

## CHAPTER 8: RETAILING AND CENTRES

### POLICY S1: EXISTING SHOPPING CENTRES

*There were no objections to this policy.*

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### POLICY S2: PRIMARY RETAIL FRONTAGES IN MAIN CENTRES

*There were no objections to this policy.*

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### PROPOSAL S2/1: PRIMARY RETAIL FRONTAGES SOLIHULL TOWN CENTRE

### PROPOSAL S2/2: PRIMARY RETAIL FRONTAGES - SHIRLEY

*There were no objections to these proposals.*

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### POLICY S3: SOLIHULL TOWN CENTRE

#### ***Objections to First Deposit***

1389/1142 – Meriden Parish Council; 1392/566 – Morley Fund Management.

#### ***Objections to Revised Deposit***

There were no objections to Revised Deposit draft.

#### ***Key issues***

- *Should Policy S3 ensure that new proposals maintain and enhance the function of the town centre by proper integration with town centre uses;*
- *Is Solihull town centre becoming overdeveloped and unbalanced, with major impacts on the character and increased visitors and traffic.*

#### ***Inspector's reasoning and conclusions***

- 8.1 Policy S3 supports proposals that maintain and strengthen the function of Solihull town centre and protects the existing Conservation Area. National policy in PPG6 seeks to concentrate new retail and town centre uses within existing town centres, whilst RPG11 (Policy PA11) identifies Solihull as one of the strategic town centres in the region.
- 8.2 It is important that further major retail developments in the town centre are carefully considered in terms of their potential impact on existing shopping areas and properly integrated with existing uses. In my view, this is implicit in Policy S3 and the accompanying text, and is supported by national and regional policy, so no changes are needed to meet Morley Fund's concerns.
- 8.3 In recent years, the town centre has changed dramatically, with the completion of Touchwood Court. Its role and function has also widened, as it emerges as an important business and administrative centre, as well as a major sub-regional shopping centre, with a variety of multiple retailers and anchor department/food stores. With such dramatic changes, it is inevitable that some of the old character of the town centre has changed, and that more visitors will be attracted. Furthermore, the town centre is readily accessible by rail and bus and recent changes have further improved access by public transport. However, Policy S3 ensures that consideration is given to proposals that may affect the character and appearance of the town centre Conservation

Area. Consequently, I consider that Policy S3 will help to ensure that the character of the town centre is not harmed, whilst ensuring that its important retail and business role is maintained and enhanced, without necessarily attracting significantly greater levels of traffic. No changes are therefore needed to meet MPC's objection.

### **Recommendation**

**8.4 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.**

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### **PROPOSAL S3/1: MELL SQUARE**

*There were no objections to this proposal.*

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### **POLICY S4: SHIRLEY TOWN CENTRE**

**Objections to First Deposit** 1388/603 – McLagan Investments.

**Objections to Revised Deposit** 1388/87/R – McLagan Investments.

### **Key issues**

- *Should para 8.3.2 refer to the previous application on the Powergen site;*
- *Rev 8/6: Should the revised text refer to the suitability of the former Powergen site for non-food retail development.*

### **Inspector's reasoning and conclusions**

- 8.5 Policy S4 supports proposals that maintain or strengthen the function of Shirley town centre. Para 8.3.2 refers to concern about the future of the centre and mentions an application (dismissed on appeal in 1998) for a foodstore on the former *Powergen* site. SMBC accepts the need to clarify the reference to this proposal and has amended the text to more closely reflect the Secretary of State's reasons for dismissing this appeal (Rev 8/6).
- 8.6 McLagan Investments asks for the text to recognise the fact that, at the time of this appeal, SMBC agreed that there would be no policy objection to using the *Powergen* site for retail purposes, and also to indicate that this site is the next best alternative to the current proposal being put forward in the town centre (Proposal S4/1). However, I consider this is unnecessary, since such a statement could deflect interest away from the proposed site and prejudice the implementation of an appropriate scheme on a sequentially preferable site. Unlike Proposal S4/1, the *Powergen* site lies outside the boundary of the town centre defined on the Proposals Map. Although more edge-of-centre than out-of-centre, any proposals for its redevelopment for retail purposes should fall to be considered under Policy S8 (Out-of-Centre Retail Developments), along with national and regional policies.
- 8.7 In considering these objections, I have taken account of the conclusions of the Secretary of State and the inspector on the 1998 appeal decision relating to a proposed foodstore on the former *Powergen* site [CD151]. Consequently, I can see no justification for expressing any views about the appropriateness or otherwise for retailing at the former *Powergen* site in this Review.

