



Report to Strategy and Resources Committee

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Report of: *Kate Josephs, Chief Executive*

Report to: *Strategy and Resources Committee*

Date of Decision: *24th August 2022*

Subject: *Listing of the Former Cole Brothers Building, Barkers Pool as a Grade II Listed Building*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>“The appendix is not for publication because it contains exempt information under Paragraphs 5 and 3 of Schedule 12A of the Local Government Act 1972 (as amended).”</i>				

Purpose of Report:

To consider the implications and options following the designation by the Secretary of State for Digital, Culture, Media and Sport of the former Cole Brothers store in Barkers Pool as a Grade II listed building.

Recommendations:

- That based on the contents of this report and most particularly the legal advice contained in the Closed Appendix the Council does not take any formal action in respect of the decision by the Secretary of State for Digital Culture Media and Sport to list the building Grade II
- That the process to secure a developer continues as planned and that a further report is brought back to this Committee in January 2023 for selection of the preferred developer
- That the selection criteria and scoring matrix be prepared by the Chief Property Officer and agreed with the Chair of this Committee before being issued to developers
- Approval is given for officers to produce a detailed planning brief and options for redevelopment, retention, interventions and potential for partial demolition in consultation with Historic England to inform future redevelopment.
- Approval is given for officers to approach Historic England, other Government Agencies and SYMCA to explore the potential for funding support in the event that there is a viability gap as a result of the listing of the building.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

None

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Ryan Keyworth
		Legal: David Sellars
		Equalities & Consultation: None
		Climate: None
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	<i>Kate Josephs, Chief Executive</i>
3	Committee Chair consulted:	<i>Terry Fox, Leader of the Council</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	

Lead Officer Name: <i>Tammy Whitaker</i>	Job Title: <i>Head of Regeneration and Property Services</i>
Date: 19 th August 2022	

1. PROPOSAL

Background

- 1.1 Heart of the City is Sheffield City Council's flagship development scheme and one of the largest urban regeneration schemes in Britain. By repurposing buildings and adding new development for offices, retail, homes, and leisure attractions, we will attract more jobs to the city and encourage more people to live in the city centre, making Sheffield an even more rewarding and dynamic place to live, work and visit, creating an attractive and vibrant city centre for the whole city.
- 1.2 Covering 7 hectares (17.33 acres), Heart of the City is creating a mixed-use neighbourhood with the delivery of 420 new homes, a new city park and improvements to the public realm, leisure facilities, new workspaces, new restaurants, and shops. The scheme to date has been a huge success and the Council's investment is having a tangible positive impact on local people and businesses.

John Lewis Store (Formerly known as Cole Brothers)

- 1.3 In March 2021 John Lewis & Partners announced that several department stores would remain closed following the Covid pandemic. This included the department store at Barker's Pool, Sheffield. Shortly following this announcement Council officers engaged with John Lewis & Partners in relation to their new lease of the building, which had only recently been granted. These discussions culminated in a proposal for John Lewis & Partners to surrender their lease of the building on terms that included the payment of a premium to the Council and in January 2022 SCC took back the building. If this had not been done then the building would have sat empty, potentially for many years, blighting the rest of the Heart of the City scheme and having a negative impact on the rest of the City Centre. Since that time SCC has undertaken survey work to inform removal of asbestos from the building and prepare for redevelopment prior to marketing.

Certificate of Immunity from Listing

- 1.4 In February 2022 SCC applied for a Certificate of Immunity from Listing ('COI'). This was to provide certainty to the development industry in working up proposals for redevelopment of the building and avoid a 'spot

listing' once schemes have been worked up. The COI process provides a useful mechanism for this purpose and can help inform development proposals for a site. If a COI is granted it prevents a building from being listed for five years. If SCC had not applied for a COI the building and the building was 'spot listed' after a developer had been selected and agreements drafted, then proposals would have had to be reconsidered resulting in abortive costs and considerable delay. This was perceived as a risk, therefore in order to remove uncertainty SCC applied for a COI.

