



Report to Coventry City Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Coventry City Centre Area Action Plan 2011 - 2031

The Plan was submitted for examination on 1 April 2016

The examination hearing was held on 20 October 2016

File Ref: PINS/U4610/429/7

Abbreviations used in this report

AA	Appropriate Assessment
AAP	Coventry City Centre Area Action Plan
DtC	Duty to Co-operate
HER	Historic Environment Record
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
APP/MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Coventry City Centre Area Action Plan provides an appropriate basis for the planning of the City centre provided that a number of main modifications [MMs] are made to it. Coventry City Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearing. Following the hearing, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- To ensure that the levels of housing, employment, offices and retail development to be provided over the period of the AAP are accurately identified and that the means to deliver the required development is clear;
- To ensure that there are effective policies to protect the historic and natural environment and open spaces;
- To ensure that there are effective policies to deal with flood risk and adaptation to climate change;
- To identify accurately the necessary transport and public realm improvements;
- To ensure that the AAP's policies are justified, effective and compliant with national policy; and
- To ensure that the policies provide a sound monitoring framework for the AAP.

Introduction

1. This report contains my assessment of the Coventry City Centre Area Action Plan (AAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The AAP, submitted in April 2016 is the basis for my examination. It is the same document as was published for consultation in February 2015.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing, are necessary. The MMs are referenced in bold in the report in the form **AAP/MM1, AAP/MM2, AAP/MM3** etc. and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
6. The AAP was submitted together with the Local Plan for examination. I deal with the assessment of the Duty to Co-operate (DtC) in my report into the soundness of the Local Plan.
7. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

8. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing I have identified four main issues upon which the soundness of the Plan depends. Under these

headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the policies for the mitigation of flood risk and adaptation to climate change and the preservation of the Historic Environment are justified and effective?

Flood Risk Mitigation and Climate Change Adaptation

9. The AAP acknowledges the cultural and historic importance of the River Sherbourne to Coventry City centre. The braided sections of the River Sherbourne and its tributaries were culverted to make way for roads and buildings. The AAP seeks to explore opportunities to de-culvert lengths of it as part of wider regeneration aspirations in the City centre. The Environment Agency (EA) says that the river is currently classed as having poor ecological status but the aspiration is that it should improve to meet good ecological status by 2027.
10. Further to the EA's advice, the Council proposes to add an additional criterion to Policy CC1 to emphasise the importance of supporting the reintroduction of green and blue infrastructure throughout the City centre and opportunities for de-culverting wherever possible (**AAP/MM12**). This is necessary to ensure that opportunities are taken to improve the River Sherbourne to support it meeting the target of good ecological potential.
11. In addition, changes to Policies CC8 and CC25 and the supporting text (**AAP/MM23**, **AAP/MM24** and **AAP/MM54**) would set out clearly that opportunities to de-culvert or "daylight" and restore the River Sherbourne and its tributaries would be supported in principle and that doing so would meet the objectives of the Severn River Basin Management Plan.
12. Further to advice from the EA, changes to Policy CC9 are necessary to emphasise that for new development, opportunities to reflect the alignment of the River Sherbourne and its tributaries should be taken (**APP/MM28**). Also, where development proposals lie adjacent to the existing de-culverted River Sherbourne that a natural sinuous river channel should be retained and that consideration should be given to removing water bodies from culverts where appropriate. This will be vital to create multi-functional green and blue spaces within the City centre (**APP/MM30**).
13. A cross reference in Policy CC9 to Policy EM5 of the Local Plan is necessary to ensure that there is a comprehensive policy framework within which to ensure that Sustainable Drainage Systems are put in place where appropriate to properly manage surface water runoff in new development (**APP/MM29**).

Historic Environment

14. Policy CC2 relates to conservation and heritage assets. **APP/MM21** changes the wording of the policy to substitute the word 'and' with 'or' would ensure that the policy is consistent with the NPPF and the statutory test¹. In addition, **APP/MM20** would provide additional supporting text, on the advice of Historic

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

England, to emphasise the Council's commitment to work together with Historic England to undertake further research into the City's post-war buildings, spaces and places in order to ensure that the significance of the historic environment is appreciated and its potential is harnessed and integrated into aspirations for regenerating the City centre. This is necessary to ensure that the Plan's policies are effective.

