
Report to

Scrutiny Co-ordinating Committee
Cabinet
Council

18 October 2006
31 October 2006
31 October 2006

Report of

Directors of City Development, and Legal and Democratic Services.

Title

City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005
St Michaels Ward

1 Purpose of the Report

- 1.1 To advise Cabinet of the outcome of the Planning Inspector's report following the recent public local inquiry into the City of Coventry (Swanswell No1) Compulsory Purchase Order 2005 ("the CPO").
- 1.2 Update Cabinet on the relocation of the residents of Cygnet and Orwell Courts, and how it relates to the resolution made by Council in November last year.
- 1.3 Inform Cabinet of the next stage of the CPO.

2 Recommendations

Scrutiny Co-ordinating Committee ('SCRUCO') is asked to:

- 2.1 Support the recommendations to Cabinet and The City Council, regarding the tenants' relocation packages, as detailed in this report. (Note: This is based on its scrutiny work over the last 11 months)

The Cabinet is asked to:

- 2.2 Note that the Secretary of State has confirmed the CPO.
- 2.3 Note that the Director of City Development and the Director of Legal and Democratic Services are now implementing the CPO.
- 2.4 Note the recommendations of SCRUCO made at its meeting on 18 October
- 2.5 In view of the resolution of Council on 1st November 2005, agree that this matter is referred back to Council later today (31 October) seeking a resolution that supports and approves the resident relocation package detailed in this report.

The City Council is asked:

- 2.6 Further to their resolution on 1 November 2005, to support and approve the resident relocation package detailed in this report.

3 Information/Background

- 3.1 On the 18th October 2005 Cabinet approved the compulsory acquisition of property and interests to enable the delivery of the Swanswell Initiative Learning Quarter and referred the matter for consideration to Council on the 1st November 2005. Council agreed an amendment to the report (see **Appendix 1**) that gave a commitment that the Council will adequately re-house the disabled residents in properties within the area of a similar if not better specification than the ones provided at Cygnet and Orwell Courts, before the residents move to vacate their existing properties.
- 3.2 It was also agreed at Council that Councillor Sawdon and the Council's Scrutiny Co-ordination Committee (SCRUCO) would monitor this issue closely to ensure it is carried out in line with the amendment. Duncan Elliott, the Project Champion for Swanswell, has met with SCRUCO on a regular basis to fully appraise them on how the Council is meeting the terms of the resolution.
- 3.3 The Council has been working with Orbit Housing, the owner of Orwell and Cygnet Courts, to identify alternative living accommodation for those affected by the proposal. This has included looking thoroughly at all available options in the locality, and discussions with other Registered Social Landlords (RSL's) and private developers who own property and/are developing property in the area.
- 3.4 Phase 2 of the new City College development requires the site of Orwell and Cygnet Courts in January 2007. This development currently has both disabled tenants (at ground floor level), with 'general needs' flats above. If the Council does not deliver vacant possession of these buildings to City College next January, the College's development programme would have to slip by a whole academic year. This would have a massive impact on the College involving additional costs of at least £2m being incurred by them due to legal, construction and operational reasons. (There is no funding provision for such cost overruns). Consequently, there is also the real risk that the whole of their Phase 2 scheme could be aborted. (This scheme has of course already been backed by Advantage West Midlands via their initial land acquisition).
- 3.5 The CPO also includes the Industrial Estate off Adelaide Street, required for the construction of a 400 space Multi Storey Car Park to satisfy conditions on the planning permission for the College Phase 2 development; and the doctor's surgery in Swanswell Street is also required for Phase 1.

4 Proposal and Other Option(s) to be Considered

- 4.1 The reason that the Council pursued the CPO route is that there was no alternative option for Phase 2 of the proposed new City College that would allow the development of the College and the new secondary school on one site, to create the new Learning Quarter. Upon the recommendation of the planning inspector, the First Secretary of State has confirmed the CPO without modification (see **Appendix 2** for the full report) and the objectors have been advised of this.
- 4.2 A Council owned site on the corner of Raglan St and Canterbury Street has been provisionally allocated to Orbit Housing Association for the specific purpose of developing a replica development of Orwell and Cygnet Courts. Terms authorising this disposal will be put before Cabinet Member (Urban Regeneration and Regional Planning) for authority to

proceed. Orbit has recently submitted a detailed planning application, which is programmed to be supported to Planning Committee in late November / early December. Discussions with planning officers indicate that the scheme complies with planning policies, and would be supported by officers. This new development is programmed for completion in late 2007.

- 4.3 The 'general needs' tenants of Orbit and Cygnet Courts have already been found alternative accommodation successfully, by private agreement. With regard to the needs of the disabled tenants, five Disability Discrimination Act ('DDA') compliant bungalows are currently being built at Daimler Green by Accord Housing Association, which are due for completion in mid November 2006. The Council is using its nomination rights to secure these, from Accord Housing Association, for the disabled residents concerned, until the properties at Raglan Street are completed. The disabled residents will be given the opportunity to either remain at Daimler Green, or transfer to the Raglan Street development when built.
- 4.4 Of the four disabled residents, one has agreed to relocate to Daimler Green on a permanent basis, and one has been offered a ground floor flat in the Hillfields area. Following the confirmation of the CPO, one more resident expressed an interest in viewing the Daimler Green properties. The Council and Orbit are continuing to liaise with the remaining tenants about relocation, including the possibility of other options that they have recently suggested. The Council has invested additional funding of £35k in the Daimler Green properties to adapt the bathrooms and bedrooms to better suit the individual needs of the disabled residents concerned. Community Services are providing full back-up support services for the individuals, regarding their needs for moving, and integration and familiarisation with the new location and its local services etc. The tenants will now have received a relocation options pack, detailing the various elements of the total offer from the Council and its partners (including their compensation entitlement).
- 4.5 Accord Housing Association (as managers of such specialist accommodation); have also confirmed that the Daimler Green units meet the requirements of the DDA. These units are slightly larger than the Cygnet & Orwell Court units and are built to higher thermal insulation etc standards. They are new, well landscaped, with adjacent car-ports, in an attractive location, and near to the full range of local amenities required by the parties involved. SCRUCO have overseen the analysis of a range of options sites to date, and concluded that the package of the Daimler Green Units, and the proposed development at Raglan Street is the best solution deliverable within the City College development timescale.
- 4.6 Councillors Windsor and Nellist, and the disabled tenants Mr. and Mrs Jones held a public meeting on 27 September. This was also attended by the Leader of the Council Ken Taylor, Councillor Arrowsmith (Cabinet Member - Urban Regeneration and Regional Planning), and a senior Council officer. On 5 October the Leader of the Council attended a private meeting with Mr. and Mrs Jones at their property. This was also attended by Councillors Windsor and Nellist, and the same senior Council officer.
- 4.7 Senior Councillors and Officers, working with the partners quoted, are therefore doing everything within their powers to ensure that the proposed relocations will be as seamless as is possible, and that the back-up care and support required by the residents concerned are fully in place.
- 4.8 Officers regret that it has not been possible to comply completely with the terms of the Council amendment in relation to the timing of the provision of alternative accommodation for the disabled residents as outlined above. The issue for Cabinet (and Council) to

consider is whether their location, and the delivery timescale are acceptable in the circumstances.