### **Recommendation**

**8.8 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.**

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**PROPOSAL S4/1: NEW FOODSTORE****Objections to First Deposit**

1336/374 – Keep Shirley Alive.

**Objections to Revised Deposit**

There were no objections to Revised Deposit draft.

**Key issues**

- *Is Proposal S4/1 necessary in the interests of retaining the vitality and viability of Shirley town centre;*
- *Does the Plan provide sufficient guidance for the development of the former Powergen site.*

**Inspector's reasoning and conclusions**

- 8.9 Proposal S4/1 brings forward the development of a new foodstore on land to the west of the A34 and south of Haslucks Green Road. The precise site is not shown on the Proposals Map, but the area envisaged mainly falls within the defined town centre boundary, currently used for car parking, although it may need to encroach into the park. The key criteria and justification for the new foodstore are set out in paragraphs 8.3.1-8.3.3.
- 8.10 This objection stems from local residents' previous objections to a proposal for a new Asda foodstore on the former *Powergen* site, on the opposite side of Haslucks Green Road, which was dismissed on appeal by the Secretary of State in 1998 [CD151]. KSA simply do not want another large supermarket in Shirley, pointing to the seven existing supermarkets and foodstores along this stretch of the Stratford Road, and expressing concern about the increased car-borne trips and impact on their quality of life.
- 8.11 I understand that Proposal S4/1 originated from an informal study of Shirley in the late 1990s, which concluded that Shirley needed a focal point to give it identity. A qualitative need was identified to anchor the centre with a new foodstore that would attract shoppers and generate linked trips. Illustrative proposals for a new store were publicised in 1997, which received both support and objection. The inspector dealing with the Asda appeal concluded that the Council's proposal could provide a basis for effective competition with out-of-centre foodstores and provide a focal point for the centre.
- 8.12 Although the proposed foodstore could impact on the larger foodstores in the centre, there is no evidence that it would directly affect other existing stores and small traders or undermine the overall function, vitality and viability of the centre. In fact, by providing a new store and focal point for the centre, it could generate additional trade and linked shopping trips, helping Shirley to compete with nearby out-of-centre stores. In terms of the sequential search process set out in PPG6, this site is certainly preferable to the former *Powergen* site. No details about the size and operator of the store are yet available, but this would depend on several factors, such as retail capacity, operator's needs, viability, site configuration and highway/traffic issues.
- 8.13 The scheme would also provide public car parking, but this would be balanced by the ready accessibility to the centre by public transport and the need for dual-purpose parking, rather than necessarily encouraging more car-borne journeys. I note that environmental and traffic improvements are being made in Shirley centre under Proposal S4/3, which may help to address current problems. Any proposal would also have to be subject to a traffic assessment, which would address traffic generation issues. Further work on retail capacity would no doubt be needed, particularly since no recent retail impact analysis has been undertaken. Although the town centre boundary has been amended to incorporate the area of land envisaged, there is some concern about the possible encroachment into the adjoining park. However, SMBC has agreed to give further consideration to this matter, including any mitigation/compensation measures.

