17. This will enable the approved design to be amended by updating the approved drawing numbers that were listed within the original condition No.2. The student accommodation within the North Link building has also been deleted from the scheme and all relevant conditions relating to this element (Conditions 7, 10, 13, 14, 15, 18, 19, 21 and 22) are proposed to be deleted.

BACKGROUND

The original application for the redevelopment of Upper Precinct was granted under FUL/2017/2767 on 15/12/18. The application carefully considered the heritage impacts and benefits of the redevelopment upon the buildings and associated structures. Although at this time the buildings were 'non-designated heritage assets' they were noted to have a clear value as part of the historic post-war redevelopment of Coventry.

All the buildings forming part of this scheme 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 listing notes when the buildings were finished: the Leofric Hotel, Marks and Spencer and British Home Stores in 1955; and the North and South Link Blocks in 1956. The Library (former Locarno) and Woolworth building falling outside the application site on the western side of Market Way/Smithford Way were 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.

The current application will therefore need to consider the scheme within the context of the recent listing. A concurrent listed building consent LB/2018/2494 has also been submitted.

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:	<p>Design amendments to previously approved scheme through a Minor Material Amendment 'Section 73' application to vary original plan numbers condition (No.2).</p> <p>Deletion of approved student accommodation and removal of relevant conditions No. 2, 7, 10, 13, 14, 15, 18, 19, 21 and 22 imposed upon original Application.</p>
Minor material amendment (Section 73)	<p>NPPG notes that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.</p> <p>It should be noted that the original planning permission FUL/2017/2767 also remains extant; however no works can proceed without the relevant listed building consent.</p>

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle
- The proposal will not adversely impact upon heritage assets (impact is also weighed against the public benefits of the scheme)
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DE1, HE2, DS1, DS3, R1, R2, R3, EM6, JE3, JE6 and JE7 of the Coventry Local Plan 2016, together with the aims of the NPPF 2018.

BACKGROUND

APPLICATION PROPOSAL

Planning permission is sought for a minor material amendment to vary Condition 2 (plan numbers) of the planning permission FUL/2017/2767 by amending the approved drawings listed on the decision notice to enable amendments to the approved proposals for the site.

The original 2017 scheme was broken up into six distinct elements on submitted plans and included:

1. North Link: The forward extension and alteration of existing shop fronts beneath existing first floor walkways, the creation of a new integral entrance and entrance feature to West Orchards Shopping Centre through an existing shop unit (Moss Bros), removal of the escalator, bridges and extension to the rear of second and third floors of the North Link and creation of an additional fourth floor to facilitate a change of use to student accommodation (sui generis use) providing 75 student rooms within six cluster flats and communal facilities. Solar panels are proposed at roof level
2. South Link: The forward extension and alteration of existing shop fronts beneath existing first floor walkways and the creation of a new fire escape stairway with canopy over from the first floor walkway to the existing walkway below
3. BHS Building: The remodelling and refurbishment of the former BHS building and shop fronts to the Market Way elevation. The remodelling includes the removal of the existing canopy on Upper Precinct/Market Way.
4. Mercia Lodge (former Leofric Hotel): The forward extension and alteration of existing shop fronts beneath existing first floor walkways/building fronting Upper Precinct and Broadgate Square and remodelling of the first floor corner of the building to create a feature window.
5. M&S Building: Removal of the existing canopy on Upper Precinct/Smithford Way that mirrors the BHS building.
6. Broadgate House: Minor works and making good following the removal of a section of upper walkway. Removal of ramp and retail unit (Ernest Jones).

