

Our Ref: MFO/sap/H42248.1
Your Ref: GOWM/NPT/CPO/87694



14 April 2008

Mr David Smale
Operational Support Team
The Planning Inspectorate
Room 3/06
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Sir

The Metropolitan Borough of Solihull (Shirley Town Centre Redevelopment) Compulsory Purchase Order 2007 and Related Orders Under S247 and S257 of the Town and Country Planning Act 1990

Thank you for your letter of the 20th March.

In principle the arrangements for a settlement of the British Legion's Objection were agreed some time ago.

Since the pre-inquiry meeting there have been three lengthy and constructive meetings between representatives of the Council and representatives of the British Legion to formalise the new arrangements for the British Legion to remain on the site and for the building of an extension. We are, of course, sending a copy of this letter to Wragge & Co, the solicitors for the Council with whom the meetings have been taking place. We think that it would be common ground that it is much more likely than not that a satisfactory settlement of the Legion's Objection will be reached before the Inquiry opens on the 8th May. The structure of the tripartite agreement between the Council, the Developer and the Legion has been difficult to document and there have been complex issues such as tax to resolve.

In the circumstances there is a reluctance, which we hope you will find understandable, on the part of the Legion, to spend substantial fees on asking a planning consultant to prepare a full proof of evidence at this stage. A planning consultant in Solihull has been selected and instructed to be ready to prepare a full proof of evidence. The main points which he would cover in his evidence are set out below.

- The proposed residential development relies, in the main, upon land which is public open space, being part of Shirley Park. It thus falls outside the definition of Previously Developed Land as set out in Annex B of PPS 3. It will be noted that this land is thus sequentially inferior to other sites and ought not to be released for development unless there is an overwhelming need which cannot be met elsewhere.

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- It will be shown that Solihull Metropolitan Borough Council is on target in terms of meeting its housing needs as set out in the adopted Regional Spatial Strategy for the West Midlands and that there is no overwhelming need for additional greenfield housing land to be released, particularly land which is presently public open space.
- With regard to the site's designation as public open space, it will be noted that it is not subject to requirements and, indeed, lies within an area of open space deficiency. Furthermore, the adopted Unitary Development Plan for Solihull requires alternative community uses to be considered before any public open space is released for development. No such assessment of possible alternative community uses has been undertaken.
- It will be shown that the Adopted Solihull UDP refers to the proposed retail scheme, noting that this lies within the redefined Town Centre boundary but that there is no reference whatsoever to residential development adjacent to or as part of the retail scheme.
- In the complete absence of any justification for the residential proposal in the Development Plan, or any overwhelming need for additional residential development, evidence will be presented to show that the release of parkland/public open space for development should be brought forward through the normal planning process, particularly the review of the Development Plan – the process for which is just commencing. As such this aspect of the Heart of Shirley retail scheme is premature and contrary to all relevant planning policies, both national and as set out in the Development Plan.
- It will be noted that there are no other material considerations sufficient to override the very strong presumption against the proposed residential development.

Our other witness would be one of the Officers of the Shirley Branch of the Legion and we are hoping to be able to provide a full statement from an Officer by Thursday 17th April.

In these circumstances we would be extremely grateful if the Inspector would agree that a full proof of our Planning evidence need not be prepared at this stage.

Yours faithfully

For and on behalf of
Lodders Solicitors LLP

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