- 8.14 I recognise that Shirley is a community with a strong local identity, but even bearing in mind the possible increase in custom and traffic, I cannot see that this proposal would noticeably affect the quality of life of local residents. On the contrary, the provision of a new foodstore, focal point and public car parking could bring distinct benefits to them. In my view, the advantages of this proposal, in providing a new anchor foodstore, helping to draw back trade and generating multiple shopping trips, enhancing the vitality and viability of the centre and strengthening its function and competitive role, far outweigh any disadvantages. Proposal S4/1 also directly reflects national policy in PPG6, which urges a plan-led approach to new retail development, and accords with regional policy in RPG11 (Policy UR3).
- 8.15 At the inquiry, SMBC agreed to check whether the wording of Proposal S4/1 needed to be updated or clarified, but later confirmed that Proposals S4/1 & S4/2 encompass the position on development proposals to maintain and strengthen Shirley town centre [UDP152/1]. In these circumstances, I am satisfied that Proposal S4/1 is soundly based, accords with national and regional policy, and is appropriate for Shirley centre. I deal with the former *Powergen* site under Policy S4 (above) and Proposal S4/2 (below). No further amendments are therefore needed to Proposal S4/1 or the supporting text in response to KSA's concerns.

### **Recommendation**

**8.16 I RECOMMEND NO MODIFICATIONS to the Plan to address this objection.**

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## **PROPOSAL S4/2: NEW RETAIL UNITS - SHIRLEY TOWN CENTRE**

**Objections to First Deposit** 1387/564 – Marks & Spencer plc;  
1388/601-602 – McLagan Investments.

**Objections to Revised Deposit** 1388/86/R – McLagan Investments.

### **Key issues**

- *Is the wording of Proposal S4/2 misleading, since it refers to proposals within or on the edge of Shirley town centre, yet also refers to the boundary of the town centre on the Proposals Map;*
- *Should the former Powergen site be included within the defined town centre boundary;*
- *Should the Plan include a new policy supporting proposals to redevelop the former Powergen site for appropriate town centre uses, including retail warehousing;*
- *Rev 8/9: Should the reference to "or at the edge of" the town centre be reinstated.*

### **Inspector's reasoning and conclusions**

- 8.17 Proposal S4/2 encourages proposals for the redevelopment and modernisation of premises in Shirley town centre where it will improve the attractiveness of the centre and strengthen its function. Rev 8/9 deletes the phrase *or at the edge of*, thus confirming that the proposal only applies to developments within the boundary of the town centre shown on the Proposals Map. This addresses Marks & Spencer's concerns.
- 8.18 As regards the former *Powergen* site, it is separated from the main part of Shirley town centre by Haslucks Green Road. It is important to ensure that any future uses or redevelopment on the periphery of the centre do not adversely affect the vitality and viability of the centre as a whole. With an elongated linear centre like Shirley, it is also important that developments help to consolidate rather than expand the centre. The inclusion of the former

*Powergen* site within the Policy S4 boundary would significantly extend the centre in a northerly direction beyond its well-defined current limits. Although more edge-of-centre than out-of-centre, the site lies beyond a busy road and is about 300m from the primary shopping area. Consequently, its inclusion would not help to achieve these aims and could also discourage investment and redevelopment in the main core of the centre, as well as detracting from the current proposals to the south of Haslucks Green Road (Proposal S4/1). Like previous inspectors, I consider the site is poorly related to Shirley town centre and is not sequential preferable to the site proposed in the SUDPR.

- 8.19 To positively indicate that this site is suitable for town centre uses, or support its redevelopment for retail purposes, including retail warehousing, would be inappropriate for similar reasons. This is effectively an “opportunity” site, which could be used for a variety of purposes. As I have already concluded, any proposals for the retail redevelopment of this site would need to be considered under the terms of Policy S8 (Out-of-Centre Retail Developments), while its present use is covered by Policy E9 (Retention of Land in Business Use). Consequently, I can see no need for any specific policy or statement setting out preferred uses for this site.
- 8.20 It also follows that the reinstatement of the term *or at the edge of* the town centre would conflict with this policy framework, as well as having the disadvantages already identified of extending the centre. In coming to these conclusions, I have taken note of the conclusions of the Secretary of State and the inspector on the 1998 appeal decision relating to a foodstore on the former *Powergen* site [CD151], but I am satisfied that no further amendments are needed to Proposal S4/2 to address the concerns of McLagan Investments or KSA.