4.9 Alternative Option:

4.9.1 The alternative option is to pursue a one-move only relocation of the affected disabled tenants. This would be directly to the new Raglan Street development once completed. This would of course be a better solution for the tenants. However, it would have the following consequences:

- City College would be obliged to put back its phase 2 development by a whole year, as they can only complete (and open) at the start of a fresh academic year in September.
- For clear financial, legal and operational reasons, City College has stated that additional consequential costs of an additional c.£2m, for which they have no provision, would be required. Consequently this could require them to abort this flagship project (which has been backed by many partners (including the LSC, AWM and CSCWP etc.) This would be a major fundamental loss to the city's regeneration and education ambitions in the area. The planned Learning Quarter concept would therefore collapse.
- Potential inward investors for other proposed projects in the Swanswell area would see this as the failure of the area's first large development. This would damage market confidence.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		✓
Children and Young People	✓	
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan	✓	
Crime and Disorder	✓	
Equal Opportunities	✓	
Finance	✓	
Health and Safety		✓
Human Resources		✓
Human Rights Act	✓	

	Implications (See below)	No Implications
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications	✓	
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 **Children and Young People**

The new City College will provide further education facilities for young people. It will sit alongside a proposed new school in the Learning Quarter, in order that both establishments can provide integrated facilities for the benefit of the students. The Learning Quarter is a key aspiration of the Swanswell Initiative.

5.3 **Coventry Community Plan**

The Swanswell Initiative and the Learning Quarter are identified as key objectives of the plan.

5.4 **Crime and Disorder**

The College's design team is working with the Police advisors, with the aim of designing out crime in the new development.

5.5 **Equal Opportunities**

The City College ethos is to open up education to all. It has a commitment to attracting new students from disadvantaged areas and from new sections of the communities within them. This is a key driver for them relocating to Swansell.

5.6 **Finance**

Cabinet has already allocated resources to adequately fund the relocation of the residents as part of the approved capital programme for 2006/07.

5.7 **Human Rights Act**

The Secretary of State has considered the human rights of the objectors. In reaching her decision she confirmed the purpose of the CPO is sufficient justification as there is a compelling public need in the public interest for the land. She has considered the Human Rights Act: article 8: interference with family life and article 1: deprivation of property and is satisfied that a fair balance has been struck between the use of the CPO, and the rights of the objectors

5.8 **Legal**

The Council has satisfied the Secretary of State of the public need for the CPO and will now proceed to complete the documentation with City College for the next phase of the development. The CPO confirmation is now being advertised, and there is a six-week challenge period, which must be adhered to before CPO notices are served.

5.9 Property Implications

Orbit Housing Association owns Orwell and Cygnet Courts and the Director of City Development is in discussions with the RSL regarding the purchase of its interest and related compensation payable by the Council both to the RSL and its tenants. It should be noted that the Council as acquiring authority is legally unable to take possession of residential property until such time as suitable alternative accommodation has been found.

5.9.1 It is programmed that a report will be brought to Cabinet today seeking your separate approval to the terms of funding, procurement, disposal and management of the 400 space MSCP. A further report will be brought to Cabinet Member (Urban Regeneration and Regional Planning), for the agreed terms for disposing of the Raglan Street site to Orbit.

6 Monitoring

6.1 The Swanswell Project is being led and managed by the Project Champions Office, City Development Directorate.

7 Timescale and expected outcomes

City College and CPO:

- 7.1 Phase 2 of the City College is due to start on site in January 2007. The City College crucially require that the properties be vacated by this date. If this is not achieved for any reason their entire project is at risk of failure for financial, legal and operational reasons.
- 7.2 In terms of the CPO process now that the Secretary of State has confirmed the order the proposed timescale is as follows:
- advertise the confirmed CPO 14/9/06 and serve notice of confirmation on those affected by the CPO
 - await expiry of six weeks (42 days) from date of advertisement
 - Agree timetable for possession to ensure required date for City College is achieved and make GVD
 - On date of vesting ensure vacant possession given
 - Enforce with Sheriff's warrant

Tenants of Cygnet and Orwell Courts:

- 7.3 If you approve this report, officers will seek to implement the following:
- The New Daimler Green bungalows will be completed and ready in late November.
 - Vacant possession of Cygnet and Orwell Courts will be sought in early January 2007.
 - The affected tenants will therefore need to move to Daimler Green in January 2007.
 - These tenants will then move again (and if they wish) to the new Raglan Street development, upon its completion in December 2007.

	Yes	No
Key Decision		
Scrutiny Consideration (if yes, which Scrutiny		To go to Full Council on 31 October 2006.

meeting and date)		
Council Consideration (if yes, date of Council meeting)		31 October 2006.

List of background papers

Proper officer: Director of City Development

Author: Duncan Elliott, Regeneration Division, City Development Directorate

Telephone 024 7683 2639

(Any enquiries should be directed to the above)

Other contributors:

Clarissa Evans L&DS x3093

Lisa Commane Finance & ICT x1970

Richard Brankowski L & DS x3077

Alf Tipper CDD x 2640

Paul Todd CDD x 2763

John Stanway SS&H x 1979

Nigel Clews CDD x 2708

Chris Hinde L&DS x 3020

Papers open to Public Inspection

Description of paper

Swanswell Initiative Draft Masterplan (March 2005)

Location

City Council web-site (Swanswell home page), or, Duncan Elliott CDD, Tel: 024 76832639

Councillor Mutton moved the following amendment, which was seconded by Councillor Duggins and carried:-

"We are very concerned about the wellbeing of all our residents. We are particularly concerned about disabled people and their quality of life. The Swanswell regeneration project will, when completed, enhance the area and improve the quality of life for the residents in the area as well as enhancing the city generally. Unfortunately it is necessary to remove a number of properties specially built for the disabled but we will ensure that these tenants are adequately rehoused in the area if they wish to stay there and that properties will be replaced before residents move to vacate their existing properties, with properties of a similar if not better specification as soon as possible."

RESOLVED, that the City Council:-

- (1) Approve the disposal of the land, shown edged black on the plan appended to the report submitted, to the College on the terms detailed in Section 4 and Appendix 2 to the private report submitted, and note that the receipts, less the cost of site preparation, will be allocated to corporate reserves.
- (2) Authorises the purchase of the properties detailed in Appendix 1 to the report submitted, in advance of the Compulsory Purchase Order, and for compensation to be paid to any parties having compensatable interests in accordance with the compensation code; and, that the City Council will ensure that the tenants of those properties specially built for the disabled will be adequately rehoused in the area, if they wish to stay there, and that the properties will be replaced, before the residents move to vacate their existing properties, with properties of a similar if not better specification as soon as possible.
- (3) Approve the utilisation of up to £2.5m of the Capital Programme allocation for the Swanswell regeneration scheme, to fund the acquisition of property detailed in Appendix 1 to the private report submitted.
- (4) Notes that the location of the proposed Multi-Storey Car Park required to support Phase 2 of the College development necessitates the acquisition of property on the Castle Place Industrial Estate, to ensure that the Swanswell Master Plan design principles are met and that a further report will be brought detailing how the Council will contribute to the funding and operation of the car park.

82. City of Coventry (Swanswell No. 1) Compulsory Purchase Order 2005

Further to Minute 120/05 of the Cabinet, the City Council considered a report of the Director of City Development that sought approval for the compulsory acquisition of property and interests to facilitate delivery of the Swanswell Initiative Learning Quarter.

Before the Order can be formally confirmed, outline planning permission for Phase 2 City College, to include a Multi-Storey Car Park, will be required to be granted; this would be pursued by City College. On 21st July 2005 the Planning Committee

APPENDIX 2
(Attached Separately)



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS

Eversheds
115 Colmore Row
Birmingham
B3 3AL

5 St Philip's Place
Colmore Row
Birmingham B3 2PW

Your Ref: SHEEDYG/047175-010006
Our Ref: GOWM/NPT/CPO/55289

Date: th24 August 2006

For the attention of Gerry Sheedy

Dear Sir

**THE CITY OF COVENTRY (SWANSWELL NO 1) COMPULSORY PURCHASE
ORDER 2005**

Enclosed is a copy of a letter to Coventry City Council announcing the Secretary of State's decision on the above order, together with a copy of the Inspector's report.

