

THE COUNCIL OF THE CITY OF COVENTRY

THE STOPPING UP OF HIGHWAYS

**ROVER ROAD AND QUEEN VICTORIA ROAD (PART) – STOPPING UP OF
HIGHWAYS ORDER (DRAFT ORDER REFERENCE WM5256)**

**WARWICK ROW (PART) – STOPPING UP OF HIGHWAYS ORDER (DRAFT
ORDER REFERENCE WM5257)**

**QUEEN VICTORIA ROAD (PART) – STOPPING UP OF HIGHWAYS ORDER
(DRAFT ORDER REFERENCE WM5258)**

S.247 TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF CASE

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QUEEN VICTORIA ROAD – STOPPING UP OF HIGHWAYS ORDER (WM5258)

WARWICK ROW – STOPPING UP OF HIGHWAYS ORDER (WM5257)

ROVER ROAD AND QUEEN VICTORIA ROAD – STOPPING UP OF HIGHWAYS ORDER (WM5256)

STATEMENT OF CASE

1. INTRODUCTION

1.1 This Statement of Case is submitted by Coventry City Council (the “**Council**”) in support of three applications for the stopping up of highway pursuant to section 247 of the Town and Country Planning Act 1990 as follows:

1.1.1 Application One: Stopping Up of Rover Road and Queen Victoria Road (part) (Draft Order Ref: WM5256) (DR4.2);

1.1.2 Application Two: Stopping Up of Warwick Row (part) (Draft Order Ref: WM5257) (DR4.3); and

1.1.3 Application Three: Stopping Up of Queen Victoria Road (part) (Draft Order Ref: WM5258) (DR4.1);

together referred to as the “**Draft Orders**”.

1.2 Each of the three above mentioned applications has been made pursuant to section 247(1) of the Town and Country Planning Act 1990 to enable development to be carried out by Shearer Property Regen Limited (“**SPRL**”) in accordance with planning permission for the scheme detailed at paragraph 3 below (the “**Scheme**”).

1.3 The public consultation for all three Draft Orders commenced on the 24th November 2022, with notices pertaining to the Public Inquiry being published / advertised on 1st December 2022. The period for submission of objections expired on 22nd December 2022. Objections to the orders have been received (see further paragraph 6 below) and are due to be considered at a public inquiry commencing on 17 January 2023.

2. BACKGROUND

2.1 The Public Inquiry regarding the Draft Orders will take place alongside the Public Inquiry for The Council of The City of Coventry (City Centre South) Compulsory Purchase Order 2022 (the “**CPO**”).

2.2 The CPO relates to 6.36 hectares of land in the southern part of the city centre about 600 metres north of Coventry mainline railway station. It forms the main part of the area bordered by Upper Precinct and Broadgate to the north, Hertford Street to the east, Warwick Row and Greyfriars Road to the south and Queen Victoria Road to the west. It is mainly pedestrianised.

2.3 The CPO will facilitate the redevelopment and regeneration of the area, which has been a long-held ambition and regeneration objective of the Council.

2.4 In this Statement of Case references to the bundle of core documents submitted to the public inquiry are made by the abbreviation, for example, “DR1.1”.

3. **PLANNING**

- 3.1 The Scheme is consented by a hybrid planning permission granted on 27 January 2022 (reference OUT/2020/2876) ("**2022 Permission**") (DR3.2(a)) as amended by s.96A non-material amendment, reference NMA/2022/2523, dated 11 October 2022 (DR3.6) (the "**Consented Scheme**").
- 3.2 An application has been submitted pursuant to section 73 of the TCPA (reference S73/2022/3160) which was validated by the local planning authority on 11 November 2022 (DR3.7) ("**S73 Application**"). The S73 Application seeks to vary the conditions attached to the 2022 Permission (as amended) in order to refine the Consented Scheme ("**Refined Scheme**"). Planning permission pursuant to the S73 Application was granted on 9 January 2023 (DR3.29).
- 3.3 Further details regarding the 2022 Permission and the S73 Application are provided in the Statement of Case for the CPO (paragraph 5) (DR1.7).
- 3.4 The Draft Orders have been prepared in relation to both the Consented Scheme and the Refined Scheme and are applicable to both schemes as the maximum building parameters, and the need for the rationalisation of the existing highway boundary, is common to both schemes. Within this Statement of Case, where the term 'Scheme' is used, this is a reference to both the Consented Scheme and the Refined Scheme unless expressly stated otherwise.
- 3.5 All areas of highway proposed to be stopped are included within the CPO. The development which necessitates the stopping up of each of the areas of highway has been authorised pursuant to the planning permissions set out above.