### **Recommendation**

**8.21 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.**

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### **PROPOSAL S4/3: ENVIRONMENTAL IMPROVEMENTS**

*There were no objections to this proposal.*

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### **POLICY S5: CHELMSLEY WOOD TOWN CENTRE**

*There were no objections to this policy.*

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### **PROPOSAL S5/1: REFURBISHMENT AND IMPROVEMENTS CHELMSLEY WOOD TOWN CENTRE**

### **PROPOSAL S5/2: ROLE OF CHELMSLEY WOOD TOWN CENTRE**

### **PROPOSAL S5/3: CHELMSLEY WOOD TOWN CENTRE STUDY**

*There were no objections to these proposals.*

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### **POLICY S6: LOCAL CENTRES**

**Objections to First Deposit**

1179/1159 – Diocese of Birmingham – Board of Social Responsibility; 1261/180 – Countryside Agency (WM).

**Objections to Revised Deposit**

There were no objections to Revised Deposit draft.

**Key issues**

- *Should the Policy include reference to places of worship and support the building of worship centres to meet spiritual and cultural needs;*
- *Should the Policy reflect the wider range of services and facilities which can be important in local centres and set out criteria against which the loss of such services can be assessed.*

**Inspector's reasoning and conclusions**

- 8.22 Policy S6 supports proposals that maintain or enhance the function of local centres. Although the Policy focuses on shops and complementary service uses, para 8.5.1 recognises the important community role of local centres in providing a wide range of other uses, including offices, restaurants, public houses and community facilities. Para 8.5.3 supports and encourages local centres to retain a diverse range of easily accessible services to residents. Places of worship would generally fall within the definition of community facilities, and so would be supported if they maintain or enhance the function of the local centre. I can therefore see little need to make particular reference to them or give specific support to the provision of such facilities.
- 8.23 Policy S6 specifically supports proposals that provide for the other needs of local communities, including complementary service and other supporting uses, whilst para 8.5.1 gives offices, restaurants, public houses and community facilities as examples of uses important to local communities. This reflects national guidance in PPS7 (¶ 7). The planning system has a limited role in retaining or preventing the loss of such facilities, and usually only becomes involved when redevelopment or changes of use are proposed. However, para 8.5.5 specifically recognises the severe impact that the loss of a village shop can have on rural communities.
- 8.24 PPG6 (¶ 3.20) acknowledges the vital economic and social role that village shops play in rural areas and in maintaining villages as viable communities. More specifically, PPS7 (¶ 7) advises LPAs to support the retention of local facilities in their development plans, including the criteria to be applied in considering proposals that would result in the loss of important local facilities such as village shops, post offices, petrol filling stations, village and church halls and public houses. At present, the Review does not specifically address these matters and, given the proximity of Solihull's rural settlements to the main urban area, it may not be as important as in some more isolated rural areas. However, in order to reflect the latest guidance in PPS7, I consider a new policy should be introduced into this section of the Plan to cover these matters, which would largely address the Countryside Agency's concerns.

**Recommendation**

**8.25** *I RECOMMEND that the Plan is **modified** by including a new policy specifically supporting the retention of local facilities, including the criteria against which losses of important village services will be considered, and listing the facilities which play an important role in sustaining the rural villages in the Borough in the supporting text, to reflect national guidance in PPS7.*

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**POLICY S7: LOCAL SHOPPING PARADES AND**

**SMALL FREESTANDING SHOPS**

**Objections to First Deposit** 1261/181 – Countryside Agency – WM Region.

**Objections to Revised Deposit** 1261/50/R – Countryside Agency – WM Region.

**Key issues**

- *Should the Policy reflect the wider range of services and facilities which can be important in local centres and set out criteria against which the loss of such services can be assessed;*
- *Rev 8/13: Should the text provide an indicative list of non-retail services.*