You may inspect any documents, photographs or plans appended to the Inspector's report, by applying to the Secretary of State within 6 weeks of the date on which notice of the confirmation of the order is first published. Applications should be made in writing to this office. You should quote the reference number shown on this letter and state the date and time (in normal office hours) when you would like to inspect the documents. For administrative purposes, it would be helpful if three days notice could be given, although this is not essential.

Yours faithfully

Mr M. Ellis



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS

The Director of Legal and Democratic Services
Coventry City Council
Legal and Democratic Services Directorate
Council House
Earl Street
Coventry
CV1 5RR

5 St Philip's Place
Colmore Row
Birmingham B3 2PW

Your Ref: L/EF/2000-1656
Our Ref: GOWM/NPT/CPO/55289

Date: 24th August 2006

For the attention of Richard Drysdale

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 226(1)(A)
ACQUISITION OF LAND ACT 1981
THE CITY OF COVENTRY (SWANSWELL NO.1) COMPULSORY PURCHASE
ORDER 2005**

1 The report of the Inspector, Mr J.Woolcock BNatRes(Hons) MURP DipLaw MPIA MRTPI, who held a public local inquiry into the above order on 11th July 2006, has been considered. A copy of the Inspector's report is enclosed.

2 The order, if confirmed, would authorise the compulsory purchase of the land described in the order schedule for the purpose of development, redevelopment or improvement including securing the provision of a college of further education, an advanced construction and technology centre, multi storey car park together with other uses, associated servicing, access and landscaping on or in relation to the land authorised to be purchased.

3 Five relevant objections to the order were received. At the start of the inquiry there were three objections outstanding. The main grounds of objection were that the purpose-built accommodation for disabled people should be retained, and that an existing medical centre should be incorporated, in revised plans for the City College. The Inspector also heard evidence from Mr P.Jones of 2 Cygnet Court, who indicated that a letter of objection had been forwarded to the Council but there was no record of any such letter being received, and no copy was submitted to the inquiry.

4 The Inspector's report summarises the submissions made at the local inquiry. A copy of his conclusions is annexed to this letter.



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS

5 The Inspector has recommended that the City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005 be confirmed without modification.

6 The Secretary of State has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the objectors and she is satisfied that such interference is justified since, for the reasons given above, she is satisfied that there is a compelling need in the public interest for the land, the subject of the compulsory purchase order, to be compulsorily acquired. In particular she has considered the provisions of Article 8 of and Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the compulsory purchase order a fair balance has been struck between the use of compulsory purchase powers, the relevant order and the rights of the objectors.

7 The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties, which included correspondence submitted after the public inquiry by Watch on behalf of Louise Price. The Secretary of State agrees with the Inspector's conclusions and does not consider that the objections constitute grounds for not proceeding with the proposals. She has therefore decided to accept the Inspector's recommendation and to confirm the City of Coventry (Swanswell No.1) Compulsory Purchase Order 2005.

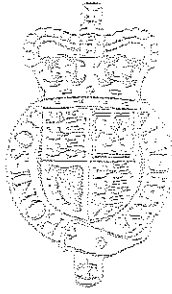
8 I enclose the confirmed order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the order has been confirmed. Please inform us of the date on which notice of confirmation of the order is first published in the press.

9 Copies of this letter and the Inspector's report are being sent to relevant objectors who appeared or were represented at the local inquiry. Copies of the letter are also being sent to other persons who attended the local inquiry and asked to be notified of the decision.

10 This letter does not convey any other consent or approval in respect of the land to which the order relates.

Signed by authority of the Secretary of State

John Leigh
Senior Executive Officer
Northern Division (Planning and Transport)
Government Office for the West Midlands



CPO Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by John Woolcock BNatRes(Hons) MURP DipLaw
MPIA MRTPI

Date

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

8 AUG 2006

THE TOWN AND COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

THE COUNCIL OF THE CITY OF COVENTRY

APPLICATION FOR CONFIRMATION OF THE CITY OF COVENTRY
(SWANSWELL NO.1) COMPULSORY PURCHASE ORDER 2005

Inquiry held on 11 July 2006

Swanswell, Coventry

File Ref: GOWM/NPT/CPO/55289

File Ref: GOWM/NPT/CPO/55289

The City of Coventry (Swanswell No.1) Compulsory Purchase Order 2005

- The Compulsory Purchase Order was made under section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by The Council of the City of Coventry on 10 November 2005.
- The purposes of the Order are development redevelopment or improvement including securing the provision of a college of further education, an advanced construction and technology centre, multi storey car park together with other uses associated servicing access and landscaping on or in relation to the land authorised to be purchased.
- When the inquiry opened there were 3 statutory objections outstanding. Two objections were withdrawn. The main grounds of objection are that purpose-built accommodation for disabled people should be retained, and that an existing medical centre should be incorporated, in revised plans for the City College.
- Inspections were carried out on 12 July 2006.

Summary of Recommendation: The Order be confirmed without modification.

Procedural Matters and Statutory Formalities

1. The convening notice was read and the Council confirmed its compliance with the statutory formalities. There were no submissions on legal or procedural matters. The objections to the compulsory acquisition of Plots 1 and 2, identified in the scheme for part of a multi-storey car park (MSCP), were withdrawn by letters dated 30 June 2006 and 23 June 2006, respectively.¹
2. Phillip Jones, who resides at 2 Cygnet Court, indicated at the Inquiry that a letter of objection had been forwarded to the Council.² However, the Council has no record of any such letter being received, and no copy of the purported letter was submitted to the Inquiry. Notwithstanding the absence of a written objection, Mr Jones gave oral evidence to the Inquiry, cross-examined some of the Council's witnesses, and attended the site inspection.
3. Mr Milne did not indicate that he wished to speak at the Inquiry during my opening announcements, but subsequently asked to question some of the Council's witnesses, which I permitted. However, Mr Milne was not present for the remainder of the Inquiry and so did not make a statement.
4. Cllr Nellist stated at the outset of the Inquiry that he had been involved with Cllr Windsor in preparing the statement opposing confirmation of the Order, but that he would not be speaking at the Inquiry.
5. The Council's Statement of Case indicates that an application would be made by the City Council to the Secretary of State pursuant to section 247 of the 1990 Act for the stopping up of highways required by the scheme. However, no stopping up order had been registered at the time of the Inquiry.
6. As part of the site visit I inspected inside the flat at 1 Cygnet Court and the Swanswell Medical Centre. I also walked in the local area and walked various routes to and from the

¹ Documents 2 and 3.

² Cygnet Court is part of Plot 5 of the Order land.

City centre. In addition to visiting the Order land, I saw the site and surrounds for the proposed alternative disabled accommodation at Raglan Street, and visited the Daimler Green site where five bungalows designed for wheelchair users were at an advanced stage of construction.

The Order Land and Surroundings

7. The Order land is situated within a mixed residential and commercial part of the Hillfields district of Coventry, close to the north-east section of the City's ring road. To the west of the Order land lies the Coventry & Warwickshire Hospital site, part of which is to be redeveloped with the relocation of the hospital. The relationship with other parts of the City centre is shown on Coventry Development Plan 2001 (CDP) Map CC(4).³
8. The Order land comprises five plots. Plot 1 (0.2888ha) and Plot 2 (0.0965ha) contain modern light industrial buildings. Plot 3 (0.1376ha) is the Swanswell Medical Centre, the practice of Drs. M and K Jayaratnam, and its car park. Plot 4 (0.0266ha) was previously the site of a free-standing church hall, but this has been demolished and the area has been incorporated into the construction site for Phase 1 of the City College. The steel framework for a substantial part of this building had been erected at the time of my visit. Plot 5 (0.1593ha) comprises Orwell Court and Cygnet Court. Each three-storey brick block contains six flats, with the two ground floor flats specifically designed for use by disabled occupiers.

