



**THE COUNCIL OF THE CITY OF
COVENTRY (CITY CENTRE SOUTH)
COMPULSORY PURCHASE ORDER 2022**

**INSPECTORATE REFERENCE
APP/PCU/CPO/U4610/3299063**

**REBUTTAL PROOF OF EVIDENCE OF
ALEC PHILPOTT IN RESPECT OF
SERVICING**

JANUARY 2023

**THE COUNCIL OF THE CITY OF
COVENTRY (CITY CENTRE SOUTH)
COMPULSORY PURCHASE ORDER 2022**

**INSPECTORATE REFERENCE
APP/PCU/CPO/U4610/3299063**

**REBUTTAL PROOF OF EVIDENCE OF
ALEC PHILPOTT IN RESPECT OF
SERVICING**

JANUARY 2023

Job code:	RLAMCorporationSt.1
Prepared by:	Alec Philpott
Issue Date:	12th January 2023
Status:	FINAL

**The Council of the City of Coventry (City Centre South) Compulsory Purchase
Order 2022. APP/PCU/CPO/3299063
Rebuttal Proof of Evidence of Alec Philpott in Respect of Servicing**

List of Contents

Sections

1	Introduction	1
2	Revised Servicing Arrangements for Block A2	2
3	Revised Servicing Arrangements for Coventry Market	10
4	Proposed Stopping Up of Rover Road	18
5	Summary and Conclusions	20

Tables

Table 1: Servicing Vehicle Accumulation Profile – Mon 10 th October 2022– <i>Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)</i>	11
Table 2: Servicing Vehicle Accumulation Profile – Tue 11 th October 2022– <i>Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)</i>	12
Table 3: Servicing Vehicle Accumulation Profile – Wed 12 th October 2022 – <i>Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)</i>	13
Table 4: Servicing Vehicle Accumulation Profile – Thur 13 th October 2022– <i>Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)</i>	14

Figures

Figure 2.1: Block B to Block A2 Pedestrian Route	3
Figure 2.2: TPP Revised Block A2 Service Yard Layout (Yard C)	4
Figure 2.3: TPP Revised Block A2 (Yard C) – Additional Vehicle Manoeuvre.....	6
Figure 2.5: Market Stalls/A2 Tracking Overlay.....	8
Figure 3.1: Vehicle Tracking of New Service Yard (Block A1)	15
Figure 4.1: Extract of Royal London Leasehold Boundary	18
Figure 4.2: Area to be Stopped Up (Rover Road)	19

**The Council of the City of Coventry (City Centre South) Compulsory Purchase
Order 2022. APP/PCU/CPO/3299063
Rebuttal Proof of Evidence of Alec Philpott in Respect of Servicing**

Appendices (separately bound)

APPENDIX AP1: RPS Planning Note

APPENDIX AP2: Submission to National Casework Team - Objection to Stopping Up
(22nd December 2022)

1 Introduction

- 1.1 My name is Alec Philpott. The details of my qualifications and experience are included in my main proof of evidence.
- 1.2 This rebuttal proof of evidence has been prepared in response to the evidence on behalf of the Council of the City of Coventry by Mr Russell Vaughan (RV).
- 1.3 My rebuttal is not intended to be an exhaustive response on all matters and deals only with certain points where it is considered appropriate or helpful to respond in writing at this stage. Where a specific point has not been dealt with, this does not mean that these points are accepted, and they may be addressed further at the Inquiry.
- 1.4 This rebuttal is structured to address three specific matters, being:
 - The Revised Servicing Arrangements for Block A2;
 - The Revised Servicing Arrangements for Coventry Market; and
 - The Proposed Stopping-up of Rover Road.

2 Revised Servicing Arrangements for Block A2

Quantum of Loading Bays

- 2.1 Paragraph 3.31 of the RV proof identifies that, in their analysis, Mayer Brown have identified a peak servicing accumulation of 3 vehicles for Block A2 and references a Mayer Brown Technical Note entitled 'Areas of Concerns – Servicing' prepared in November 2022 (appended to RV's proof).
- 2.2 Table 4 of the Technical Note (PDF page 65 of RV's proof (page 7 of the Technical Note)) sets out LGV/HGV arrival and departure data which was developed by TPP as part of their servicing analysis for the City Centre South development submissions and demonstrates a continual daily turnover of servicing activity. Table 4 of the November 2022 Mayer Brown Technical Note simply includes an accumulation column of these LGVs/HGVs, which was absent from the TPP submissions.
- 2.3 As set out in the November 2022 Technical Note at para 1.20 (PDF page 64 of RV's proof) and paragraphs 5.56-5.59 of my main proof of evidence (PDF pages 25-26 (paginated 21-22)) the accumulation of 3 service vehicles for Block A2 has been identified on the basis of only LGV and HGV data, which does not represent the full servicing demand for reasons explained at para 5.52 of my main evidence.
- 2.4 As explained in paragraphs 5.55 of my main proof (PDF page 25) the TPP analysis under-estimates the servicing activity of Block A2 by 20%.
- 2.5 As a consequence, it is my opinion that a minimum of 4 loading bays would be required to accommodate all servicing demands of Block A2 and provision should also be made for a vehicle to enter/exit safely if all bays are occupied.