**Inspector's reasoning and conclusions**

- 8.26 Policy S7 supports developments that maintain or enhance the function of small shopping parades and small freestanding shops. Para 8.5.5 further clarifies the Policy and outlines the principles and trends that are relevant, particularly in the rural area. The current wording of Policy S7, when read along with the supporting text, would allow a wide range of facilities and services, provided that they maintain or enhance the role of the shopping parade or freestanding shop. Para 8.5.5 also specifically recognises the severe impact that the loss of a village shop can have on rural communities. However, my previous recommendation, to introduce a new policy supporting the retention of local facilities, setting out the criteria against which any losses would be judged, and listing important local facilities, would meet most of the Countryside Agency's objections to Policy S7.
- 8.27 Rev 8/13 merely confirms that proposals for small supermarkets at petrol stations in rural areas will be considered in the context of the SUDPR's countryside policies. In addition, Policy E10 acknowledges the need to encourage small businesses providing employment in rural areas. Although the SUDPR cannot alter or override the freedoms which exist to change the use of premises under the current Use Classes Order, my previous recommendation would ensure that important local facilities are retained and set out the criteria against which any losses would be considered. Provided that this approach is followed, no further amendments are needed to Policy S7 or the supporting text in response to this element of the Countryside Agency's objections.

**Recommendation**

**8.28 I RECOMMEND NO FURTHER MODIFICATIONS to the Plan to address these objections.**

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**PROPOSAL S6/1: DICKENS HEATH VILLAGE CENTRE**

*There were no objections to this proposal.*

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**POLICY S8: OUT-OF-CENTRE RETAIL DEVELOPMENTS**

**Objections to First Deposit**

1104/686 – Insignia Richard Ellis; 1366/344-345 – COIF Charity Investment Fund; 1397/24-25 – Pendragon plc.

**Objections to Revised Deposit**

1397/48/R; 120/R – Pendragon plc; 1275/130/R-131/R – CPRE; 1406/360/R – Sainsbury's Supermarkets Ltd; 1501/190/R – Sandwell MBC; 1484/243/R-244/R – Legal & General; 1388/85/R – McLagan Investments.

**Key issues**

- *Is the Policy unduly restrictive, failing to take account of new retailing innovations encouraged by PPG6, stifling new investment and not based on any recent assessment of retail capacity for non-food retail warehousing;*
- *Should the Policy identify preferred locations for future retail warehousing, including Solihull and Sears Retail Parks, and the adjoining Evans Halshaw site;*
- *Is criterion (iv) inconsistent with Policy T2 and national guidance in PPG13;*
- *Rev 8/16: Does new Policy S8 accord with the latest national policy;*
- *Rev 8/16: Should the second paragraph of revised Policy S8 be amended by deleting the words "normally" and "positive consideration may be given";*
- *Rev 8/16: Is criterion (ii) sufficiently clear and robust, reflecting the latest national advice on retailing, particularly in terms of the class of goods and format issue;*
- *Rev 8/16: Should criterion (vii) protect local shops as well as the function of local centres;*
- *Rev 8/17: Should the revised Policy accept non-food bulky goods retailing at the former Powergen site, Shirley;*
- *Rev 8/17: Should the revised Policy recognise that circumstances may arise where an isolated out-of-centre retail development along a road corridor is the most appropriate location for such a development;*
- *Rev 8/17 (8.6.1): Is the amended text too supportive of large format retailing and does not sufficiently question sustainability aspects, weakening the Council's ability to resist such developments.*

**Inspector's reasoning and conclusions**

8.29 In the First Deposit draft, Policy S8 set out the criteria for non-food retail warehouses. However, this Policy was deleted at Revised Deposit stage, being replaced with a joint policy which covers out-of-centre retail developments for both non-food retail warehouses and out-of-centre food shopping (Rev 8/14-8/16). As now amended, Policy S8 better reflects the guidance in PPG6 and subsequent ministerial statements, particularly in terms of the required tests of need, sequential test and impact. Criterion (v) now covers accessibility by a choice of transport modes, reflecting national guidance in PPG6 (¶ 1.11) & PPG13 (¶ 19), RPG11 (Policy PA13) and SUDPR Policy T2. Further details are given in SMBC's Background Paper [CD143]. Most of the objections made at First Deposit stage have thus been met or overtaken by the deletion of former Policy S8.