The Case for the Council

The material points are⁴:

The scheme and unresolved objections

9. The Order land is part of an area which has been identified as suitable for development, redevelopment and improvement for a City College. The City Council has acquired the majority of the site, funded by Advantage West Midlands (AWM). The five Plots detailed above are now required so that they can be incorporated into a scheme of development in the public interest. Agreement has been achieved and there is no subsisting objection in respect of Plots 1, 2 and 4. There is no objection from the head-lessee, Orbit Housing Association, but objections from two of the 12 tenants at Cygnet and Orwell Courts (Plot 5).⁵ The objection in respect of Plot 3 (Swanswell Medical Centre) is unresolved.

Swanswell Regeneration

10. Hillfields is the most deprived part of the City, with many semi-derelict empty sites and old buildings conveying an overall impression of a run-down, neglected area. On a national ranking of deprivation it is the 40th most deprived district out of 32,482 areas in the country. The City Council is promoting the Swanswell Initiative, a comprehensive regeneration of 60 hectares of land, to address this problem. This has included a Masterplan exercise intended to guide the form which the regeneration of the area should take, involving extensive consultation, including the establishment of a Community Liaison Group in 2004.⁶ A key component of the Masterplan strategy is the development of a Learning

³ Document 8 Appendix 2 page 17 - the Order land lies immediately to the East of the central part of Distinctive Area 11.

⁴ Based on Document 12, proofs of evidence and evidence given at the Inquiry.

⁵ Objections from three tenants if the objection from Mr Jones made at the Inquiry is included.

⁶ Document 4 sections 4 and 5.

Quarter.⁷ This was selected because of its accessibility to the surrounding hinterland and to the City centre, its good access by public transport, its proximity to existing educational facilities, along with its capacity and availability.⁸

11. The flagship development of the Learning Quarter would be the relocation of the City College to a new 26,000m² purpose-built modern site, with capacity to accommodate about 14,000 students.⁹ This is the first and highest profile new development in the Swanswell area. The City College scheme (£50 million) is fully funded from four sources; receipts from the sale of its existing sites in Coventry, capital grant from the Learning Skills Council, support from AWM, and a commercial bank loan.¹⁰

Planning policy and permissions

12. The scheme accords with the Coventry Community Plan and is consistent with planning policy at all levels. Policy PA2 of RPG11 focuses investment in Regeneration Zones, including Coventry. The supporting text adds that in appropriate circumstances compulsory purchase powers would be used to assemble sites and to create regeneration opportunities. Policy PA4 provides that development plans should facilitate the needs of higher/further education institutions and businesses linked to such institutions. CDP Policy OS3 encourages Local Area Regeneration initiatives, particularly Priority Areas such as Hillfields. Policy E11 promotes employment and training initiatives which focus on sites within Priority Areas for the provision of employment and training specifically aimed at relieving local economic disadvantages. This is an intrinsically sustainable location, which complies with the aims of CDP OS4, and which accords with the guidance in PPS1, PPS6 and PPG13.¹¹ It is proposed that the Masterplan be incorporated into the City Centre Action Plan rather than progress as separate SPD, but this is not likely to be adopted until 2009, after the time-scale for construction of the City College.¹²
13. Planning permission was granted in November 2005 for the erection of a new college of further education with associated car parking, open space and landscaping (Phase 1).¹³ This site includes Plots 3 and 4 of the Order land. The Advanced Construction Training Centre (ACTC) building is currently under construction.¹⁴
14. Outline planning permission, with siting and means of access discharged, was granted in December 2005 for the demolition of existing housing and other buildings, erection of a college of further education (Phase 2), multi-storey car park and offices, revised and new access arrangements, surface level car parking, landscaping and stopping-up of highway (Queens Street).¹⁵ This was subject to a number of conditions.¹⁶ The site encompasses all

⁷ Document 5 Appendix 4 - *Swanswell Regeneration Masterplan* is a working draft approved by the Council in 2004 as draft SPD. Proposed Land Use is shown at page 39.

⁸ Three alternative sites were reviewed but the Whitefriars Tower Block Estate was selected for the reasons given in section 7 of Document 4, and because it was a sustainable location [Document 7 section 4].

⁹ This follows the merger of Tile Hill College and Coventry Technical College in 2002 and the difficulty in operating from split sites, as outlined in Document 11.

¹⁰ Mr Taylor in answer to a question from the Inspector.

¹¹ Other relevant policies are set out in Document 7.

¹² Mr Trewinnard in answer to a question from the Inspector.

¹³ Application No.52325 [Document 8 Appendix 7].

¹⁴ The site layout is at Document 8 Appendix 3.

¹⁵ Application No.52658 [Document 8 Appendix 8].

¹⁶ Including condition No.18, which states that no demolition of Orwell and Cygnet Courts shall commence unless and until suitable alternative housing accommodation has been provided for the occupants of the disabled housing units in Orwell and Cygnet Courts in accordance with details which have been submitted to and approved by the local planning authority.

five Plots of the Order land, and the site boundary overlaps with part of the site for Phase 1 in the vicinity of the junction of Stoney Stanton Road and Swanswell Street.¹⁷

15. Phase 1 is scheduled for completion in September 2007, with Phase 2 programmed for completion in September 2008. It was confirmed at the Inquiry that total closure of Queen Street would be required in future to complete Phase 2. However, road closure is not immediately required, and the City Council intends to take action under the Planning or Highways Act to close the road.

The need for the CPO

16. Plots 1 and 2 are required for a MSCP, with enclosing development to provide activity and an interesting design, to be used by the City College during college hours and available to the local community out of these times. The outline consent requires that the car park is open before Phase 2 is operational. It is proposed to procure the MSCP via a design and build contract.
17. Swanswell Medical Centre (Plot 3) sits in front of the main entrance to the new College, where planning permission has been granted for this area to be laid out as a plaza. It would be a new public space in front of the College, in accordance with the Masterplan strategy, which proposes a new City Square at the junction of Byron Street, Swanswell Street and Stoney Stanton Road. This is identified as one of the major structuring elements for Swanswell and would act as a node and civic space for surrounding education and health functions.¹⁸ It represents the sort of urban design quality that is imperative if the character of the area is to be transformed as envisaged in the Masterplan.
18. Plot 4, site of the demolished church hall, is partially within the footprint of the ACTC building, which is under construction as Phase 1.
19. Orwell and Cygnet Courts (Plots 5) are required for the scheme because they both sit beneath the footprint of Phase 2 of the City College. Orwell Court is set further back from the street and the whole of the building falls within the footprint of the south-western part of the proposed City College. The footprint also extends over the northern part of Cygnet Court, with the ~~remained~~ ^{remained} of Plot 5 identified for landscaping and parking off Weston Street. It is not possible to retain these buildings and accommodate the City College and the proposed new secondary school on the Learning Quarter site.
20. No part of the Order land is required for the replacement of the Sidney Stringer School, but provision has been made for it to be part of the Learning Quarter.¹⁹ The school, which lies to the south of the Order land, was built in the 1970s, but is already outdated and nearing the end of its economic life. It is not possible to address these problems with a redevelopment of the existing school site. A new school in the Learning Quarter, but within its existing catchment, would provide an exciting opportunity for sharing facilities, give the school access to a specialised ACTC, and provide a gateway for this community to further/higher education.²⁰ The advantages of this justify safeguarding opportunities for the school, and the City College should not prejudice options for the school.

¹⁷ The site layout is at Document 8 Appendix 5.

¹⁸ Document 5 Appendix 4 pages 23 and 26.

¹⁹ Document 5 Appendix 3 shows siting for a school including 18-19 centre, but it was clarified at the Inquiry that this is an informal document intended as a guide for designers.

²⁰ Document 6.