Use of Block B Service Yard

- 2.6 At paragraph 3.33 of RV's evidence (PDF page 11) Mr Vaughan suggests that Block A2 could also be serviced from the Block B service yard, which lies to the east of Block A2 and behind Block B.
- 2.7 It is assumed that RV expects delivery drivers to walk deliveries from the Block B yard to Block A2, as illustrated in Figure 2.1 below.

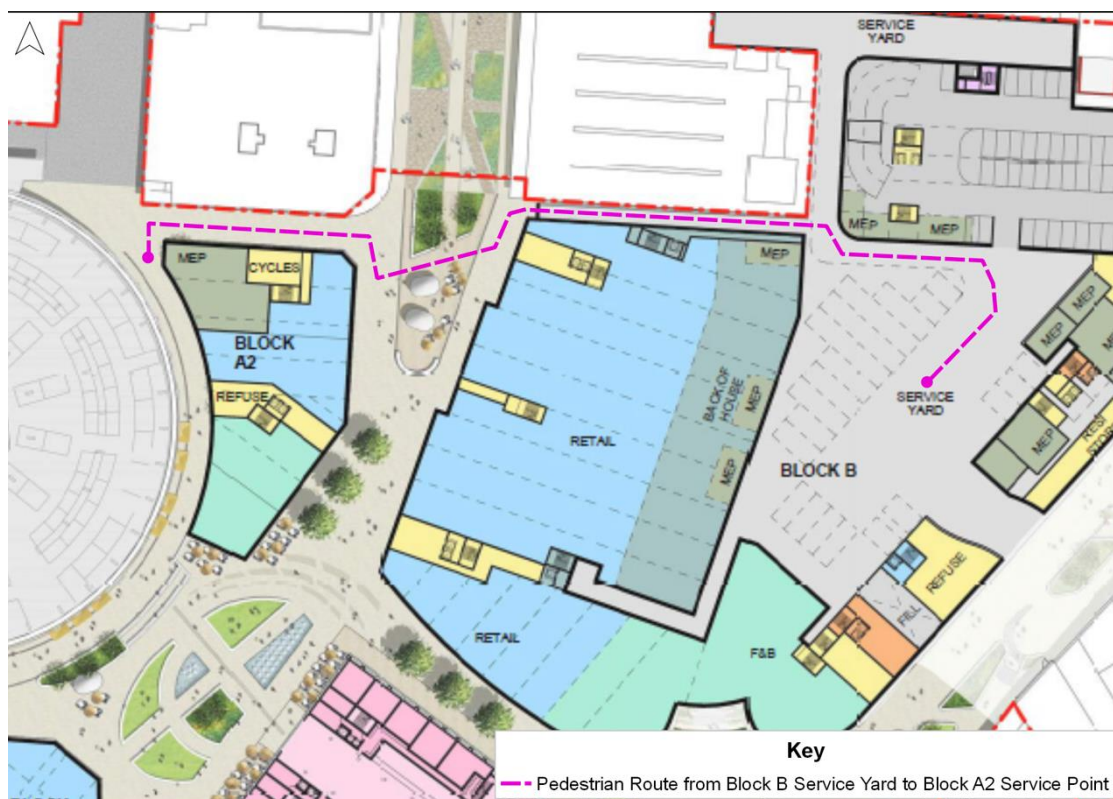


Figure 2.1: Block B to Block A2 Pedestrian Route

- 2.8 The illustrated route is some 197m long which equates to a walk time of five minutes (two way), assuming a reasonable walking speed of 80m/minute.
- 2.9 Block B Service Yard is plainly disconnected from Block A2 and the route between the two is tortuous and long, with no obvious relationship between the two for servicing.
- 2.10 RV has offered no tangible way to manage the servicing demand for Block A2 from two separate yards.
- 2.11 In the absence of appropriate management it is my opinion that, in practice, delivery drivers will naturally try and get their delivery vehicle as close to Block A2 as possible.
- 2.12 Therefore, it is my opinion that there should be no reliance placed on the use of Block B service yard to facilitate servicing of Block A2.

- 2.13 Consequently, Block A2 should be provided with a dedicated yard which accommodates at least 4 service bays.

Service Vehicle Conflict with Pedestrian Desire Lines

- 2.14 At paragraph 3.32 of his evidence (PDF page 10), RV states that the “*service bays have been positioned in locations so as to minimise their impact on the existing pedestrian routes...*” [my emphasis added]. This statement is supplemented by Figure 3.1 of RV’s evidence on the same page (copy below) which illustrates a layout that differs from the consented scheme and refined scheme submitted in November 2022.