8.30 Rather than specifying preferred locations for out-of-centre retailing, new Policy S8 sets out specific criteria to be met. Pendragon plc is mainly concerned about designating existing retail parks and the adjacent Evans Halshaw site for retail warehouses. Solihull Retail Park and Sears Retail Park are established retail warehouse parks, built more than a decade ago. The adopted UDP (Proposal S3/1) supports their development, but does not specifically designate them as retail parks on the Proposals Map, preferring to deal with out-of-centre retailing by criteria-based policies (Policies S3 & S4), as in the SUDPR. The lack of specific designation does not seem to have adversely affected their commercial success or viability. Furthermore, since these retail parks were established, national policy has hardened against such developments, favouring accessible town centre locations instead.

- 8.31 Moreover, since such retail parks largely rely on car-borne custom, their specific allocation for retail use would do little to promote a sustainable pattern of development, or encourage the location of retail developments in appropriate centres. PPG6 focuses new retail development on accessible town and district centre sites and includes no requirement to specifically designate or allocate out-of-centre retail development for these purposes. Indeed, draft PPS6 (¶ 2.46) specifically advises that out-of-centre retail warehouse parks should not be designated as centres unless they meet the criteria for town centres determined as part of the plan-making process. Since these are free-standing retail warehouse parks well outside Solihull town centre, it is unlikely that they would meet these criteria. The SUDPR makes no proposals for these retail parks and does not identify any other retail warehouses or out-of-centre stores within the Borough. Consequently, I cannot see any need or benefit in the specific designation of the Solihull and Sears Retail Parks for retail warehousing on the Proposals Map.
- 8.32 The designation of the adjacent Evans Halshaw site raises other issues. Currently used for car showrooms, the site was subject to a call-in inquiry in May 2004 concerning a proposal for retail warehousing and the refurbishment of one of the car showrooms, the result of which was not known by the close of the SUDPR inquiry. At that time, SMBC accepted that the entire site could be used for retail purposes, reflecting the Certificate of Lawfulness, and agreed that there was no sequentially preferable site. SMBC also agreed there was a marginal quantitative need for the development, but did not accept that there was a qualitative need for this type of retailing. A retail warehousing scheme on this site would be unlikely to adversely affect the vitality and viability of Solihull or Shirley town centres and the current proposal complies with PPG13 and the accessibility tests in PPG6. Furthermore, there would be no adverse impact on residential amenity, and SMBC has previously supported this proposal, particularly given the nature of the existing uses and the implications of development permitted under the GPDO.
- 8.33 Issues concerning the need for the development, retail capacity and impact, sequential site selection, alternative sites, accessibility and impact on the character and amenity of the area were all addressed in detail at the call-in inquiry. I also note that SMBC has produced no evidence to challenge the quantitative need for further retail warehousing in Solihull. However, this type of out-of-centre retail development would not accord with the general preference in national policy to locate retail developments within or adjoining existing town centres, or reflect the SUDPR's overall retail strategy.
- 8.34 In terms of the SUDPR, it is difficult for me to determine the overall scale and nature of any further need for retail warehousing in Solihull as a whole, given the lack of any up-to-date retail capacity study for the Borough and the limited amount of detailed evidence available to me on this matter. It therefore seems to me that a decision on the allocation of this site should await the eventual outcome of the current call-in application. *Since the SUDPR inquiry closed, the Secretary of State has published his decision to grant planning permission for the redevelopment of this site for retail warehousing and a car showroom [APP/Q4625/V/03/1132043; 18/10/04]. This proposal would therefore become a retail commitment, rather than a proposal of the Plan. It is therefore unnecessary to specifically designate the site for retail warehousing on the Proposals Map, particularly in view of my conclusions in para 8.31.*
- 8.35 In terms of the retail hierarchy and location of large new retail developments, Pendragon plc are also concerned that, after Solihull town centre, new Policy S8 would result in Shirley and Chelmsley Wood centres being sequentially preferable locations for large retail developments, which may not be appropriate given their localised catchment areas. However, PPG6 confirms that town centres and other district/local centres are the preferred locations