The applicant's objective was to realise the original master plan that would improve Upper Precinct for the City's existing and growing community by addressing a number of factors, for example: the ramp and escalator housing, which are considered a blight on the visibility and permeability of the pedestrian flow; the insensitive alterations to existing buildings; the under-utilised North Link upper floors; and the BHS building has been vacant for nearly two years. Upgrading the design of the existing shop fronts and openings aims to enhance the feeling of quality within the Upper Precinct, whilst respecting the integrity of the spirit of the original designs; enhancing the customer's experience; raising the standards in the area; and encouraging other developers and retailers to populate and enhance the area. The applicant recognises that Upper Precinct is a key part of Coventry's shopping offer but considers that since the late 1990's it has been in decline. This is in part due to the challenges faced by the retail sector as a whole in the face of competition from on-line shopping but also other nearby centres which have been the subject of investment, for example Birmingham, Solihull and Leamington Spa.

The applicant has provided a summary of the main changes to the original permission which are subject to this minor material amendment:

1. The reduction in the forward extension of the ground floor units in the both the North and South Link Blocks;
2. Alterations to the internal first floor layout of the North Link Block to accommodate a Centre Management office;

3. Removal of the “Goal Post” entrance signage from North Link Block (leading to West Orchards Shopping Centre);
4. Removal of the internal alterations and extensions to the upper floors of the North Link Block to create student accommodation – no changes are now proposed at 2nd floor to roof level;
5. Amendment to the proposed first floor window of the Leofric Hotel to become a projecting wrap-around; and
6. Additional details of the proposed landscaping scheme.

The applicant recognises that following the 2017 approval the application buildings have been listed Grade II and the application has therefore been supported by an updated planning statement, a heritage impact assessment and further economic justification.

The Planning Statement notes that: *‘the Heritage Impact Assessment (HIA) outlines that the proposals would result in some minor less than substantial harm [the case Officer notes that Historic England consider that the harm is ‘substantial’ rather than ‘less than substantial’], but that this would be balanced by the heritage benefits of reinstating original features and improving the aesthetic quality of the buildings. As such the overall effects on the significance of all four listed buildings would be neutral. By removing subsequent detracting features and altering the appearance of shop fronts within the Precinct the proposed scheme would either preserve or enhance the settings of the surrounding three heritage assets. 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’.*

In terms of the public benefits of the scheme the applicant considers that: *‘the overall effect on the designated heritage assets is judged to be neutral in this case but even if less than substantial harm were to be identified, this would be weighed against the public benefits of the proposal. The public benefits arising from the proposed development in this instance are significant and when combined are considered to significantly outweigh any effects on the listed buildings’.*

The current proposal also seeks to delete Conditions 7, 10, 13, 14, 15, 18, 19, 21 and 22 of the 2017 planning permission, as these pertain to student accommodation, which is no longer proposed as part of the scheme.

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 relating to commercial premises on Upper Precinct; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
LB/2018/2494	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.	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 DS1: Overall Development Needs
Policy DS3: Sustainable Development Policy
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy JE1: Overall Economy and Employment Strategy
Policy JE6: Tourism/Visitor Related Development
Policy JE7: Accessibility to Employment Opportunities
Policy R1: Delivering Retail Growth
Policy R2: Coventry City Centre – Development Strategy
Policy R3: The Network of Centres
Policy DE1 Ensuring High Quality Design
Policy HE2: Conservation and Heritage Assets
Policy AC1: Accessible Transport Network
Policy AC3: Demand Management
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 EM7 Air Quality
Policy IM1: Developer Contributions for Infrastructure

City Centre Area Action Plan

Policy CC1: Coventry City Centre – Development Strategy
Policy CC2: Enhancement of Heritage Assets
Policy CC3: Building Design
Policy CC5: Lighting
Policy CC6: Public Realm
Policy CC8: Green and Blue Infrastructure
Policy CC10: Environmental Management
Policy CC11: Accessibility
Policy CC18: The Primary Shopping Area

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Installation of Security Shutters and Grilles
SPD Delivering a More Sustainable City

CONSULTATION

No Objections received from:

- Highways Authority (CCC)
- Drainage (CCC)
- Environmental Protection (CCC)
- West Midlands Fire Service – note applied

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

- Historic England

- Waste (CCC)
- West Midlands Police

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 has been received asking general questions on City Centre developments but raising no material comments relating to the consideration of this planning application.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, Heritage character of the area and Heritage Assets, siting/design, the impact upon neighbouring amenity, sustainability, health and well-being, contaminated land, air quality, highway considerations, flood risk, ecology and equality implications.