Figure 2.2: TPP Revised Block A2 Service Yard Layout (Yard C)

- 2.15 Block A2 and its immediate surrounds sit centrally in Coventry’s expanse of retail offering. As set out in my evidence (para 5.61 (PDF page 26)) on a weekday there are in excess of 2,000 existing pedestrian movements between Coventry Market and Market Way between the hours of 0700 and 1800. These pedestrian movements are likely to increase as a result of the proposed CCS regeneration and specifically trips associated with Block A2 itself.

- 2.16 British Council for Shopping Centres (BCSC) publication “Servicing Areas for Shopping Centres 2013” provides advice on how to appropriately design for deliveries. The guidance states:

“In some retail shopping areas however, servicing does take place on street within a pedestrianised area. This helps to provide additional evening activity on streets that otherwise would become “dead” and potentially inhospitable to pedestrians. With restricted servicing hours to minimise vehicle and pedestrian interaction, the use of on-street servicing becomes a practical solution.....when considering off-street servicing, it should be designed to permit the safe and convenient operation of the group of vehicles that would be expected to use it. This means that vehicles should be able to use forward gear to enter the service area from the public highway and regain the highway on leaving.”

- 2.17 Given the context within which Block A2 sits [i.e. a retail environment and heavily trafficked by pedestrians] this BCSC advice is considered particularly relevant to the proposed scheme.

- 2.18 The Health and Safety Executive also provide advice on vehicle manoeuvres and, particularly reversing, citing that nearly a quarter of all deaths involving vehicles at work occur during a reversing manoeuvre. Their guidance on how to best avoid such incidents includes the following:

“Remove the need for reversing altogether, by setting up one-way systems, for example drive-through loading and unloading positions. Where reversing is unavoidable, routes should be organised to minimise the need for reversing.....”

In locations where reversing cannot be avoided:

- *‘Reversing areas’ should be planned out and clearly marked.*
- ***People who do not need to be in reversing areas should be kept well clear.....”***

[my emphasis added]

- 2.19 Both the BCSC and HSE guidance places an understandable emphasis on minimising the potential for accidents to occur by removing reversing and any pedestrian activity where vehicles manoeuvre.

- 2.20 The above should be considered in the light of the fact that the types of deliveries being undertaken in this area will be changing as well as the types of vehicles being used changing. At present, those who have access to this area are familiar with the environment within which they find themselves. Under the proposals, servicing activity will be undertaken by drivers who are unfamiliar with their surrounds and will not be aware of the significant pedestrian activity which occurs around Block A2. The shift to electric and hybrid technology is resulting in quieter vehicles, particularly at slow speeds, which will reduce pedestrian awareness of potential conflict.
- 2.21 Figure 2.3 below illustrates the typical manoeuvre associated with the proposed loading bay north of Block A2.