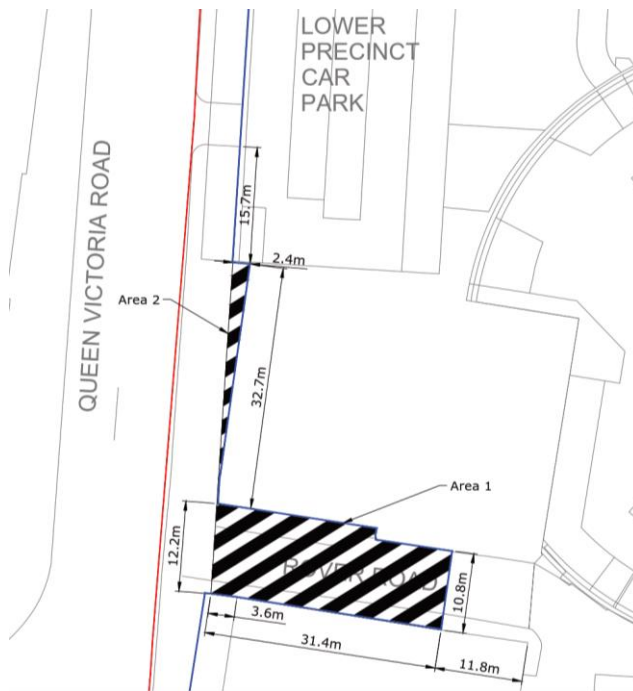
4. **DETAILS OF THE ORDERS**

Application One: Rover Road (Draft Order Ref: WM5256) (DR4.2)

Area 1

- 4.1 The section of Rover Road that needs to be stopped up is identified as Area 1 below. Rover Road currently operates as an access (including for servicing) to Coventry Indoor Market. It also includes an existing taxi rank.
- 4.2 The stopping up is necessary to allow for the proposed Block A1 which forms part of the Scheme to be built, together with a rationalisation of the existing public highway following the reconfiguration of the area.
- 4.3 A new pedestrian access for both the existing Coventry Market and the new development proposed by the Scheme will be provided almost immediately to the south of the area to be stopped up. This results in only a minor route deviation for both pedestrians and cyclists, and maintains emergency vehicle access. Under the Consented Scheme only, this same area is also proposed to be used to service the Coventry Market.
- 4.4 Under the Refined Scheme, servicing of the Market is proposed to take place via a new dedicated surface level Market servicing area beneath the new Block A1.
- 4.5 As part of the realignment and proposed pedestrianisation of Rover Road, the existing taxi stand for three Hackney carriages is to be re-provided on Warwick Road by utilising an existing loading lay-by outside the Reform Club. The layby will no longer be required

to facilitate deliveries in the new Scheme and will provide accommodation for a three replacement three cab taxi rank.