Principle of development

Retail

Policy DS1 'Overall Development Needs' states that over the Plan period significant levels of housing, employment and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. This includes 84,900sq.m gross comparison retail floor space and 21,900sq.m gross convenience floor space by 2031, of which at least 70,000sq.m is to be allocated to Coventry City Centre.

The supporting text 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 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.

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. The supporting text notes that the key objectives include changing the negative perceptions of Coventry, locally, nationally and internationally to that of a city which offers a vibrant, diverse and quality experience and that is open for business.

Policy R2 'Coventry City Centre – Development Strategy' 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, amongst other things: enhancement of its retail and leisure offer to strengthen the city's sub-regional role; including a variety of places to live which cater for different needs; preserving or enhancing the character and setting of the historic built landscape and the archaeological environment; a connected public realm including public squares and green spaces, easily accessible through the creation of desirable and legible pedestrian routes; accessible for all; providing an attractive and safe environment for pedestrians, cyclists and motorists; high quality sustainable built design; continuing to develop a vibrant and attractive night time economy; providing opportunities to improve health and wellbeing; and preserving key views to the iconic three spires of St Michaels, Holy Trinity and Christchurch.

The CCAAP Policy CC1 sets out a development strategy for the city centre reflecting the aims of Policy R2 above.

The NPPF 2018 seeks to promote a strong competitive economy and to ensure the vitality of town centres.

The scheme proposes the positive regeneration and modernisation of the Upper Precinct shopping area within the city centre providing both physical and economic benefits. The investment and improvement is highly desirable and it is considered essential to seek to support the continued evolution and enhancement of these key commercial areas to ensure a fresh, modern and vibrant retail area that reflects the aspirations of the City and encourages people to visit. The proposal improves and increases existing retail floor space in accordance with the aims and objectives of Policies DS1 and R2, with the aims to increase the City's market share and improve its competitive position.

The proposed retail extensions and alterations were considered to be acceptable in principle under the previous application FUL/2017/2767 and are considered to remain acceptable in principle.

There has however been a material change following the assessment of the previous 2017 application in that the buildings within the upper precinct and the 'piazza' itself have all been listed – Grade II. The impact upon these heritage assets and their setting is discussed within the relevant section below.

Removal of residential element

The previous scheme (FUL/2017/2767) included an extension to the rear of second and third floors of the North Link building and the creation of an additional fourth floor to facilitate a change of use of the building to student accommodation providing 75 student rooms within six cluster flats and communal facilities(sui generis use).

The student accommodation will no longer form part of the scheme moving forward and the applicant therefore seeks to delete Conditions 7, 10, 13, 14, 15, 18, 19, 21 and 22 imposed under the 2017 planning permission, as these all specifically relate to the student accommodation.

The relevant conditions are:

7. Student Management Scheme.
10. Student accommodation cycle parking provision.
13. An ecological appraisal linked specifically to the proposed extensions to facilitate the student accommodation.
14. Solar panels serving the student development.
15. Removal of solar panels when no longer needed.
18. Restrictions on balcony use relating to the student accommodation.
19. Glazing/ventilation requirements relating to the student accommodation.
21. Acoustic screen details, relating to amenity of the future occupiers of the student accommodation.
22. Extraction vent details, relating to the student accommodation.

As the scheme no longer proposes the student accommodation/extensions at the upper levels of the North Link building Officers are satisfied that the conditions listed above are no longer relevant to the amended scheme and may therefore be deleted.

There are no current proposals for a new use for the upper floors of north link, which are currently vacant.