- 1.5 The building had been previously considered for listing in 2001 at which point it was turned down. At the time it was not felt to come up to the high standards required to merit listing. It was therefore issued with a COI in 2002 which lapsed in 2007. Since 2001, Historic England have undertaken considerable research into retail and post war architecture. The Twentieth Century Society who applied to have the building listed previously and objected to the recent COI application have also been running a national campaign to protect 20th Century stores from demolition due increasing numbers closing due to changing shopping habits.
- 1.6 There are several other examples nationwide of 1950s/60s retail buildings being listed since 2001 such as Plymouth market hall and a group in Coventry that includes M&S, the former BHS and former Woolworths
- 1.7 Historic England have now determined that the former Cole Brothers stands out as a rare surviving example of high modernism in department stores, with innovative design by a leading firm of architects and therefore meet the standards required for designation. Therefore, rather than issue a COI the building was listed Grade II.
- 1.8 This decision has been controversial locally and has triggered some considerable anger, not least due to Historic England's decision-making process. However, there has also been some support.

Listing

- 1.9 The building has been listed Grade II. The decision was taken by the Secretary of State for Digital, Culture, Media and Sport on the advice of Historic England. SCC were notified of the decision on 10th August 2022.
- 1.10 Buildings are listed when they are considered to be of special architectural or historic interest and considered to be of national importance. Anyone can nominate a building to be listed and alongside this Historic England undertake their own programme of listing priorities Historic England make recommendations to the Secretary of State for Digital, Culture, Media and Sport (DCMS) based on principles of selection for listed buildings and they make the final decision as to whether a site should be listed or not.
- 1.11 The appearance of a building can be a consideration in listing, but the

special interest will not always be reflected in the external visual quality. Buildings can still be of special interest but have little external visual quality. Building may also be listed because they represent a particular historical type to ensure that examples of such a type are preserved.

1.12 The general state of repair and upkeep of a building will not usually be a relevant consideration when deciding whether it meets the test of special architectural or historic interest. Public opinion on the relative merits of a building or the economic or financial viability of repair or reuse are also not considered in selection of buildings for listing. The Secretary of State will list buildings that has been assessed as meeting the statutory criteria of special historic or architectural interest, irrespective of the state/or cost of repair or redevelopment.

1.13 Listing covers a whole building, including the interior, unless parts of it are specifically excluded in the list description. Therefore, the whole of the building (interior and exterior) is listed including the car park.

1.14 The following reasons have been given for the building being listed (A full copy of the list description can be found here [Former Cole Brothers' Department Store, Non Civil Parish - 1480895 | Historic England](#)):

- The building was designed by Yorke Rosenberg and Mardall in 1961 and is a rare example of a post-war department store designed by a leading architects' firm.
- The unaltered exterior and the open plan layout and contains original features such as white-glazed tiles, brown mosaic window panels, granite lined black terrazzo stairwells and Marryatt-Scott escalator
- The site demonstrates innovative planning that makes use of a sloping island site, fully integrating a multi-storey customer car park and provides access at two levels for pedestrians

1.15 There is no 'appeal' process for the decision to list a building, but the Council does have the right to request a review of the decision. This must be made within 28 days of the decision letter ie by 7th September. However, a review can only be requested in the following circumstances:

(1) there is evidence that the original decision has been made wrongly. Examples would include:

- where there was a factual error, eg. the wrong building was listed; or
- where there has been some irregularity in the process which has affected the outcome, eg. relevant considerations were not taken into account or irrelevant considerations were taken into account.

(2) there is significant evidence which was not previously considered, relating to the special architectural or historic interest of the building, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. An example would be where new evidence relating to the date of a building has been discovered which might make a material difference to

the architectural or historic interest of the building.