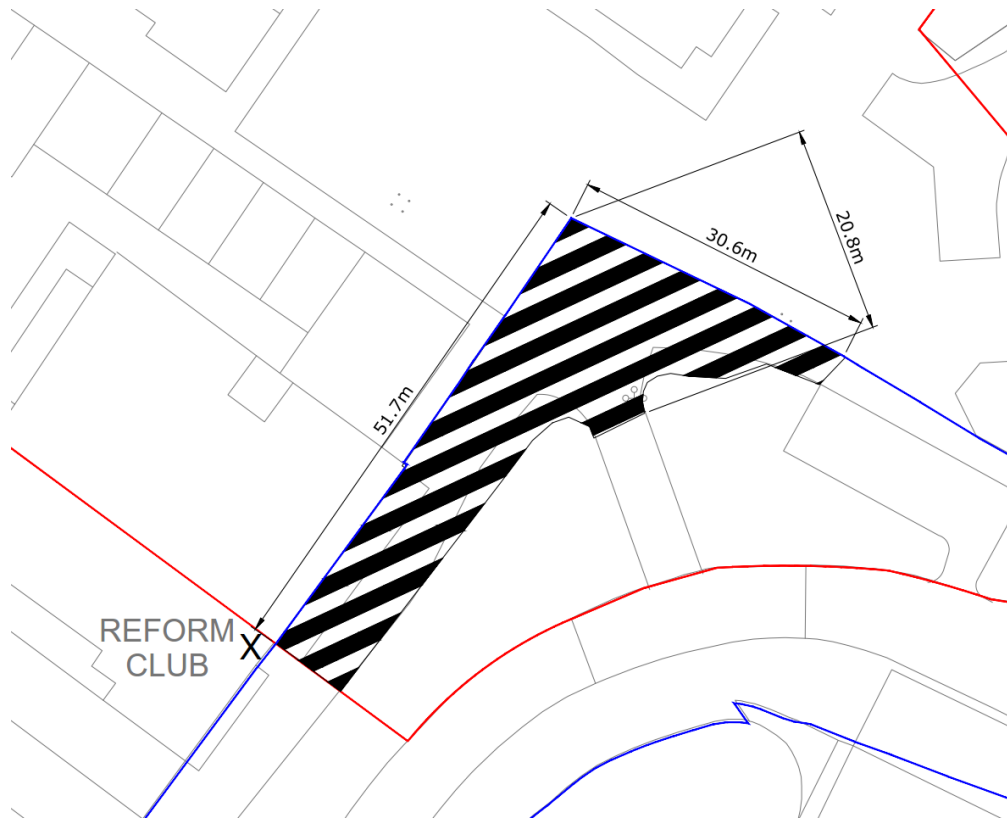


Area 2

- 4.6 The section of Queen Victoria Road that needs to be stopped up is identified as Area 2 above. This sliver of highway is currently paved and operates as part of the wider pavement area along the eastern side of Queen Victoria Road.
- 4.7 The stopping up is necessary to allow for proposed Block A1 of the Scheme to be built. It also ensures the back of the highway aligns with the Lower Precinct Car Park to provide a continuously straight frontage.

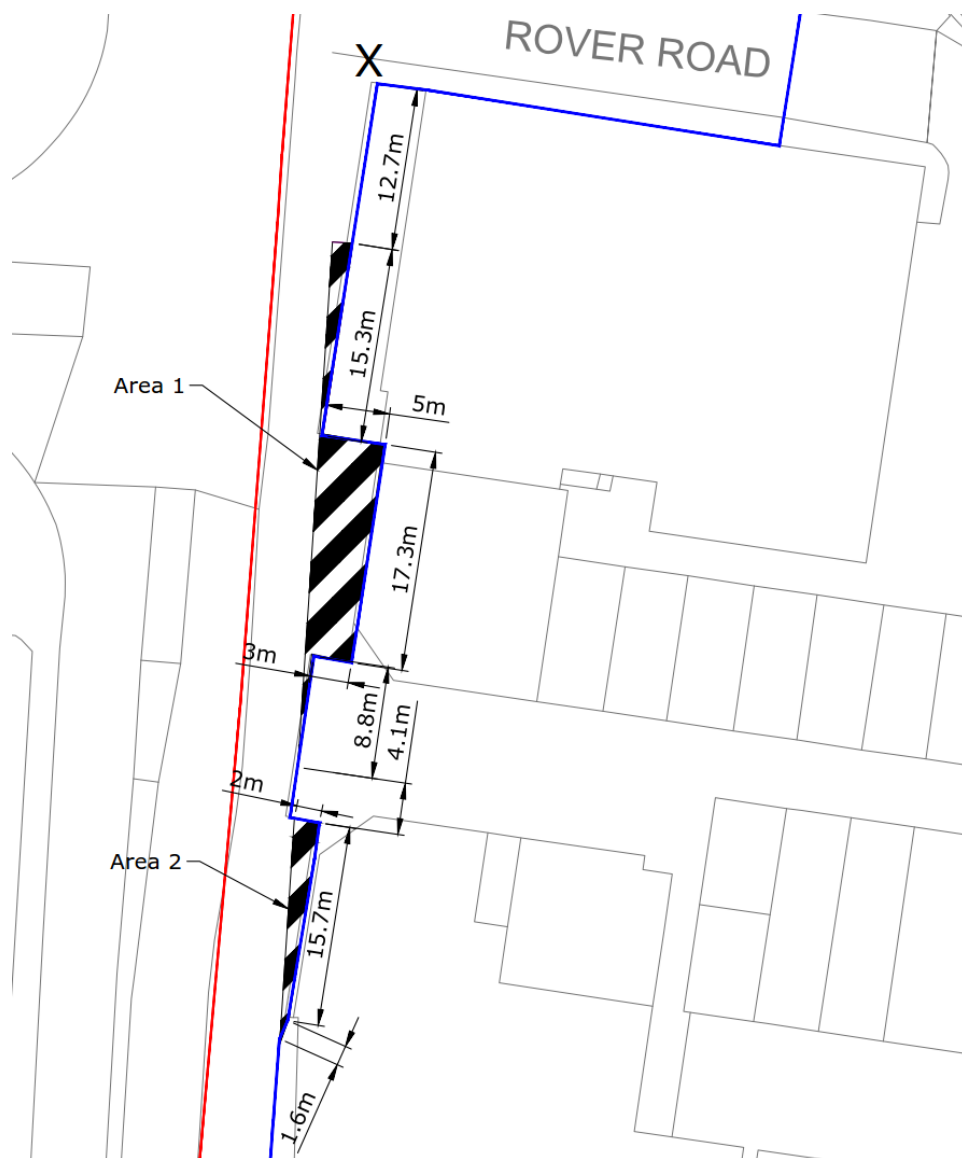
Application Two: Warwick Row (Draft Order Ref: WM5257) (DR4.3)

- 4.8 The section of Warwick Row that needs to be stopped up is identified by the black and white hatch below. The area is currently paved and operates as part of the wider public realm adjacent to Bull Yard.
- 4.9 The stopping up is necessary to allow for Block C of the proposed development to be built. It also allows for a rationalisation of the public realm.