for retail developments. Shirley and Chelmsley Wood provide a wide range of retail facilities, goods and services, including several national retailers, and are readily accessible by public transport. Chelmsley Wood centre lies within an Urban Regeneration Zone and is important in the regeneration of the wider area, whilst Shirley is an important centre serving the south of the Borough. SMBC is actively encouraging and introducing measures to strengthen the function of both centres as the focus for the local communities.

- 8.36 I therefore share SMBC's view that these centres are sequentially preferable for the provision of new retail developments, including retail warehouses, if appropriate. Revised Policy S8 would enable such developments to be considered in other appropriate locations, if the specific criteria could be met. Consequently, I consider that revised Policy S8 reflects the guidance and requirements in PPG6 and subsequent ministerial statements, and provides a reasonable and appropriate framework for considering proposals for out-of-centre retail developments.
- 8.37 In the second paragraph of revised Policy S8, the use of the word *normally* recognises that there will sometimes be exceptions to the development of large out-of-centre stores. These exceptions would have to meet the specific criteria that follow in the Policy. Similarly, although national policy steers new retail developments to town centres and other accessible locations, it does not preclude other locations, providing the specific tests are met. The second sentence of the Policy confirms that *positive consideration* may be given to such proposals if the criteria in Policy S8 are met. I consider this is an appropriate form of wording which helps to clarify the application of the policy without weakening its intent or generally restrictive nature.
- 8.38 Criterion (ii) of revised Policy S8 requires developers to demonstrate that the nature and format of proposed retailing cannot be accommodated in the town centre. PPG6 (as clarified by the later ministerial statement) confirms that the onus is on the developer to demonstrate that most of goods proposed to be sold cannot be sold from a town centre location. National policy also seeks flexibility and realism in terms of the format, design and scale of development when developers present evidence on the sequential approach to site selection. As currently drafted, I consider this clause does not fully comply with the latest national policy on retailing as set out in the ministerial statement (10 April 2003). In response to Sandwell MBC's objection, I consider it should be reviewed to better reflect national policy.
- 8.39 Criterion (vii) of revised Policy S8 aims to protect local shops that provide for the day-to-day needs of local residents, as well as the function of local centres. PPG6 (¶ 3.18) recognises the importance of local centres and local shops for this purpose, since it helps to reduce dependence on the car. Similarly, village shops can play a crucial role in maintaining villages as viable communities (PPG6; ¶ 3.20). These aspects are covered in SUDPR Policies S6 & S7. Although one of the key tests in assessing the impact of new out-of-centre retail developments is the effect on the overall vitality and viability of the town centre and other local centres, PPG6 clearly recognises the importance of local shops to the community and the need to safeguard the health of the rural economy and the viability of village shops. Whilst the loss of a single shop may not always have a serious impact on the local community, there may be cases where it could have a significant impact. It is therefore wholly appropriate for the Policy to recognise this possibility.
- 8.40 I have already concluded that it would be inappropriate for the Plan to specifically identify the former *Powergen* site, Shirley as being suitable for non-food bulky goods retailing (see Policy S4 & Proposals S4/1 & S4/2 above). Any proposals for the development of this site for these purposes would be considered against the specific criteria in Policy S8.