Swanswell Medical Centre

21. A recent letter from Coventry NHS Primary Care Trust (PCT)²¹, clarifies that the brief for the LIFT²² scheme made provision for the relocation of Dr Jayaratnam's practice. This principle was provided for in various iterations of the design, until more recently, when Dr Jayaratnam expressed his desire not to be included as a key stakeholder in the project. The latest version of the project does not include Dr Jayaratnam as a stakeholder, but if he were to express an interest to be included in the process the PCT would consider the request. The PCT also advised that should the practice cease operating then the current practice list would be dispersed to other General Practitioners (GPs) located within the immediate catchment area of the Swanswell Practice. The Council considers that there is evidently accommodation available in the LIFT scheme if terms could be agreed. If not, and no other accommodation were to be available and so the practice ceased (although the Council sees no need for this), compensation would be due, and patients would not suffer because they would be reallocated to other local GPs.
22. An integrated medical centre in the College was discussed but not pursued because funding was mainly from the Learning Skill Council for education. The LIFT scheme now proposed by the PCT will resolve this and it is not a consideration for the City College.²³ The Council referred to two possible local sites which might be suitable for Dr Jayaratnam to acquire for a replacement centre, but the Council relies on the advice from the PCT about negotiations for inclusion of the practice in the LIFT scheme.

Alternative accommodation for the occupiers of Orwell and Cygnet Courts

23. The Council is working with Orbit Housing Association to accommodate all those affected by the scheme in equivalent or superior accommodation.²⁴ Terms have been agreed between the Housing Association and the Council in respect of a site at Raglan Street, adjacent to a landscaped open space, where the Association could build new accommodation exactly matching Orwell and Cygnet Courts. It is expected that the Association will soon make a planning application for this development.²⁵ As this is yet to be built the Council has identified new purpose-built bungalows over which it has nomination rights at Daimler Green.²⁶ This site is close to local shops, services and community facilities located at Jubilee Crescent. The bungalows would be available to the displaced occupiers either permanently or, if they prefer it temporarily, pending the completion of the new accommodation at Raglan Street.

Summary

24. The Objectors' reasonable needs can be accommodated. There is no reason to frustrate the Order where planning permission has been granted, funding is in place and there is no other impediment to the completion of the scheme. The success of the Swanswell regeneration

²¹ Document 5.2.

²² A scheme for a new health centre to be built on the site of the old Coventry and Warwickshire Hospital under the Local Improvement Finance Trust (LIFT), for which a planning application is expected in the near future for a site opposite the ACTC. This will combine all the GPs within the Hillfields area under one roof and link to other health service providers to promote a "one stop shop". [Document 10 Appendix 3]

²³ Mr Taylor in response to a question at the Inquiry from Dr Jayaratnam.

²⁴ Document 9 section 3.5.

²⁵ The relationship between the Raglan Street site and Orwell and Cygnet Courts is shown at Document 10 Appendix 5, and the proposed scheme is included at Document 10.1.

²⁶ Plans showing the location of Daimler Green in relation to Hillfields and the City Centre, along with building plans and elevations for the bungalows, are included at Document 5.3.

initiative and the establishment of the Learning Quarter for the City of Coventry depend upon the Council being able to assemble all the land necessary in accordance with the phases that have been agreed and approved. If the Order is not confirmed the scheme for the Learning Quarter could be only partially completed, with Phase 2 frustrated, and it would not be possible to provide the new secondary school where it would work in partnership with the new College. There would be a loss of job and educational opportunities, and the regenerative effects of the College's relocation would be severely inhibited.

The Case for the Objectors

*Plot No.3 - Drs. M and K Jayaratnam, Swanswell Medical Centre, Swanswell Street (leaseholders of the site and premises for a term of 99 years from 13 February 1999)*²⁷

The material points are²⁸:

25. Dr Jayaratnam has practised in the Swanswell area for 23 years. The Swanswell Medical Centre was converted, at considerable cost, time and effort, from a public house in 1996. It comprises a ground floor surgery and first floor living accommodation.²⁹ The surgery has been fitted to accord with modern standards. There is secure parking for 24 cars. The PCT gave its full support and guidance for the extensive conversion works.
26. Since commencing, the practice has grown year on year and now has a patient list of 2,600. Despite the 'blight' due to the CPO, a new general practitioner in his thirties has been employed on a three year contract. Dr Jayaratnam and his wife wish that their eldest daughter, a registered medical practitioner, and their younger daughter, due shortly to qualify in medicine, would join the practice and eventually take over.
27. It is not necessary for Swanswell Medical Centre to be taken to accommodate the new scheme. It does not fall within the footprint of Phase 1 of the City College and could be left in situ. Dr Jayaratnam has offered to give up three quarters of the car park site, if required, to facilitate the scheme.
28. Swanswell Medical Centre and its patients have not been considered at the planning stage. Dr Jayaratnam had proposed at an early stage that accommodation might be found for the Swanswell Medical Centre in the new build development if it was necessary to demolish the existing premises. This would have provided a valuable additional facility and would have enabled Swanswell Medical Centre to continue to provide for its many patients.
29. It was represented by the PCT, without any prior discussion with Dr Jayaratnam, that the Swanswell Medical Centre would be accommodated in the new LIFT Health Centre. A consultation document by the PCT in 2005 indicated that "other GP services", a reference to Dr. Jayaratnam, would be included.³⁰ However, at a meeting on 31 May 2006 it was stated categorically that there was no room for the practice in the new LIFT premises, nor could the PCT assist with temporary relocation pending identifying any permanent relocation site. In response to Document 5.2 Dr Jayaratnam indicated at the Inquiry that this recent letter from the PCT does not provide any guarantee of accommodation.

²⁷ Letter of objection from Loveitts dated 14 December 2005.

²⁸ Based on Objection letter dated 14 December 2005, Document 13 and evidence given at the Inquiry.

²⁹ The living accommodation was vacant at the time of my site inspection.

³⁰ Attachment to Document 13.

30. The City Council has been unable to identify any suitable alternative premises in the area for the relocation of Swanswell Medical Centre on either a temporary or permanent basis. Dr Jayaratnam and his wife would lose their practice, and their patients would lose their general practitioner services which are delivered with all the traditional values of 'the family doctor' in modern, accessible premises.
31. Coventry Local Medical Committee, by letter dated 29 June 2006, unreservedly support Dr Jayaratnam's efforts to continue to practice in Hillfields, and some 137 patients signed a petition indicating that they would like the surgery to stay in the current premises.³¹

Plot No.5 - Louise Price, 1 Cygnet Court, Swanswell Street

(Tenant of Orbit Housing Association)

The material points are³²:

32. The block contains purpose-built accommodation for people with disabilities and was only constructed in 1995. There is a 15 year wait for this kind of housing, which enables people with disabilities to live a full and productive life in a supportive community.
33. Demolition of Cygnet and Orwell Courts for an unspecified need by the Council to provide further education on a city-wide basis, but not specifying how the demolition of the two blocks would provide specific economic or regeneration benefits, does not indicate any of the benefits referred to in the Acts.
34. Regeneration is not opposed, but the development should include the existing accommodation, as opposed to demolishing it, especially given the purpose-built facilities for people with disabilities.
35. The Human Rights Act and Disability Discrimination Act should be taken into account when considering the demolition of these homes.
36. Orbit Housing Association has not engaged in any meaningful consultation, and whilst the City Council has discussed future adapted housing, it has not promised purpose-built housing for people with disabilities, as contained in Cygnet and Orwell Courts.
37. Miss Price has Cerebral Palsy and is wheelchair bound. She has other medical conditions and requires a lot of care. She does not want to move because her home caters for all her needs, so that she can live as independent life as possible. Her two-bedroom home provides for carers who stay overnight. She can go to the City centre and the park everyday, which provides self-confidence. Local amenities, such as doctors, chemists, supermarket, cinema, theatre and pub can be accessed independently, and she has, after two years, built up a rapport with local staff who know what help she requires. She feels safe and secure in her home, with friendly neighbours, which is important to someone in a vulnerable position. The wildlife attracted to the bird feeders near to her back door gives her a vast amount of enjoyment and satisfaction, and there is space in her home for three fish aquariums. She has spent thousands of pounds to turn her flat into her home.³³

³¹ Attachment to Document 13.