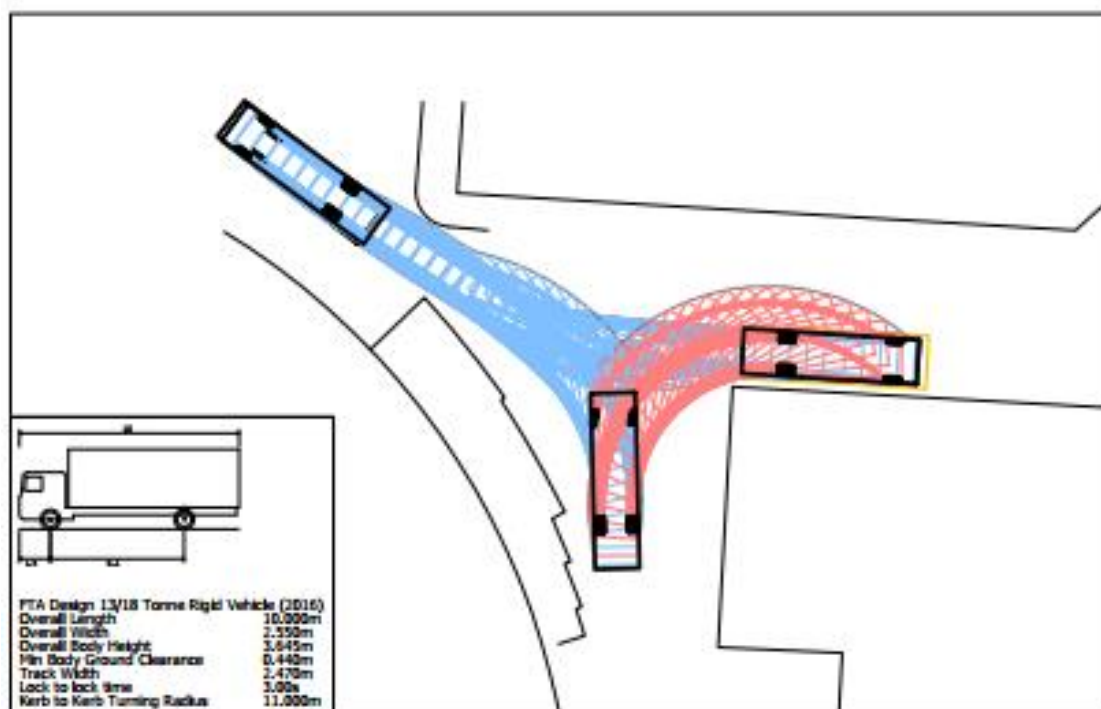


Figure 2.3: TPP Revised Block A2 (Yard C) – Additional Vehicle Manoeuvre

- 2.22 This demonstrates that in order to enter, or exit, the bay a service vehicle will need to reverse in an area which is heavily trafficked by pedestrians passing between Coventry Market and Market Way as identified on Figure 5.3 of my main evidence.
- 2.23 In addition, the tracking provided by TPP (illustrated in Figure 2.3 above) conflicts with areas used by Market Traders for their stalls, as well as conflicting with those customers visiting the stalls as illustrated in the photograph below.



Figure 2.4: Market Stalls & Pedestrian Activity Opposite Proposed Block A2

- 2.24 Figure 2.5 below superimposes the approximate line of market stalls onto the TPP tracking and illustrates a further offset to represent those customers at the stalls.

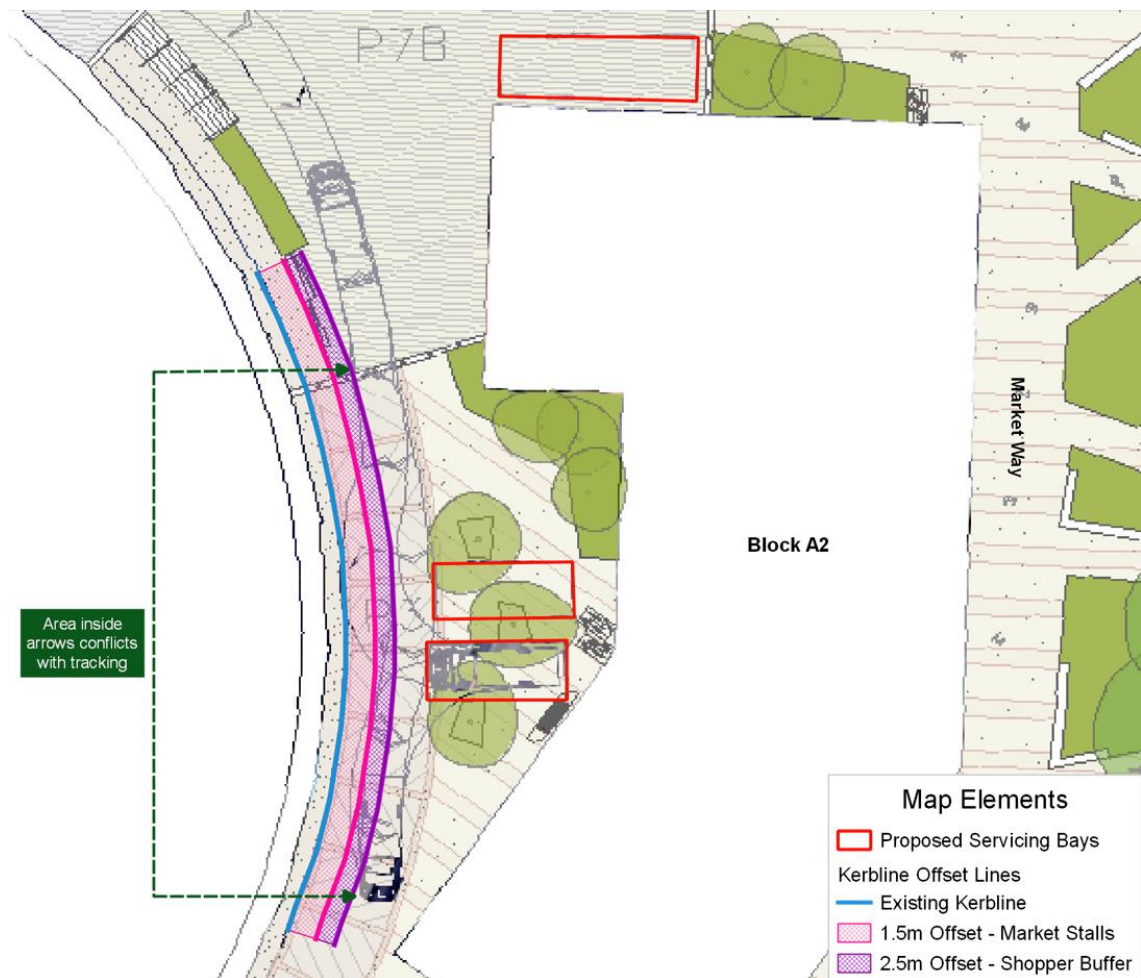


Figure 2.5: Market Stalls/A2 Tracking Overlay

- 2.25 It is clear from Figure 2.5 that the manoeuvres required to access the revised loading bays conflict with the market stalls and associated area occupied by shoppers. Consequently, the proposed revised servicing strategy for Block A2 is not achievable.
- 2.26 As set out in the Mayer Brown November 2022 Technical Note appended to RV's proof of evidence (para 1.30, PDF page 69 of RV's proof) *"It is considered that servicing adjacent to Block A2 needs to be relocated elsewhere or Block A2 reconfigured to provide a loading area of adequate size, where it does not conflict with key pedestrian desire lines"*
- 2.27 It is my opinion that the servicing arrangement presented for Block A2 in RV's proof has not minimised impacts on pedestrian routes and is unsafe given the risk posed to pedestrians.