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.

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.

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 is 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 between the existing columns 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 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 the key driver for the proposed development is 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. 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.

Siting/design

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 proposed development was carefully considered under the original planning 2017 application to respect the character, form and function of original commercial buildings and pedestrian spaces. While it was noted that the proposed infilling of the colonnade areas removed pedestrian space that is protected from the elements, this formed part of a package of improvements for the regeneration of Upper Precinct that sought to modernise and enhance the existing retail space.

The proposed new shop fronts will be formed by structural glazing providing a lightweight, high quality design solution and contributing to the much needed regeneration of this part of the city centre. The original 2017 conditions will be applied to secure large-scale details of the shop front frame positions and associated fixtures and a shop front management plan to demonstrate how goods will be displayed within the extended shop front areas to ensure that each retailer maintains an inviting and attractive shop front display or open area avoiding visual clutter.

The scheme seeks to create an open and inviting shopping environment so that the best retailers can be attracted to the city centre in the future. Notwithstanding heritage considerations the removal of the canopies will achieve the goal of opening up the M&S and BHS elevations, allowing a fully exposed frontage. The development includes the removal of the external escalator, bridges, ramp and shop unit below (Ernest Jones), significantly opening up and enhancing the visual appeal of Upper Precinct. This de-cluttering of Upper Precinct will also enhance the view of St Michael's Cathedral Spire from this pedestrian space in accordance with Policy DE1 and R2 and mirrors other schemes in the city centre that have sought to rationalise public realm and remove clutter within.

The new integral access to the first floor level on the North Link Block will be provided through the existing Moss Bros shop unit, replacing the existing external escalator. Internal escalators are provided immediately off the public footway to take shoppers up to the first floor level. A staircase is located behind the escalators providing a necessary fire escape stairway. The lift is somewhat isolated to the rear of the walkway within a 'dead-end' at ground floor, although it is well located at first floor. There are limited options to relocate the lift; however alterations were sought to create a void at first floor to create more openness and improve natural surveillance to this area. The risers between treads on the stairs (to both north and south links) were also altered from a solid to a perforated riser to allow some visibility through the stairway, whilst according to Building Regulations.

The minor material amendment includes further detailing on the landscaping of the Upper Precinct Piazza. To improve the quality of the public realm the existing paving (that dates to c.1993) and planting is to be updated using sympathetic materials and structures that respect the special interest of the surrounding listed buildings. The proposed landscaping comprises a mixture of granite and sandstone/York stone paving with a central arrangement of low scale planting and water features.

A condition is suggested, as imposed under the 2017 permission, to secure material samples for these elements to ensure that the extensions and public realm assimilate into existing built form and the public realm in Broadgate. Overall the scheme is considered to contribute to the positive regeneration of the Upper Precinct area retaining and enhancing the original vision of the Upper Precinct as a clean, bright, fresh and modern commercial

development with axial views and open thoroughfares in accordance with the aims and objectives of local and national Policy.

Impact on residential amenity

The proposed development will contribute to the regeneration of Upper Precinct and is considered to have a positive impact upon the occupiers within and outside of the site in terms of physical and economic benefits that the scheme will bring.

In terms of physical alterations the scheme will meet necessary separation distances and is not considered to result in any significant loss of light, outlook, privacy or amenity to the occupiers of surrounding buildings.

Sustainability

A condition to secure a Solar Photovoltaic (PV) array under the original 2017 application specifically related to the new student accommodation. This original condition No.14 is therefore no longer relevant and has been deleted, along with condition No.15, which requires redundant PV panels to be removed at the end of their lifetime.

Policy JE7 'Accessibility to Employment Opportunities' states that planning applications for new employment development (including changes of use and the expansion of existing operations) will be required to demonstrate how job opportunities arising from the proposed development will be made accessible to the City's residents, particularly those in the most deprived areas of the City and priority groups. In this regard a condition to secure a scheme for targeting and utilising local people for construction and post construction employment in the interests of promoting employment opportunities for local people will be transferred from the original 2017 application.