³² Based on Objection letter dated 11 December 2005.

³³ Based on letter by Louise Price published in a local newsletter, extract from which is attached to Objection letter.

Plot No.5 - Phillip Jones, 2 Cygnet Court, Swanswell Street

(Tenant of Orbit Housing Association)

The material points are³⁴:

38. The main issue is that the existing flats are purpose-built and only about 10 years old, which is far short of their expected life. Relocation would give rise to problems accessing facilities and services, such as carers and care agencies, district nurse, and doctors for regular check ups.
39. The proposed alternative accommodation at Daimler Green raises an environmental issue. Mr Jones would need to use his car more often to get into the City centre. At present he is able to access the City centre, which is within about half a mile, by means of his wheelchair.
40. Lack of parking is of concern with respect to the proposed alternative accommodation at Raglan Street. On-street parking is heavily used by students occupying nearby university accommodation.³⁵ Even if adequate parking were to be provided off-street for the proposed flats, wheelchair accessibility within the locality would be impaired by vehicles parking over dropped kerbs. Reservations about the adequacy of parking arise because the Raglan Street site is smaller than the area currently occupied at Cygnet and Orwell Courts³⁶.
41. Mr Jones' wife has a medical condition and there is concern that she would have to use public transport if relocated to Daimler Green and Mr Jones needed to use his car more. This would affect her access to work at a community centre, in conjunction with a church, for the benefit of younger members of the community.

Plot No.5 - Philip King, 5 Cygnet Court, Swanswell Street

(Tenant of Orbit Housing Association)

42. Mr King submitted a written objection, but did not appear at the Inquiry. The objection letter, dated 12 December 2005, is identical to that submitted by Miss Price, which is reported above.

Other Submissions Opposing the Council

Cllr Rob Windsor (Councillor for St Michael's Ward and Governor of Sidney Stringer School)

The material points are³⁷:

43. There is concern about the aims of Swanswell Regeneration Scheme and the transparency and effectiveness of community consultation. The residents in the area have lost 523 units of affordable rented homes with no replacement, lost a well-used and respected local play

³⁴ Based on evidence given at the Inquiry.

³⁵ In addition to existing student accommodation in the locality, a planning application has been made for 46 cluster flats providing a total of 213 student bedspaces on the site adjoining the proposed alternative accommodation in Raglan Street [Document 5.4].

³⁶ However, there are 14 car parking spaces for 12 units (1.16 spaces per flat) at Cygnet and Orwell Courts and the proposed scheme at Raglan Street indicates 20 spaces for 16 flats (1.25 spaces per flat), although some of these are outside the site.

³⁷ Based on Document 14 and evidence given to the Inquiry.

centre, and now stand to lose Cygnet and Orwell Courts and the local health centre.³⁸ There was a lack of openness about the demolition and proposed new Academy School.

44. The Swanswell Regeneration Masterplan aims to reflect and enhance the areas character and diversity, and to improve and introduce high quality building and public spaces. The tenants of Cygnet and Orwell Courts are part of this community, and their flats are well designed and fit well into the existing street scene.
45. CDP Policy OS8 concerns equal opportunity and Policy OS9 deals with access by disabled people. Policy H11 provides for housing for people with special needs. Policies also point to the need to make use of the existing housing stock through improvement and repair.³⁹
46. The purpose-built flats are spacious and contain accommodation for carers; they are accessible to the City centre, have ample space for vehicle parking and are in a pleasant corner with trees opposite Swanswell Park. Obtaining this type of housing is not easy. The Council's Housing Services Department has advised that there are 150 purpose-built disabled units in Coventry. There are no empty properties in the 110 of these homes which are provided by Whitefriars Homes Group. Details about the remaining 40 are not available but few would be likely to be available because of the high demand. There are currently 62 people waiting for this type of housing and possibly increasing demand as students from the Hereward College seek to remain in Coventry.⁴⁰ It would be wrong to displace settled tenants and further reduce the stock where clearly more disabled accommodation is required.
47. Turning to provision of replacement housing, there are concerns about both the Raglan Street and Daimler Green locations. No planning application has yet been submitted for the proposal in Raglan Street, and there is local concern about overdevelopment in the area and loss of potential green space. Timing is critical as the earliest date given by the Council for occupation is October 2007, well beyond the time in which the City College wish to acquire land for Phase 2. A temporary move to Daimler Green, some 1.25 miles away from the tenants' current homes, would be necessary. This is not well served by the same amenities which are currently accessible in the City centre. Moving twice for a person with severe disabilities requires not just a move, but also a completely altered care package and a great deal more disruption than that for a person without disabilities.
48. There are questions over the purpose for the site, once acquired, related to future proposals for Sidney Stringer School. Discussion has taken place regarding various schemes for merging schools, creating a City Academy and provision of sports facilities. However, there are no firm proposals, no outline planning permission and no sponsor for a City Academy. Much has been made of the "New School", but it does not exist. In addition, there is no finance or planning permission for a sports centre to replace it. It is not, and may never be, a reality, and so consideration should be given to improving the school on its current site.
49. Swanswell Medical Centre provides a service to local residents in an area where new residents are moving in to occupy a number of new housing developments. The LIFT bid is

³⁸ Cllr Windsor acknowledged in cross-examination that planned new housing provision would, at least numerically, make up for this loss.

³⁹ CDP Policy H2 provides that subject to compatibility with other Plan policies, priority would be given to, amongst other things, maintenance and improvement of the existing stock and the improvement of the environment.

⁴⁰ Hereward College is a local college that specialises in education, on a live-in basis, for people with disabilities.

uncertain, and sending existing patients from the Centre to other practices in the area might be problematic given that these are having difficulty coping with demand.

50. The aims of the Swanswell Regeneration Scheme are not opposed, but it needs to work around existing community facilities, as is proposed with respect to the Coliseum⁴¹, and involve the community in shaping its future. There is clearly scope for the City College to show some flexibility and work around Cygnet and Orwell Courts and the Swanswell Medical Centre.

Sarah Paine (Community Development Officer for WATCH⁴²)

The material points are⁴³:

51. Residents of Cygnet and Orwell Courts wish to stay because of social activities and friends in the area. The closeness of the City centre means that they are not dependent on others and this gives a sense of empowerment, whereas relying on ring-and-ride would reduce their independence. Worry about moving house is adding to anxiety, with concerns about changing GPs, and if it was necessary to move twice this would be very stressful. A blind resident of the Court would find it difficult to readjust to new accommodation and this would take time. It would be very distressful to have to do so twice.
52. The CPO requires all matters to be in place for the development, but provision for the school and sports facilities is only on a 'wish list' at this stage. Other land could be considered for the school, including land at Primrose Hill Street. Removing people's homes would be very detrimental to the local community. Other residents had asked why it was not possible to design the City College around Cygnet and Orwell Courts. These buildings would provide a respectable frontage to the City College. This is not the only solution and ways and means of providing a home for life for the disabled occupiers of Cygnet and Orwell Courts should be found. The proposed scheme for the City College is not the only solution. An alternative design could provide for the retention of the existing facilities as well as a new college.
53. There is concern about car parking and access to the City centre at the Raglan Street site. When the students are in residence their cars block wheelchair access and force wheelchair users to use the roads, which is dangerous.
54. People moving into the area need doctors and the Hillfields health action group has expressed concerns given the new development in the area. The existing NHS Walk-in Centre is located close to Swanswell Street.

Unopposed Land

55. No objection has been raised to the inclusion of Plot 4 in the Order land and this former church hall has been purchased by the City College by private treaty.

⁴¹ A large building to the south of the Order land, formerly a cinema and currently a nightclub/music venue.

⁴² Working Actively to Change Hillfields Ltd (WATCH) is an independent charity.