- 8.41 PPG6 (¶ 3.2) specifically advises against the sporadic siting of out-of-centre comparison retail proposals along road corridors. I am therefore satisfied that the amendment to para 8.6.1 (Rev 8/17) is entirely appropriate. In cases where retail proposals cannot be located within or adjacent to town centres, the criteria in Policy S8 would have to be met, including accessibility by a choice of transport, in line with PPG6 (¶ 3.2-3.3).
- 8.42 In response to CPRE's point, Rev 8/17 does not specifically address the flexibility of format issue. SMBC explains that the revision partly arises as a consequence of combining two former policies (S8 & S9). It also reflects the Council's firmer stance on out-of-centre retailing by acknowledging that they tend to attract car-borne custom, which may not support the principles of sustainable development. Unlike the previous version of Policy S8, the new policy gives no support to out-of-centre retailing, and revised para 8.6.1 confirms that such developments will only be supported if the criteria in new Policy S8 are met. Rev 8/18 (¶ 8.6.2) specifically addresses the question of flexibility of format, confirming that developers are expected to demonstrate flexibility in terms of the format, design and scale of their developments. I understand that this amendment resulted from comments made by GO-WM, to which CPRE raises no specific objections.
- 8.43 It therefore seems to me that the single new Policy S8 provides a firm stance against out-of-centre retailing, without weakening the Council's ability to apply the policy, with sufficient clarification in the accompanying text, generally in line with national policy. Apart from reviewing criterion (ii) of the Policy, I cannot see the need for any further amendments in response to these objections.

**Recommendation**

**8.44** I RECOMMEND that the Plan is **modified** by amending criterion (ii) of Policy S8 to bring it into line with the latest national policy in PPG6, as clarified in the later ministerial statement of April 2003.

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**POLICY S9: OUT OF CENTRE FOOD SHOPPING**

**Objections to First Deposit**

1293/8 – National Farmers Union; 1306/1156 – Dorridge & District Residents Association; 1406/668 – Sainsbury's Supermarkets Ltd.

**Objections to Revised Deposit**

There were no objections to Revised Deposit draft.

**Key issues**

- *Should the Policy include a provision for farm shops to sell some produce that does not originate on the farm;*
- *Does Policy S9 give sufficient consideration to the effect of out-of-centre food shopping proposals on local centres;*
- *Does criterion (vi) impose an additional test above the guidance in PPG6, particularly in terms of the effect on the health of the rural economy.*

**Inspector's reasoning and conclusions**

- 8.45 In the First Deposit draft, Policy S9 dealt with out-of-centre food shopping, but it has now been deleted, with its main elements incorporated into the new Policy S8 (Out-of-Centre Retail Developments) (Rev 8/15-8/19). Some of the points made by these objectors are therefore either no longer relevant or have been addressed under the new Policy S8 (see above).

- 8.46 The issue of farm shops is not specifically covered in either former or new Policy S8. It is, however, covered by national policy in PPS7 (¶ 30-31) & PPG6 (¶ 3.21). I realise that Solihull's farms are likely to be in the Green Belt, where inappropriate development is not generally permitted. Any proposals for farm shops would therefore have to be considered against Policy C2. Policy C6 also recognises the need to support farm-based diversification, including farm shops, as confirmed in Rev 7/9 (¶ 7.2.5). In my view, this provides an appropriate basis against which to consider any proposals for farm shops which need planning permission within the Borough.
- 8.47 As for the potential impact of out-of-centre proposals on local centres, this is specifically addressed in new Policy S8 (vii) (Rev 8/16). Criterion (vi) has been deleted, as part of the deletion of former Policy S9, and the requirement to assess the effect of proposals on the general health of the rural economy does not feature in the criteria included in new Policy S8 (Rev 8/16).
- 8.48 I am therefore satisfied that the deletion of former Policy S9 and the incorporation of many of its elements into new Policy S8 is soundly based.

***Recommendation***

**8.49 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.**

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**POLICY S10: MAJOR OUT-OF-TOWN SHOPPING CENTRES**

*There were no objections to this Policy.*

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