15. This would be further supported via **APP/MM47** which would clarify in the supporting text to Policy CC14 that development proposals in the area adjoining the Civic area, in particular the historic Cathedral area to the north and primary retail area to the west, would need to give specific consideration to the Council's evolving HER to reflect the heritage and conservation value of the area.
16. **APP/MM20** would also express the Council's commitment to update its local list and continue to identify heritage assets of local importance as well as support for the centre's Heritage Action Zone status. Changes to Table 17a are necessary to ensure that the map showing the heritage assets within the PSA is accurate and includes the most up-to-date designations (**APP/MM52**). These changes are necessary to ensure that the Plan's policies are effective.
17. **APP/MM22** is necessary to ensure that the map of City centre heritage assets is correct and reflects the most up-to-date position.

Conclusion on Issue 1

18. Subject to the necessary modifications outlined above, the AAP contains sound policies to preserve the historic environment as well as to mitigate against flood risk and adapt to climate change.

Issue 2 – Whether the City Centre Area Action Plan makes appropriate provision for retail development in the City centre and whether its retail policies are justified and effective?

19. As outlined in my report into the soundness of the LP, the Council's retail strategy is underpinned by a number of studies including the City Wide Shopping and Centres study² which used data from Experian as well as primary research around shopper trends and habits in the area and a review of the retail based catchment area. The study factored in allowances for growth in market share, linked to planned improvements in the City centre as well as an allowance for e-retailing which recognises the growth in market share for internet shopping but includes the need for retail floor space with links to click and collect services.
20. It considered projections for retail needs linked to both a constrained level of housing growth and the total population growth projected for the City up to 2031. This approach reflects the joint Coventry and Warwickshire Strategic Housing Market Assessment (SHMA) work. Through consultation and its on-going DtC work, the Council has planned for the total level of retail need to meet the City's full projected population growth to 2031. This is to reflect the City centre's position as a sub-regional centre together with its accessibility

² Coventry City Wide Shopping and Centres Study NLP (2014) Examination Document LP59

and its aspirations in terms of several key regeneration schemes, such as Friargate.

21. A total of 106,834 sq m of gross retail floor space has been identified as the total requirement within the wider Coventry area over the Plan period. LP Policy R1 sets out that allocations within the City centre would support the provision of at least 70,100 sq m of retail A1 – A5 use. **APP/MM13** clarifies this and sets out the correct figures in the AAP.
22. Table 3 of the AAP sets out this total retail need in the City centre, broken down by type. Amendments to the table are necessary to provide a breakdown of convenience, comparison (A1) and other retail (A2 – A5) provision to provide the necessary clarity. The changes would also set out in a footnote that an allowance has been made in the short term projection for at least 10,000 sq m of new retail floor space at City Centre south. I return to this below. The changes to Table 3 of the AAP are set out in **APP/MM14**. The amended table would also provide additional clarity by setting out the total retail need broken down into periods – to 2021, 2021-2031 and the Plan period from 2011to 2031.
23. Table 4 of the AAP sets out the overall retail needs in Coventry from 2014 to 2031. However, for clarity, it is proposed to delete this table and incorporate a more comprehensive breakdown of retail needs over the Plan period within the adjusted Table 3 (**APP/MM50**).
24. The NPPF advises that local planning authorities should define a network and hierarchy of centres that is resilient to anticipated future economic changes³. Coventry City centre sits at the top of the Council's centres hierarchy as the main focus for comparison shopping as well as employment, leisure and entertainment. It is clear from the evidence that it is necessary to ensure that the City centre is regenerated and revitalised in order to maximise its City-wide catchment, compete with surrounding areas and support the City as a whole. Alongside the LP, the AAP contains specific policies which focus on the City centre. The Primary Shopping Area (PSA) is designated through the AAP.
25. The hierarchy is set out in LP Policy R3 which identifies Major District Centres (MDCs), District Centres (DCs) and Local Centres (LCs) which sit below the City centre. The Council's Local Centres Assessment⁴ has considered the management of the hierarchy as a whole to ensure that it supports rather than competes with the City centre. This is set out in both the LP and the AAP.
26. The Council's evidence recognises that retail and the role of town centres are changing and that there is a need for centres to diversify and bring in a greater level of leisure, tourism and entertainment uses. In view of this, the retail strategy aims to maximise flexibility in terms of how retail space is allocated. Rather than specifying A1 uses and risking higher vacancy rates, retail need has been grouped within a broader use class range (A1 – A5) to ensure that floor space is flexible and can adapt to market needs quickly.
27. The addition of the word "based" after "retail" in Policy CC12 via **APP/MM45** would clarify that whilst retail provisions are the basis of the policy and floor

³ National Planning Policy Framework paragraph 23

⁴ Local Centres Assessment (2015) Examination Document LP60

space allocations in the business area, other supporting uses (within A1 - A5) would be acceptable in principle. This would provide additional flexibility within the policy to support the Plan's objective of providing a comprehensive portfolio of retail floor space and to reflect permitted development rights.