⁴³ Based on evidence given at the Inquiry.

Conclusions

56. The following conclusions are based on the evidence given at the Inquiry, the written representations and my inspection of the site and its surroundings. In this section the figures in parenthesis [] at the end of paragraphs indicate source paragraphs from this report.

General justification for the Order

57. The Order is promoted under section 226(1)(a) of the Town and Country Planning Act 1990, as amended, on the basis that the acquiring authority believes that the acquisition of the five plots will facilitate the carrying out of redevelopment on or in relation to the land for a City College. This power can only be exercised if the authority thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.⁴⁴ The Council confirmed that all statutory formalities relating to the Order have been complied with and this was not challenged at the Inquiry. Objections in respect of Plots 3 and 5 remain unresolved. [1, 8, 9, 55]

Merits of the CPO

58. The scheme for the City College gains substantial support from relevant development plan policies concerning regeneration, sustainable development and employment/training; especially RPG11 Policies PA2 and PA4, and Coventry Development Plan (CDP) Policies OS3 and E11. It would make a substantial contribution to the enhancement of the quality of life in the City, but confirmation of the Order would result in the loss of the Swanswell Medical Centre and Cygnet and Orwell Courts, which provide 12 modern flats, four of which accommodate disabled occupiers. However, policies to maintain and improve the existing housing stock are subject to compatibility with other CDP policies. In the circumstances which apply here a balancing exercise is necessary, and so any conflict with the aims of CDP Policy H2 concerning the maintenance of existing stock, might not, by itself, be sufficient to bring the scheme into conflict with the overall objectives of the development plan. [12, 45]

59. Objectors are critical about consultation and community involvement at the CPO stage. However, a regeneration strategy (Swanswell Regeneration Masterplan) evolved over an extensive period, with the active involvement of many stakeholders, along with extensive consultation and debate. What emerged from this process is a comprehensive and sound framework for the regeneration of a substantial part of the City. It appears to be providing a robust strategy, which has been implemented to date with a significant degree of consistency. Although it is not a statutory document for planning purposes, it is an important framework which, by virtue of its provenance has considerable credibility and influence. The scheme for the City College conforms to the Masterplan. I find that the purpose for which the Order land has been identified for acquisition fits in with the planning framework for the City. [7, 8, 9, 10, 13, 33, 36, 43, 44]

60. Planning permission has been granted for Phase 1, which is under construction. Outline planning permission has been granted for Phase 2, with siting and means of access discharged. There is no reason to doubt that a suitable building could be designed for the

⁴⁴ ODPM Circular 06/2004 *Compulsory Purchase and the Crichton Down Rules*.

approved footprint, in order to discharge the outstanding reserved matters. The scheme is fully funded. Queen Street currently serves the rear access to the parking area at the Swanswell Medical Centre. In the event that the Order were to be confirmed and the Swanswell Medical Centre incorporated into the City College site there would appear to be no reason for the street to remain open. Formal measures to stop up the street are yet to be initiated, but it would appear that this would be unlikely to impede the scheme. There are no other impediments to the completion of the scheme. I find that the scheme has firm prospects of success. [5, 9, 11, 13, 14, 15]

61. Objectors do not take issue with the need for regeneration, but consider that the City College could be redesigned so as to retain both the Swanswell Medical Centre and Cygnet and Orwell Courts. [27, 34, 50, 55]
62. The Swanswell Medical Centre (Plot 3) does not fall within the footprint of the Advanced Construction Training Centre (ACTC) building, which is currently under construction as Phase 1 of the City College. However, this area is identified as a plaza. This concept accords with the Masterplan's proposal for a new City Square, as a major structural element, in this location. Retention of the existing medical centre would seriously compromise the visual amenity of ACTC building. It would prejudice its role as a landmark building at the entrance to the Learning Quarter and erode the impact of any future City Square. Realisation of the City Square would require further land acquisitions and road closure, but omission of Plot 3 from the scheme would effectively stifle its achievement. Inclusion of three-quarters of the medical centre car park within the plaza would not overcome this harm as insufficient space would be available to provide an appropriate setting for the ACTC building, or achieve the City Square as envisaged in the Masterplan. [13, 17, 27]
63. Cygnet and Orwell Courts (Plot 5) fall within the footprint of the building granted planning permission for Phase 2 of the College. A revised layout for Phase 2, which retained Cygnet and Orwell Courts, would be likely to have serious repercussions for the overall concept of a Learning Quarter. This might necessitate a more dispersed design, perhaps using land along Primrose Hill Street, which could undermine the cohesion of the strategy that is so important to the planned regeneration of this area. This could have implications for relocating the Sydney Stringer School, which I consider below. Whilst Cygnet and Orwell Courts are not unattractive buildings, a high quality development to complement the ACTC building would extend the benefits of a landmark building and enhanced streetscape along this part of Swanswell Street. This would not be achieved if Phase 2 were to have a restricted frontage or be set back from the street behind Cygnet and Orwell Courts. Whilst the Masterplan proposes retaining and working around the Coliseum, a former cinema, its context is not comparable to Plot 5. The Coliseum lies further away from the ACTC building and fronts onto Primrose Hill Street, where a different approach can be justified. [19, 52]
64. Planning for the future of the Sydney Stringer School is at a very early stage. However, the limited available space and the need to keep the school open would impose a significant constraint on any scheme to redevelop the school on its existing site. It is reasonable for the City Council to have regard to the future availability of space for the school to be closely associated with the City College, as this is a key element of the Masterplan. A revised layout for the City College which retained Cygnet and Orwell Courts would be likely to impose a significant constraint on siting and layout options for the school. This might undermine confidence in the overall strategy and limit the impact of the Learning Quarter on future regeneration. [20, 48, 52]

65. Plots 1 and 2 are required for a multi-storey car park to serve the City College. Plot 4 is partially within the footprint of the ACTC building. These are integral parts of the scheme. [16, 18]
66. The omission of Plot 3 would jeopardise the envisaged City Square. The omission of Plot 5 could undermine confidence in the Learning Quarter. Both are important elements of the overall regeneration strategy. I find that there is no realistic alternative means of achieving the purpose for which Plots 3 and 5 are required. In these circumstances, acquisition of the Order land is essential to the success of the development scheme.

Alternative accommodation for residents of Cygnet and Orwell Courts

67. The scheme would result in the loss of modern flats, some especially designed for disabled accommodation, which would otherwise provide good homes for many years. There is considerable demand for specially designed disabled accommodation. The Council is working with Orbit Housing Association to accommodate all those affected by the scheme in equivalent or superior accommodation. Nonetheless, moving would be disruptive for those involved and would result in the loss of all that which provides familiarity and security in one's home and surroundings. Access to local services and facilities, including medical services and carers might be affected. [23, 32, 37, 38, 42, 46, 51]
68. The Council has agreed terms with Orbit Housing Association for a site at Raglan Street, where the Association could build new accommodation exactly matching Orwell and Cygnet Courts. This is yet to be built and new purpose built bungalows at Daimler Green, over which the Council has nomination rights, would be available to the displaced occupiers in the interim, or permanently if preferred. There is concern that moving twice would result in considerable anxiety and trauma. The Daimler Green site is about 1.25 miles from Swanswell Street, located relatively close to local shops, services and community facilities located at Jubilee Crescent, but would not be as accessible to the City centre as Orwell and Cygnet Courts. This could result in more reliance on private cars and ring-and-ride and other bus services, and a resultant loss of independence for disabled occupiers. [23, 37, 39, 41, 47, 51, 54]
69. With respect to the overall provision of dwellings, except for the loss of the upstairs flat in the medical centre, there would be no net loss if the Raglan Street development was to proceed as envisaged. Whilst this scheme does not yet have planning permission, there are no obvious impediments to achieving a suitable design. It would be consistent with other land uses in the area and would be sited near to a landscaped open space. There is concern about the adequacy of parking in the proposed scheme, but a slightly better provision than currently exists at Orwell and Cygnet Courts is proposed. The Raglan Street site is slightly further from both the central shopping area and local shops, and so would not be as convenient for wheel chair access as the dwellings in Swanswell Street. However, any difference in travel distance would depend on which facilities in the City centre were visited. There is concern about parked vehicles from the many nearby student flats obstructing dropped kerbs. However, it seems to me that other measures could be taken to deal with this if it were to become a problem. [23, 40, 47, 53]
70. I am satisfied that the proposed development at Raglan Street would, if constructed as proposed, provide a reasonable alternative to the accommodation currently provided at Orwell and Cygnet Courts. The bungalows at Daimler Green would offer a more suburban location, but within a reasonable distance of many local facilities. Again, I find that these would offer a reasonable alternative. On this basis, I do not consider that the scheme would

conflict with the aims of CDP Policies OS8, OS9 and H11, concerning equal opportunity, access by disabled people, and the provision of housing for people with special needs. [45]