Management of Block A2 Service Yard

- 2.28 Notwithstanding the above points relating to quantum of bays and safety, there have been no submission made on how the area around Block A2 would be managed.
- 2.29 As set out in my main evidence (PDF page 10), Yard C is presently under the management of Coventry City Council and vehicular access is achieved via Lower Precinct Yards A & B, with the LPSC controlling entry to Yard A.
- 2.30 Once within Yards A/B, there is currently free access to Yard C for any vehicle (the barrier separating Yards B & C automatically raises on approach).
- 2.31 Under the proposed layout presented in RV's proof, the Block A2 service yard will be an attractive destination for Market Traders to service from – as this is where they currently undertake servicing.
- 2.32 TPP have not demonstrated how Market Traders will be excluded from the Block A2 service yard in the future or how the LPSC control room is expected to manage access into Yard A for vehicles seeking access to Block A2.
- 2.33 As a consequence, there is the potential for abuse of the proposed Block A2 service yard (Yard C) which would result in an inadequate provision of loading bays in this area with overspill likely to occur into adjacent Yards A and B to the detriment of LPSC retailers.
- 2.34 In the absence of a clear and implementable management regime the proposals are considered deficient.

3 Revised Servicing Arrangements for Coventry Market

Analysis of Survey Data

- 3.1 As set out in my main evidence (paras 5.8-5.16 (PDF pages 19 & 20), Mayer Brown undertook a week long survey of the service yards surrounding Coventry Market. Table 1 of my main evidence (PDF page 19) provides details of the volumes of daily service vehicles recorded throughout that week in order to demonstrate the considerable variation in servicing activity over the week.
- 3.2 As I set out at para 5.16 of my main evidence, the analysis I presented was based on the Friday survey results and then reported on the peak servicing accumulation to identify the maximum servicing demand within that day.
- 3.3 At paragraph 6.6 of RV's evidence, RV states that *"Whilst the following reasonable worst case analysis is therefore based on the Mayer Brown worst case data from that particular Friday, it should be noted that this level of utilisation only occurred on one day during that particular week, with considerably fewer vehicles at all other surveyed times."* [my emphasis added]
- 3.4 RV's underlined statement above is only true of the total daily service trips. It is clear from Table 1 of my main evidence that the surveyed Friday was observed to have significantly more servicing activity over the course of the whole day.
- 3.5 Having undertaken further analysis, RV's statement does not hold true for the peak accumulation observed within each of the days surveyed, as I will explain below.
- 3.6 Notwithstanding the tables that follow, it would be perfectly reasonable and appropriate to expect a scheme to be designed on the basis of results from a single day, regardless of the results of the other weekdays. The development proposals should be expected to operate satisfactorily for the peak demand, regardless of frequency of occurrence.
- 3.7 In order to address the point made by RV, provided below is the peak accumulation for the Market Servicing for the remaining weekdays (Monday-Thursday), which has been factored to assume 100% occupancy of the stalls, as per the Friday data in my main evidence. These tables include a column identifying the number of service bays available under the consented scheme and I have highlighted in red text where the expected servicing demand would exceed the proposed supply for the consented scheme.

Time (Mon 10th)	Accumulation Across All CM Service Yards				Total available loading bays post- development
	No Time Restriction		2hr Time Restriction		
	At Hour	Max in Hour	At Hour	Max in Hour	
05:00	2	4	2	4	13
06:00	1	2	1	2	23
07:00	1	5	1	5	23
08:00	2	5	2	5	23
09:00	5	11	5	10	23
10:00	9	11	7	10	13
11:00	11	16	9	13	13
12:00	13	13	11	11	13
13:00	11	13	6	9	13
14:00	9	16	2	10	13
15:00	12	15	6	9	13
16:00	10	11	4	5	13
17:00	9	9	2	4	13
18:00	4	5	0	2	13
19:00	1		1		13

**Table 1: Servicing Vehicle Accumulation Profile – Mon 10th October 2022–
 Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)**