Health and wellbeing

Improvements and regeneration of the urban environment can improve the health and wellbeing of the City's residents and also encourage more visitors to the City. In terms of their safety and security West Midlands's Police advise that the development should meet with the design specifications and physical security measures that are outlined in Secured by Design (SBD) design guides for New Homes 2016 and Commercial Developments 2015.

This can include CCTV capable of monitoring pedestrian walkways, any proposed vehicle access points, entrance points, stairwells, escalators, cycle storage areas, all individual building lines and any vulnerable spots and blank fascia's on site to help deter possible offenders from committing a host of criminal offences at the location. Well-positioned lights could also help deter and reveal potential intruders.

Notwithstanding the loss of the student accommodation the original 'Secured by Design' condition (No.12) remains relevant and has been applied to ensure that relevant SBD measures are implemented to enhance the safety and security of both visitors to Upper Precinct and shop staff.

Contaminated land

Environmental Protection (EP) previously requested that a watching brief is maintained during any excavations, foundations and floor slab removal for the presence of any contamination. The Council have no records of works undertaken during post war bombing waste clearance and subsequent rebuilding so the possibility of contaminants being present which may pose a risk to site workers cannot be ruled out.

An unexploded ordnance assessment is also requested to provide a risk assessment for the possible presence of ordnance in accordance with CIRIA C681.

EP have requested no changes within the current application and the relevant condition imposed under FUL/2017/2767 (No.6) covering contamination/unexploded ordnance will be reapplied accordingly.

Air quality

A construction management plan condition was originally applied to FUL/2017/2767 to include details of how dust emissions during demolition and any construction works will be minimised. This will be reapplied to the current application.

Highway considerations

The Highway Authority has raised no objection to the scheme. The works require the stopping up of part of the public highway beneath the colonnade fronting Broadgate Square. This is not covered by the planning application as it falls within separate legislation. A note is suggested to ensure that the applicant is aware that planning consent is not consent to work on the highway and separate permissions will be required from the Highway Authority.

Waste Management had sought clarification on bin storage. The student accommodation no longer forms part of the scheme and the existing commercial premises will still use the network of service corridors accessing rear service yards. This falls within the existing and established internal management of the building.

Flood Risk

The site is within Flood Zone 1. No drainage conditions were imposed as part of the original 2017 permission and the Council's Drainage Team have raised no objection to the current scheme.

Ecology

The Council's Ecologist previously requested a preliminary ecological appraisal, however this was specifically linked to the proposed extensions and alterations to the rear of the North Link building to provide student accommodation. As this element no longer forms part of the scheme the original condition (No.13) can be deleted accordingly.

Developer Contributions

The original permission triggered no contributions or obligations and this remains the case for the current proposal.

Equality Implications

All shops and public areas will provide disabled access provision. The scheme is not considered to raise any equality implications.

Conclusion

The retail offer in the city centre is poor and in decline and the position nationally with retail is recognised as struggling it is therefore imperative that the retail centre is regenerated and invested in to help it compete with other Cities and retail centres. The proposed development is considered to be that much need investment and justification has been provided that demonstrates that the public benefits of the development will outweigh any harm to the listed buildings as such the principle of the development is considered acceptable. Furthermore the development will not result in any significant impact upon neighbour amenity, highway safety, ecology or infrastructure, subject to relevant conditions.

The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, HE2, DS1, DS3, R1, R2, R3, EM6, JE3, JE6 and JE7 of the Coventry Local Plan 2016, together with the aims of the NPPF 2018.

CONDITIONS/REASON

1. The development hereby permitted shall begin no later than three years from 15/12/17 the date of the original permission FUL/2017/2767.