Alternative accommodation for Swanswell Medical Centre

71. Swanswell Medical Centre is a modern facility with a growing patient list. Integrating the medical centre within the City College was considered. However, an integrated facility would pose funding and administrative difficulties and was not pursued. Coventry NHS Primary Care Trust (PCT) is proposing a new health centre on a site opposite the ACTC building, which is known as the LIFT scheme. Although a planning application for this facility has not been submitted, it was the subject of public consultation in 2005. It is intended that this would provide for all GPs in the Hillfields area. The Council has referred to several possible sites for purchase, but has not offered any alternative accommodation for the medical centre. The Council relies on either alternative provision in the LIFT scheme or redistribution of patients from Swanswell Medical Centre to other GPs. Integration of Swanswell Medical Centre within the LIFT scheme was provided for in various iterations of the design, and the PCT has indicated that although Dr Jayaratnam is not a stakeholder in the latest version, the PCT would consider such a request. It seems reasonable for the Council to work with the PCT in seeking to provide an integrated facility for Hillfields. I am satisfied that the opportunity exists for inclusion of the Swanswell Medical Centre within the LIFT scheme. [21, 22, 25, 26, 28, 29, 30, 31]

72. Notwithstanding local concern about GPs' lists, I consider that more weight should be given to the PCT's recent correspondence, which considers that redistribution of patients from the Swanswell Medical Centre would be feasible if necessary. Even if suitable alternative accommodation was not available it seems unlikely that patients of the existing medical centre would be unduly affected. [21, 49, 54]

Conclusions

73. Confirmation of the Order would enable a project, which is a key factor in the regeneration of a deprived area, to be completed. The resultant educational opportunities would significantly enhance the social well-being of the area. Many new jobs would result, both in the short and longer terms, which would improve the economic well-being of the City. Completion of the scheme would give substantial impetus to the ambitious regeneration plans for the wider area. Achieving a quality development at this early stage in the implementation of the Masterplan strategy would establish a high standard for future development. The scheme would, therefore, be influential in improving the environmental well-being of the area. As a result, substantial weight should be given to the regeneration benefits of the scheme. I am not convinced, for the reasons given above, that a revised scheme, which omitted either or both of Plots 3 and 5, would have the same impact.

74. The scheme would result in some hardship for the occupiers of Cygnet and Orwell Courts who would need to relocate to alternative accommodation. This would be disruptive and stressful. Alternative arrangements for the staff and patients at Swanswell Medical Centre would also necessitate considerable reorganisation, adjustment and related inconvenience. However, such personal hardship for all those involved must be balanced against the substantial advantages of the scheme. The City College and a successful Learning Quarter is fundamentally important to the future regeneration of the area, and I find that there is clear evidence that the public benefit from the scheme would more than outweigh any private loss. I am satisfied that the important benefits to the City, cited above, amount to a compelling case in the public interest for confirmation of the Order.

Human Rights and discrimination

75. Miss Price refers to The Human Rights Act and the Disability Discrimination Act. Given that I have found that reasonable alternative disabled accommodation would be available, along with the provisions for compensation, there would appear to be no potential violation of Article 8 concerning the right to respect for private and family life. The objection does not specify which provisions of the Disability Discrimination Act would be offended. It seems to me that the provisions of the Order would not, for a reason which relates to a disabled person's disability, treat a disabled person less favourably than others to whom that reason does or would not apply. On the evidence adduced, confirmation of the Order would not appear to be contrary to the provisions of the Disability Discrimination Act. [35]
76. The Swanswell Medical Centre was converted at considerable cost, and I have had regard to Article 1 of the First Protocol to the European Convention on Human Rights, although no specific submissions were made in this respect. However, as compensation would be payable there would appear to be no potential violation of Article 1 of the First Protocol concerning peaceful enjoyment of possessions. [25]

Recommendation

77. I recommend that The City of Coventry (Swanswell No.1) Compulsory Purchase Order 2005 be confirmed without modification.

John Woolcock

Inspector

APPEARANCES

FOR THE COUNCIL:

John Hobson QC	Instructed by Messrs Eversheds LLP, 115 Colmore Row, Birmingham B3 3AL.
He called	
Duncan Elliott BSc MRICS	Head of the Swanswell Initiative Regeneration Project, Coventry City Council.
Paul Taylor BSc(Hons) Dip Ed Chartered Accountant	Principal of City College Coventry.
Chris West MA Chartered Public Finance Accountant	Head of Financial Management, Coventry City Council.
Martin Trewinnard BA(Hons) MRTPI	Senior Policy Planner, Coventry City Council.
Paul Todd BSc MRICS	Group Leader (Acquisitions and Disposals) , Coventry City Council

FOR THE OBJECTORS:

Louise Price	1 Cygnet Court, Swansell Street, Hillfields, Coventry CV1 5FZ.
Phillip Jones	2 Cygnet Court, Swanswell Street, Coventry CV1 5FZ.
Dr Jayaratnam	Swanswell Medical Centre, Swanswell Street, Coventry CV1 5FT.

INTERESTED PERSONS:

Cllr Rob Windsor	Biggin Hall Crescent, Coventry CV3 1GZ.
Sarah Paine	Community Development Officer, WATCH, 12 Victoria Street, Hillfields, Coventry CV1 5LZ.
Mr Milne	79 Lower Ford Street, Coventry.

DOCUMENTS

Document 1	Notification of Inquiry documents.
Document 2	Letter dated 30 June 2006 from Mr JM Shah withdrawing objection to the Order in respect of Plot 1.
Document 3	Letter dated 23 June 2006 from James O'Flanagan Limited withdrawing objection to the Order in respect of Plot 2.
Document 4	Proof of evidence of Duncan Elliott.
Document 5	Appendices 1-4 of Duncan Elliott. <u>Submitted at Inquiry</u>
5.1	Summary of proof.
5.2	Appendix 5 - Letter from Coventry NHS PCT undated but received by the Council 11 July 2006.
5.3	Appendix 6 - Bundle of plans concerning 5 bungalows at Daimler Square.
5.4	Appendix 7 - Application and plans for student flats at Raglan Street.
Document 6	Proof of evidence of Chris West.
Document 7	Proof of evidence of Martin Trewinnard.
Document 8	Appendices 1-8 of Martin Trewinnard.

Report GOWM/NPT/CPO/55289

- Document 9 Proof of evidence of Paul Todd.
- Document 10 Appendices 1-5 of Paul Todd.
Submitted at Inquiry
- 10.1 Appendix 6 - Plans of proposed Extra Care Housing Development, Raglan Street.
- Document 11 Proof of evidence of Paul Taylor.
- Other documents submitted at Inquiry
- Document 12 Introductory submissions on behalf of Coventry City Council.
- Document 13 Statement of Dr. Mariampillai Jayaratnam.
- Document 14 Submission to Public Inquiry by Cllr Rob Windsor.