- 1.16 Without significant evidence it is not possible to request a review. SCC is not aware at this time of any further substantiated evidence or discrepancies in the facts which were considered as part of the listing.
- 1.17 This decision has been controversial locally, while some have welcomed it, it has triggered some considerable anger, not least due to Historic England's decision-making process. The Leader of the Council has written to the Secretary of State to express this strength of feeling, asking the Secretary of State to intervene and pause the listing, the letter draws attention in particular to:
- The lack of consideration of public opinion in the Historic England decision
 - The risk that the decision limits options for the future of the site
 - The lack of consultation with Sheffield Council
 - The risk that the decision leads to greater costs to the Council and city at a time of severe financial constraints
- 1.18 While this letter places an important marker of the strength of feeling in the city and amongst many members, there is a risk that any formal challenge of the decision will delay the process of selecting a developer by several months and reintroduce uncertainty about the future of the building. It is likely that some developers will drop out if the timescale is extended reducing the chances of securing a developer. In addition, SCC will have to cover the holding costs of the building for longer. We remain confident there are several viable options for the site, regardless of the listing decision
- 1.19 It is worth remembering that when the former Co-operative Department Store at Castlegate was listed in 2009, also following an application by the 20th Century Society, SCC sought to have that decision overturned and failed
- 1.20 How the principles set out above relate to the Listing of the John Lewis Building and the options available to the Council are dealt with in the Closed Appendix to this report

Redevelopment

- 1.21 Grade II listed buildings form the majority of listed buildings in England with over 90% Grade II. Sheffield has about 1,200 listed buildings. Including a number of post war buildings such as the former Co-op Department Store, Park Hill flats, Moore Street sub-station and Sheffield University Arts Tower.
- 1.22 Listing means there will be extra control over what changes can be made to the building's interior and exterior. Any alterations will require Listed Building Consent for work which affects the 'special architectural or

historic interest' of the building.

- 1.23 It is however important to note that listing does not mean the building cannot be altered or that parts cannot be demolished but a strong justification will be required. There are many examples of listed buildings both within Sheffield and across the country which have been successfully altered, adapted and reused. Many have involved selective/partial demolition to enable new elements to be created and adapted for reuse in modern society. Examples from Sheffield include Park Hill, the former Co-op building, and the Arts Tower which all involved major interventions or selective demolition. There are still plenty of options for redevelopment on the Barker's Pool site, regardless of the listing decision, and Sheffield City Council is confident it will still secure a developer.
- 1.24 The former BHS store in Coventry referred to above has also had some alterations approved and is now reopen as a Flannels store. Historic England stated that, in their opinion the changes would cause 'substantial harm' to the listed building. However, they also recognised the uniquely challenging economic circumstances and the arguments set out in an economic viability report which formed part of the planning application
- 1.25 SCC is the Planning Authority and will therefore be the decision maker on Planning and Listed Building Consent. In certain cases, ie if partial demolition is requested there will be a requirement to consult with statutory consultees such as Historic England and other interested parties. However, any alteration or demolition of the building would have required consultation with Historic England and other interested parties even if the building had not been listed as the building lies within the Central Area Conservation Area. This is the case for all the Heart of the City scheme.
- 1.26 It may still be possible to demolish elements of the building such as the car park, but this will require Listed Building Consent as well as Planning Consent. Planning Consent for the demolition was always required (even prior to the listing decision) as the building lies within a Conservation area. It will be important to provide a robust justification for any demolition setting out:
- An assessment of the impact of the works on the significance of the asset
 - A justification as to why the demolition is necessary (ie why the car park cannot be reused, how demolition facilitates reuse, structural issues etc)
 - How the harm to the significance of the listed building can be mitigated through revised proposals
 - Copies of structural reports and technical assessments

- 1.27 Further work is required to understand proposals for reuse of the whole of the building before a clear case for demolition of the car park (or any other elements) can be made. It would be unlikely that an application for LBC for demolition of the car park in isolation would be successful without knowing what the future proposals for the site are.