Application Three: Queen Victoria Road (Draft Order Ref: WM5258) (DR4.1)
Area 1

- 4.10 The section of Queen Victoria Road that needs to be stopped up is identified as Area 1 is shown below. The area is currently paved and operates as part of a wider pavement area along the eastern side of Queen Victoria Road. The area also provides pedestrian access from the public highway to adjacent properties 38-40 City Arcade. These properties are included in the CPO and are due to be demolished as part of the Scheme.
- 4.11 The stopping up is necessary to allow for Block D of the proposed development to be built. Stopping up the highway land will allow for a continuous frontage to be provided along Queen Victoria Road.



Area 2

- 4.12 The section of Queen Victoria Road that needs to be stopped up is identified as Area 2 above. The area is currently paved and operates as part of a wider pavement area along the eastern side of Queen Victoria Road. The area also provides pedestrian access from the public highway to adjacent property known as 39-41 City Arcade. This property is included in the CPO and is due to be demolished as part of the Scheme.
- 4.13 The stopping up is necessary to allow for Block D of the proposed development to be built. Stopping up the highway land will allow for a continuous frontage to be provided along Queen Victoria Road. Dimensions as stated on the form are taken from the image above.

5. LEGAL TEST

5.1 Necessity

5.1.1 Section 247 Town and Country Planning Act 1990 provides that the Secretary of State may authorise the stopping up or diversion of any highway if he is satisfied that it is necessary to do so in order to enable development to be carried out: (a) in accordance with planning permission or (b) by a government department.

5.1.2 Each of the Draft Orders are necessary in order to carry out both the Consented Scheme and the Refined Scheme in accordance with the planning permission as detailed at section 3 above.

6. COMMENTS ON OBJECTIONS

6.1 Six parties submitted objections in response to the Stopping-up Orders.

6.2 Virgin Media has identified that it has electronic communications apparatus located within the highway to be stopped up at Rover Road, under which it has rights under s334 of the Highways Act 1980 (as amended). Virgin Media has objected pending completion of a Wayleave Agreement to protect this apparatus. SPRL is currently in discussion with Virgin Media with a view to completing this Wayleave Agreement, at which point the objection is expected to be withdrawn.

6.3 Cadent Gas Ltd has identified that it has gas apparatus within the highway to be stopped up, under which it has rights under Paragraph 4, Schedule 12, Part II of the Highways Act 1980. Cadent Gas Ltd has objected pending completion of a Deed of Easement to protect this apparatus. SPRL is currently in discussion with Cadent Gas with a view to completing this Deed of Easement, at which point the objection is expected to be withdrawn.

6.4 Mr Rafakat Hussain, t/a 8 Limbs Muay Thai Martial Arts Academy has objected on the basis that the Stopping-up Order of Rover Road will impact access to his property being 40, City Arcade. 40 City Arcade falls within the boundary of the land included within the CPO as it is required to be demolished as part of the Scheme. It will not be necessary for the Council to implement the Stopping-up Order prior to taking possession of these premises for the development. Representatives from the Council and SPRL are seeking to arrange a meeting with Mr Hussain to further explain the position to him.

6.5 Royal London Mutual Insurance Society Ltd has objected to the stopping-up of Rover Road, due to the impact to the Market and related issues. Royal London has also objected to the CPO. The Council and SPRL are engaged in discussions on transport and servicing issues with transport consultants acting on behalf of Royal London with a view to seeking an agreed servicing and access solution and which is considered by the Council and SPRL to satisfactorily addresses the objector's concerns regarding the Stopping Up of Rover Road.

6.6 The Highways Development Control team at Coventry City Council issued a holding objection to the Stopping-up Orders for procedural reasons. This holding objection has now been withdrawn.

6.7 Coventry Urban Regeneration Ltd (CURL) has objected to the stopping-up of Rover Road in relation to it impacting on their ability to access the site. CURL has also objected to the CPO. Terms for the surrender of CURL's leasehold interest have been agreed and are currently in the process of being documented.

7. CONCLUSION

- 7.1 On the basis that the Legal Test is satisfied, the Council invites the Secretary of State to confirm the Draft Orders so that the Scheme can be delivered.

The Council of the City of Coventry

13 January 2023