Reason: *To comply with Section 91 of the Town and Country Planning 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. 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 the satisfactory pedestrian access is incorporated into each phase in the interests of public safety and visual amenity and in accordance with Policy DE1 of the Coventry Local Plan 2016.*

4. No development shall take place within each phase unless and until a construction method statement, relevant to the phase has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for: hours of work; measures to reduce construction noise particularly during demolition works, the parking of vehicles of site operatives and visitors; the delivery access point; the loading and unloading of plant and materials; anticipated size and frequency of vehicles moving to/from the site; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate, wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during demolition and construction; measures to control the presence of asbestos, measures to minimise noise disturbance to neighbouring properties during demolition and construction; and a scheme for recycling /disposing of waste resulting from demolition and construction works. The development shall be carried out in accordance with the approved details.

Reason: *In the interests of highway safety, the amenities of the occupiers of nearby properties and the safety of the general public in accordance with Policies EM6 and DE1 of the Coventry Local Plan 2016.*

5. No development, with the exception of enabling and demolition works, shall take place within each phase unless and until sample details of the elevational materials and hardstanding to the public realm relevant to the phase have been submitted to and approved in writing by the local planning authority. 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 Policy DE1 of the Coventry Local Plan 2016.*

6. Any development hereby permitted within each phase involving the digging of foundations or removal of ground floor slabs shall not commence unless and until a Desk Study for Potential Unexploded Ordnance Contamination and a risk mitigation strategy relevant to the phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM1 of the Coventry Local Plan 2016*

7. Prior to occupation of the relevant phase of the development a Shopfront Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing how the forward glazed areas within Building's 1 (north link), 2 (south link) and 4 (Topshop /Mercia Lodge) will be managed in terms of the display of merchandise and window transfers to avoid internal clutter or the blanking off or obscuring of windows.

Reason: *To ensure a satisfactory standard of appearance of the development, that maintains both visibility between units within the glazed forward projection and the visual context of the original building fabric in accordance with Policies DE1 and HE2 of the Coventry Local Plan 2016.*

8. 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 Policy DE1 of the Coventry Local Plan 2016.*

9. Within two months of the installation of the security shutters to the West Orchards link (and any associated shutter box), they shall have been colour coated in full accordance with colour details that have been submitted to and approved in writing by the local planning authority and thereafter maintained. The security shutter(s) face (and any replacement or modification to it) shall at all times contain openings which amount in total to at least 60% of its overall surface.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016 and Security Shutters and grilles SPG.*

10. With the exception of enabling and demolition works, the development shall not proceed unless and until a scheme has been submitted to and approved in writing by the local planning authority indicating where and how 'Secured by Design' standards will be incorporated into the development. This should include CCTV and vandal proof lighting to internal public walkways and recessed shop fronts. The scheme shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: *To ensure the safety and security of visitors, retail staff and future residents in accordance with Policy DE1 of the Coventry Local Plan 2016.*

11. With the exception of enabling and demolition works, no development shall take place unless and until a scheme for targeting and utilising local people for construction has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until a scheme for targeting and utilising local people for post construction employment has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: *In the interests of promoting employment opportunities for local people in accordance with Policy JE7 of the Coventry Local Plan 2016.*

12. In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with a methodology to be agreed with the local planning authority and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: *To safeguard health, safety and the environment in accordance with Policies EM1 and H3 of the Coventry Local Plan 2016.*

13. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall not exceed 0dB above the existing measured ambient noise level LA90, T during the night time period unless otherwise agreed in writing by the Local Planning Authority.

Reason: *To safeguard the amenities of the adjoining and future occupiers of the development in accordance with Policy H3 of the Coventry Local Plan 2016.*

14. No development shall commence on Building 4 (Top Shop/Mercia Lodge) unless and until a scheme has been submitted to and approved in writing by the local planning authority to explore the potential to replace the vents with glazing on the first floor projecting bay. 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 Policy DE1 of the Coventry Local Plan 2016*