Time (Tue 11th)	Accumulation Across All CM Service Yards				Total available loading bays post- development
	No Time Restriction		2hr Time Restriction		
	At Hour	Max in Hour	At Hour	Max in Hour	
05:00	5	5	5	5	13
06:00	4	6	4	6	23
07:00	6	9	6	7	23
08:00	7	10	6	9	23
09:00	9	13	6	12	23
10:00	12	20	10	13	13
11:00	17	24	11	18	13
12:00	23	23	15	15	13
13:00	17	18	6	7	13
14:00	13	13	4	4	13
15:00	10	13	1	6	13
16:00	7	11	1	6	13
17:00	9	9	5	5	13
18:00	4	4	1	1	13
19:00	1		0		13

Table 2: Servicing Vehicle Accumulation Profile – Tue 11th October 2022–
Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)

Time (Wed 12th)	Accumulation Across All CM Service Yards				Total available loading bays post- development
	No Time Restriction		2hr Time Restriction		
	At Hour	Max in Hour	At Hour	Max in Hour	
05:00	1	1	1	1	13
06:00	0	4	0	4	23
07:00	2	7	2	7	23
08:00	6	10	6	7	23
09:00	10	15	7	12	23
10:00	13	18	10	12	13
11:00	15	16	9	10	13
12:00	13	15	7	9	13
13:00	11	21	4	13	13
14:00	20	21	12	13	13
15:00	13	16	5	6	13
16:00	11	11	1	4	13
17:00	5	6	2	4	13
18:00	2	2	0	0	13
19:00	0		0		13

**Table 3: Servicing Vehicle Accumulation Profile – Wed 12th October 2022 –
 Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)**

Time (Thur 13th)	Accumulation Across All CM Service Yards				Total available loading bays post- development
	No Time Restriction		2hr Time Restriction		
	At Hour	Max in Hour	At Hour	Max in Hour	
05:00	0	1	0	1	13
06:00	1	2	1	2	23
07:00	2	5	2	5	23
08:00	2	4	2	4	23
09:00	4	11	4	9	23
10:00	9	12	6	10	13
11:00	12	17	10	13	13
12:00	10	12	5	7	13
13:00	11	17	6	12	13
14:00	10	11	5	5	13
15:00	11	12	5	7	13
16:00	9	9	2	4	13
17:00	7	10	2	5	13
18:00	6	7	1	2	13
19:00	5		2		13

**Table 4: Servicing Vehicle Accumulation Profile – Thur 13th October 2022–
Anticipated Servicing Demand CM Activity only (assuming 100% occupancy)**

- 3.8 It is clear from the above that on every weekday surveyed, the proposed consented scheme would not provide sufficient servicing bays to meet the demand, if no time restrictions are imposed.
- 3.9 Most notably, the Tuesday analysis (Table 2 above) identifies a peak accumulation of 24 service vehicles – four more than was reported on the Friday.
- 3.10 The surveys commissioned by Mayer Brown were undertaken in a neutral month and, I consider, represent normal trading conditions. There will naturally be seasonal times when the trading (and associated servicing demands) will peak above those recorded.

Review of [Revised] Refined Scheme

- 3.11 At paragraphs 6.11-6.15 of RV's evidence, RV introduces a new service yard arrangement, designed to accommodate the peak demand of 20 vehicles calculation identified by the Friday survey, which seeks to meet the "unrestricted" demand for servicing in terms of duration of stay.
- 3.12 In terms of quantum of spaces now being proposed, the 21 bays (9 in LPSC and 12 in the new yard) would require increasing to 24 bays to meet the Tuesday demand, identified in Table 2 above.
- 3.13 The proposed layout of the yard is such that it does not provide adequate turning for a service vehicle, should one arrive and all loading bays be occupied.
- 3.14 Figure 3.1 below demonstrates the space required for a vehicle to turn, which necessitates the removal of one of the proposed loading bays. Without the removal of this bay, HGV's would be required to reverse into Queen Victoria Road which would be unsafe.