28. A greater proportion of floor space is proposed to be allocated in the City centre – over and above the initial projections in the Shopping and Centres study. As outlined in my LP report, this reflects the Plan's retail strategy to ensure the City centre remains the focal point for new retail based investment and to support its role at the top of the hierarchy capitalising on its City-wide catchment and accessibility. It would also support the Council's regeneration objectives by focusing investment in the centre in order to benefit the City as a whole and to ensure that its role within the sub-region is not undermined. The study identifies that additional floor space could help to increase market share in the City by attracting greater footfall and opportunities to make qualitative improvements in the retail offer to meet changing demands.
29. There is adequate evidence that sufficient new retail floor space could be delivered within the City centre when developments with extant planning permission and other commitments in the area are taken into consideration. Furthermore, the proposed allocations for retail uses in other centres within the hierarchy would enable opportunities to support and complement rather than compete with the City centre.
30. The Council's retail study⁵ identified a floor space requirement of 17,667 sq m for comparison goods for the City centre. However, this requirement includes an uplift of 10,000 sq m to take into account the City Centre South scheme which was included as an existing commitment. The projections in the retail study thus identified retail floor space needs over and above that to be provided at City Centre South. Distinguishing this allowance from the rest of the identified requirement in Table 3, reflects that the scheme is a central element to the delivery of the City's retail strategy and will ensure that the contribution from this development will not be double counted when the Council allocate provisions against the overall need.
31. **APP/MM51** would add a new criterion to Policy CC18 to clarify that the PSA is expected to accommodate at least 40,000 sq m of new floor space covering a range of retail needs (A1 to A5) in accordance with Table 3 (as amended). This change would ensure that the Policy is effective.
32. The retail study identifies a need for approximately 21,800 sq m retail warehouse floor space within the wider Coventry area over the Plan period. It says that additional floor space should be accommodated within the designated centres where possible but the study also highlights the opportunities to focus retail warehouse demand towards the City centre. In line with the sequential approach in the NPPF, the Plan seeks to focus retail warehousing and the types of users that occupy these units within the City. This would also provide a potential opportunity to promote the Council's wider regeneration objectives. **APP/MM14** and **APP/MM16** clarify that included within the floor space provision up to 2031, an allowance for approximately

⁵ Coventry City Wide Shopping and Centres Study NLP (2014) Examination Document LP59

22,000 sq m of retail warehouse space which should be directed to the City centre, where appropriate.

33. A similar approach is taken with A2 provision which accounts for approximately 9,700 sq m. However, in order to be sufficiently flexible, **APP/MM16** is necessary to make clear that if it is not possible to provide new retail opportunities within the PSA or wider City centre through the sequential assessment process then the focus should be on the other centres within the hierarchy as appropriate.
34. Changes to Figure 16 via **APP/MM48** would ensure that the map includes the most up-to-date information in respect of the leisure and entertainment area of the City centre.

Conclusion on Issue 2

35. Subject to these modifications which are necessary to ensure their effectiveness, the AAP's policies for retail development in the City centre are sound.

Issue 3 – Whether the City Centre Area Action Plan's policies for enhancing accessibility are effective?

36. The AAP seeks to create a highly accessible City centre where people will find it easy to access, understand and move around in. The AAP recognises that the economic geography will change during the life of the Plan, most notably a likely increase in focus of economic activity towards southern parts of the City centre as the Friargate and Southern Precinct developments come forward. As such, the AAP says that it is essential that the City has a comprehensive integrated transport network in place to ensure new development opportunities are highly accessible making them more attractive for new business growth and well connected to other parts of the City.
37. The LP sets out how the Council will work in partnership with neighbouring local authorities, Local Enterprise Partnerships, the West Midlands Combined Authority (WMCA) and others to deliver the necessary infrastructure to support growth. The West Midlands Strategic Transport Plan sets out the overarching transport strategy for the area and the LP's policies, in particular those that support strategic connectivity such as rail, HS2 and rapid transit, are consistent with that strategy. As part of its joint working, the Council is working with Transport for the West Midlands (TfWM) - the transport arm of the WMCA - to ensure that development proposed in the LP would be taken into account when planning future public transport and network requirements.
38. Changes to the supporting text of Policy CC11 via **APP/MM32** set out how the Council is working with TfWM on the Strategic Transport Plan whilst **APP/MM33** and **APP/MM42** provide additional clarity in respect of walking and cycling routes which should be connected to new development sites and link to the existing public transport network. These changes also clarify that the pedestrian and cycle routes should connect to the public transport network and to the TfWM strategic cycle network as set out in the Strategic Transport Plan.