Selecting a new Developer

- 1.28 In May 2022 the building was marketed to select a preferred bidder through a two-stage process. Stage one invited Expressions of Interest with a closing date of 14 July. The second stage of the process is anticipated to take place over the Autumn where a short list of developers will be invited to work up more detailed proposals
- 1.29 Sixteen Expressions of Interest were received with the majority of these including retention of most the building. The marketing material made it clear that SCC had submitted a request for a COI. Developers welcomed this as it would provide certainty. All bidders were subsequently notified by the agents CBRE that the building had been listed and following discussions with CBRE a number have indicated that they remain keen to progress their proposals. SCC is therefore confident that it can secure a private sector developer who will be able to bring forward a good scheme for reuse of the building from those who expressed an interest. More detail on the next stages of the marketing is attached in the Closed Appendix of this report.

Impact of the listing decision on Redevelopment

- 1.30 The listing will obviously affect how developers will consider redevelopment of the building, but it is too early to fully understand the financial implications of the decision until developers have had the opportunity to work up more detailed schemes.
- 1.31 However, a degree of uncertainty still exists about what is possible in redeveloping the building. Providing further certainty to developers will enable a proper understanding of the possibilities and financial implications to be understood. It is therefore recommended that Officers will work with planning colleagues and Historic England to develop detailed planning guidance which will take account of the building's listed status and confirm the elements of the building which are particularly significant and must be retained and where there is scope for alteration. This will be issued to potential bidders to provide some clarity and parameters in working up their Stage 2 submissions.
- 1.32 It is also recommended that Officers are authorised to approach potential funding bodies in advance of completion of the developer selection in order to prepare the ground for possible future grant applications

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 Redevelopment of the former Cole Brothers store is an important part of realising the vision for the City Centre and the Heart of the City project. Detailed proposals have not yet been developed but it is likely to incorporate a mix of uses and meet an identified need for an improved city centre offer in terms of retail provision, housing, food, and drink/leisure facilities and providing additional high quality office space for jobs.
- 2.2 Developing a detailed planning brief will provide the certainty requested by developers to inform their proposals. A decision not to instigate a review of the listing decision will enable the future of the building to be determined in a timely manner and costs to be minimised to SCC.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Public engagement on the future options for the John Lewis Building was undertaken through the work on the City Centre Strategic Vision in January / February 2022. The consultation considered three options, retention, demolition and demolition and replacement with a building on part of the site. Feedback from the consultation suggested the preferred option was to demolish the building and replace.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 Future reuse of the Cole Brothers building offers the opportunity for providing uses for all citizens irrespective of income and demographics. This aspect will be considered as part of the development of the proposals and will be the subject of a future report.

4.2 Financial and Commercial Implications

- 4.2.1 It is too early to assess the detailed financial impact as a result of the listing of the building. This will be considered as part of a future report when a preferred developer is being selected. However, officers will begin the process of engaging with potential grant funding bodies now
- 4.2.2 Seeking a review of the decision would incur costs and delay any decision being made on the future use of the building or selection of developers. To do this would mean that SCC would continue to incur holding costs whilst the building is empty and the condition could deteriorate.

4.2.3

4.3 Legal Implications

4.3.1 The Legal Implications are set out in the Closed Appendix to this report

4.4 Climate Implications

4.4.1 There are no specific climate implications related to this decision. However as the retention and refurbishment of the majority of the building is likely given its listed status this would result in substantially less carbon being emitted in construction than if it were to be demolished and a new building erected on the site.

4.4.2 A more detailed carbon assessment will be carried out as part of the stage 2 marketing and final decision on the developer proposals and selection.

4.4 Other Implications

4.4.1 None

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The alternative options are set out in the body of the report. The legal remedies available to the Council are dealt with in the Closed Appendix to this report.

6. REASONS FOR RECOMMENDATIONS

6.1 Whilst the decision by the Secretary of State to list the building is not what was anticipated, does not accord with the public consultation undertaken by SCC on the future of the site which supported demolition and replacement and has caused some controversy and anger locally, it has provided the certainty required to take forward redevelopment of the building.

6.2 Requesting a review of the decision will, while either process is running, reintroduce uncertainty and could be costly. There is also a risk that developers currently interested in the scheme, despite its listed status, could withdraw.

6.3 It is therefore recommended that in order to secure a future for the building as soon as possible that the proposed recommendations are approved.