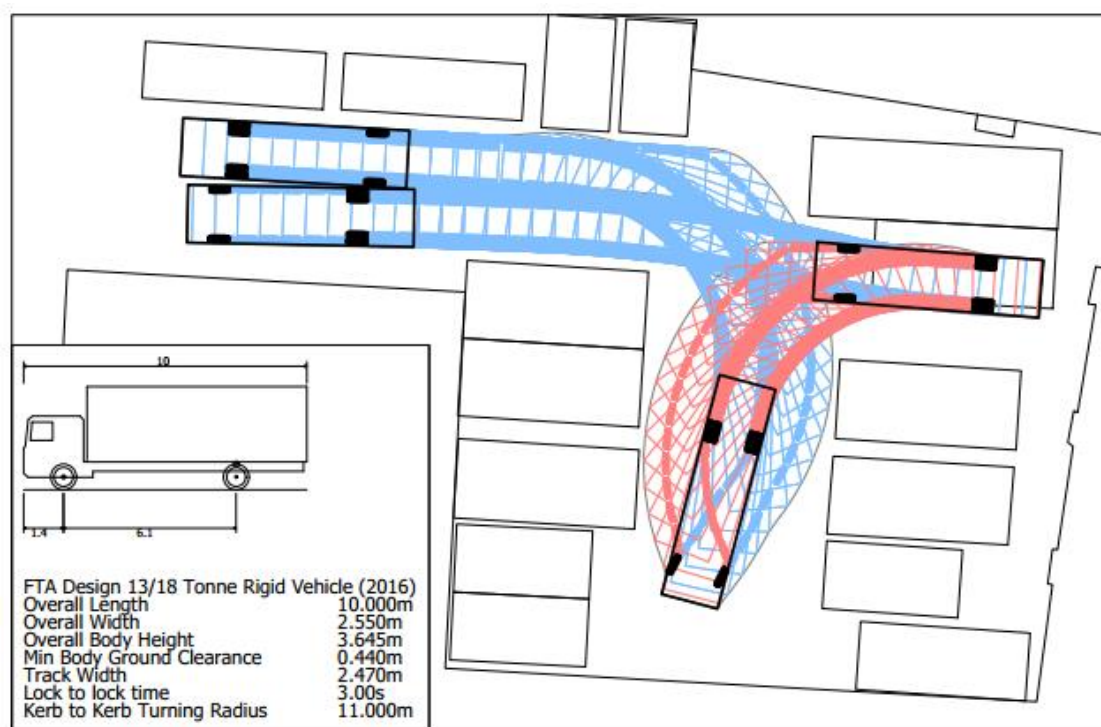


Figure 3.1: Vehicle Tracking of New Service Yard (Block A1)

- 3.15 Notwithstanding the next section of my rebuttal, the proposed revisions are inadequate to cater for expected demand and do not provide sufficient space for manoeuvring.
- 3.16 The revisions therefore do not resolve the deficiencies of the scheme that are set out in my main proof.

Planning Impediment

- 3.17 At section 3 (page 2-3) of RV's evidence, he defines two schemes, being the "consented" and "refined" schemes.
- 3.18 The former was approved under the NMA application in October 2022 and the latter is the live application which was submitted in November 2022 and is still being considered by the LPA.
- 3.19 The last bullet under para 3.2 of RV's PoE (page 3) identifies that the refined scheme includes *"the removal of the existing Coventry Market basement ramp, with the provision of a new ramp directly accessed from Queen Victoria Road."* This is entirely consistent with the servicing arrangement that was promoted under the consented scheme.
- 3.20 The updated Transport Assessment for the refined scheme also appears to adopt the exact same servicing strategy that the consented scheme did. I provide below an extract of the submitted TA:
- 5.1.3 Reduction in minimum mixed-use non-residential floorspace parameter (Class E / F.1 / Sui Generis Pub or Drinking Establishment / Hot Food Takeaway / Cinema uses) from 37,500sqm to 20,000sqm.
- The consented car parking space and hotel (Class C1) parameters remain as per the hybrid consent (ref: OUT/2020/2876) as amended. No changes are proposed to the full planning component of the hybrid consent, in terms of the works to the existing Coventry Market basement ramp and its replacement, and various external works to Coventry Market.
- 3.21 Later in his evidence, RV appears to suggest that the refined scheme actually adopts or could adopt a new servicing strategy which would address Royal London's concerns (i.e. the new, 12 bay, service yard under Block A1).
- 3.22 Para 3.28 of RV's evidence (page 8) suggests that Rover Walk would become fully pedestrianised under the refined scheme (i.e. no servicing at any time).
- 3.23 Para 6.1 of RV's evidence (page 18) explains that under the refined scheme, Zone E is now a service yard under Block A1, albeit it would appear that the TA submitted in relation to the refined scheme makes no reference to these changes.
- 3.24 As explained in the appended note from my Clients planning consultant, RPS, I am advised that the S73 application cannot be used to effect the service yard changes proposed in RV's evidence.

- 3.25 Notwithstanding the above, the proposed service yard changes will alter HGV routing, as the consented scheme has a one-way arrangement for Service Yard D and the revised scheme has not which will alter the distribution of HGV's on the local highway network. This change will require an amendment to the application EIA which, as a consequence of the change in arrangement, would otherwise be invalid.
- 3.26 Notwithstanding the deficiencies I have identified about the revised refined scheme, in the absence of an adequate alternate servicing strategy it would be premature to make the CPO until a safe and implementable service strategy can be established for the proposals.

4 Proposed Stopping Up of Rover Road

- 4.1 This section of my rebuttal should also be read as representations on the Stopping Up Order Inquiry, to be considered in parallel with the CPO Inquiry and should be read alongside submissions made to the National Casework Team by RPS dated 22nd December 2022, appended hereto.
- 4.2 Figure 4.1 below illustrates the extents of the Royal London Leasehold in the vicinity of Rover Road.