39. **APP/MM36** to **APP/MM39** would clarify how the Council will work with TfWM to develop the bus network and measures to support development through intelligent mobility schemes and improving the reliability of bus journey times on key routes. The MMs also set out the vision for a network of Rapid Transit routes to be fully integrated with national and regional rail services and local bus services. Further changes to the supporting text of Policy CC11 (**APP/MM35**) would place greater emphasis on the importance of rail facilities, in particular, Coventry station. These changes would set out that a master plan has been developed for the station area which will provide for improved linkages and a transport interchange linked to a new cycle parking hub.
40. **APP/MM40** refers to how consideration should be given to the parking standards in the Strategic Transport Plan in new development as well as to park and ride schemes which will support the City centre by increasing access to the metropolitan rail and rapid transit network. This would better reflect the Strategic Transport Plan.
41. Further changes to Policy CC11(**APP/MM44**) would clarify how redevelopment of listed car parks in the City centre should have regard to TfWM's parking policy objectives as well as balancing parking needs with promoting the use of public transport, cycling and walking. These changes would ensure that the Policy reflects fully the objectives of the Strategic Transport Plan. In addition, an additional criterion in part d. of the Policy would ensure that development proposals would have regard to, and where appropriate, make provision for the development of Rapid Transit (**APP/MM43**). This would also support the objectives of the LP and Strategic Transport Plan.

Conclusion on Issue 3

42. Subject to the MMs identified as necessary for soundness, the AAP's policies for transport and accessibility are justified and effective.

Issue 4 – Are the AAP policies effective and does the AAP set out effective arrangements for implementing and monitoring the achievement of its policies and proposals?

43. The LP seeks to provide at least 24,600 homes over its lifetime and sets out how this requirement will be met. Some of this new housing is proposed to be delivered within the City centre and the AAP seeks to encourage the development of more homes within the City centre. Approximately 15% of all new homes have been built in the centre in the last 10 years. Changes to Table 1 and its introductory text via **APP/MM9** and **APP/MM10** provide updated, more accurate figures in respect of the number of completions within the City centre and outside it over the last 10 years (2006/7 to 2015/16). These changes are necessary to provide the most accurate figures and to ensure that ongoing monitoring of the number of homes delivered within the City centre would be effective.
44. In addition, changes to the AAP to provide up-to-date figures for the number of completed purpose built student accommodation in the City centre would ensure that there is an accurate figure in the AAP which could be monitored effectively (**APP/MM11**). **APP/MM11** would also ensure that a more

accurate figure is shown in respect of completed conversions of offices to homes in the City centre.

45. Policy CC24 relates to the City centre's University and enterprise area and sets out requirements for development proposals in this area. Changes set out in **APP/MM53** would add clarity to the policy's requirements by confirming that high quality building(s) would be supported on land to the east of the Computer and Engineering Building on Gulson Road. Also, proposals for the Grade I listed Whitefriars Monastery should not have a detrimental impact upon the surrounding public realm (in addition to the architectural and historic interest of the building). Proposals should also respect the design unity of this part of the University and Enterprise area.
46. The Monitoring Framework sets out a series of indicators against which implementation of its policies and proposals will be measured. **APP/MMC** amends a number of these and adds new ones to ensure that monitoring will be effective. In particular, these additions include monitoring indicators for delivery of the AAP's targets for the delivery of housing, employment land, offices and retail. The modifications include monitoring indicators to measure delivery of key regeneration schemes as well as public realm projects.

Conclusion on Issue 4

47. Subject to the MMs identified as necessary, the AAP's policies are sound and there are effective arrangements for implementing and monitoring the achievement of the AAP's policies and objectives.

Assessment of Legal Compliance

48. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The City Centre Area Action Plan has been prepared in accordance with the Council's LDS 2015.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2012. Consultation on the City Centre Area Action Plan and the AAP/MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report January 2016 sets out why AA is not necessary. Natural England supports this.
National Policy	The City Centre Area Action Plan complies with national policy except where indicated and AAP/MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The City Centre Area Action Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

49. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
50. The Council has requested that I recommend AAP/MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Coventry City Centre Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

R. Phillips

Inspector

This report is accompanied by an Appendix containing the Main Modifications.