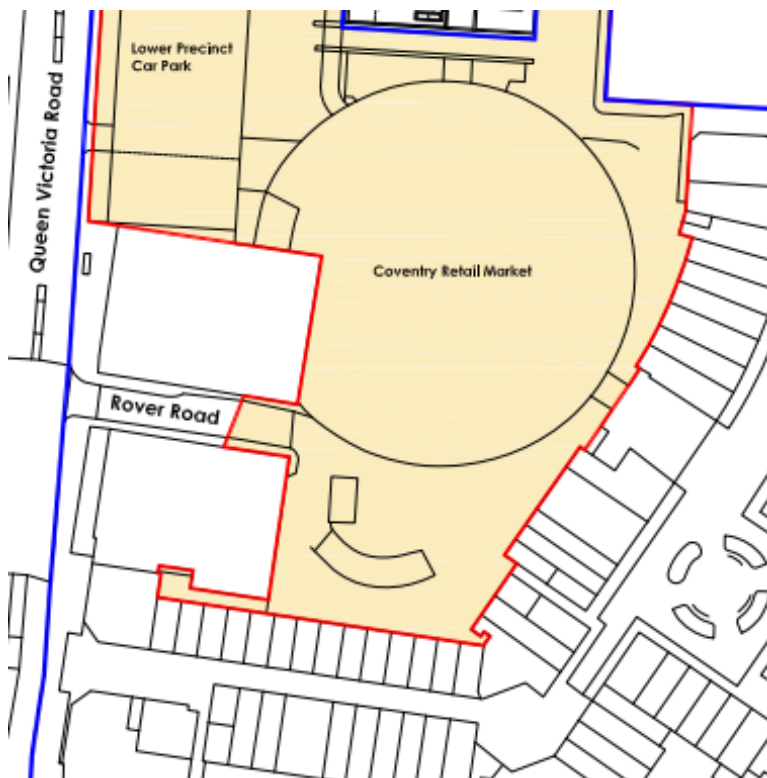


Figure 4.1: Extract of Royal London Leasehold Boundary

- 4.3 Figure 4.2 below illustrates the area to be stopped up, taken from RV's evidence:

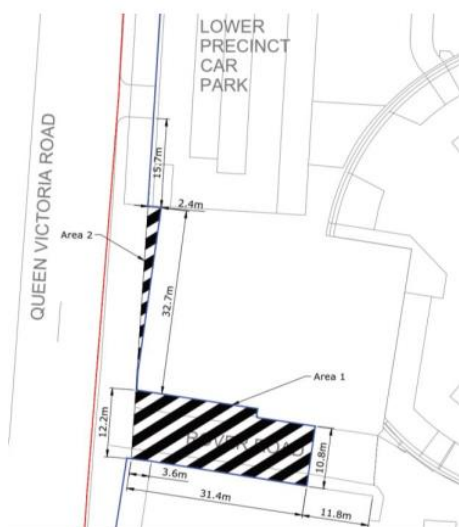


Figure 4.2: Area to be Stopped Up (Rover Road)

- 4.4 It is clear from the above that in order to access Royal London's leasehold area, Market Traders require the right to pass over the area to be stopped up.
- 4.5 The same is also true for pedestrians accessing Coventry Market from Queen Victoria Road.
- 4.6 The key issue for Royal London is a matter of timing of the making of any order. Once made, the owner of the land has the right to prohibit access and has the ability to landlock the Market.
- 4.7 In order to remove Royal London's objection relating to the stopping up of Rover Road, Royal London would need one of the following to be provided:
 - An adequate alternative access for pedestrians and service vehicles to be provided before the land is stopped up, which must be agreed with Royal London; or
 - A grant of rights in appropriate form, and giving sufficient assurance that the rights will be maintained, should be granted to Royal London, its tenants and the public to pass over the area to be stopped up, until such a time as an adequate alternative is provided, which must be agreed with Royal London.
- 4.8 To date, neither of the above have been provided and consequently it is not considered acceptable to make the order to stop up Rover Road as it could prejudice the operation of Coventry Market and would deprive the objector of access rights.

5 Summary and Conclusions

- 5.1 I have considered the evidence submitted by Mr Russell Vaughan of TPP in relation to the servicing of Block A2, servicing of Coventry Market and also the proposed stopping up of Rover Road
- 5.2 In relation to the proposed servicing of Block A2, for the reasons I set out above, it is my opinion that the proposed service bay arrangement remains deficient in terms of quantum of spaces and the layout is inherently unsafe and contrary to guidance provided by the Health and Safety Executive and good practice set out by the BCSC. In addition, there is no clear and implementable management regime for the Block A2 service area.
- 5.3 Notwithstanding the fact I am advised by the objectors planning consultant that the shift in proposed servicing strategy for Coventry Market cannot be achieved via the existing S73 application, my rebuttal explains that the revised strategy remains deficient in terms of loading bay quantum and manoeuvring. These deficiencies will lead to an unacceptable impact on the operation of LPSC and the public highway.
- 5.4 With regard to the proposed stopping up of Rover Road, the absence of any suitable alternative access the making of the stopping up order would deprive the objector of access rights which are required for the continued operation of the Market.