

CAPITA LOVEJOY

URBAN DESIGN REBUTTAL

PROOF OF EVIDENCE

**RELATING TO THE OBJECTIONS OF KEEP SHIRLEY
ALIVE AND SOLIHULL RATEPAYERS ASSOCIATION**

PARKGATE, SHIRLEY

**THE METROPOLITAN BOROUGH OF SOLIHULL
(SHIRLEY TOWN CENTRE REDEVELOPMENT)
COMPULSORY PURCHASE ORDER 2007**

**SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990
AND SECTION 13 THE LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976 AND THE ACQUISITION OF LAND ACT 1981**

Ref: SMBC6/4

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Appendices (attached within rebuttal)

Figures 11A and 11B from A Williams Proof of Evidence Appendices

1. INTRODUCTION

- 1.1 This rebuttal evidence is with regard to points raised by Keep Shirley Alive and Solihull Ratepayers Association within evidence submitted as part of the Parkgate CPO Inquiry. This specifically addresses paragraphs 6 and 8 of Solihull Ratepayers Association's evidence (with regard to the attractiveness of the existing pathway and alleged lack of imagination in the design of the proposed footpath) and points 4 and 5 of Keep Shirley Alive's evidence (with regard to the existing hedgerow and seclusion of the existing footpath).

2. REBUTTAL EVIDENCE

2.1 Both Keep Shirley Alive (item 4 and 5) and Solihull Ratepayers Association (item 6 and 8) raise within their evidence the quality and pleasantness of the existing footpath route and the lack of imagination within the design of the proposed new route. My evidence identifies that whilst a mature hedgerow with some native trees does indeed line the existing footpath and will require removal to implement the proposed scheme, the net impact of this proposed change is one of benefit.

2.2 There are four separate but complementary reasons for this net benefit, which are as follows:

Benefit 1 - Resolution of existing unprotected rears of Stratford Road

2.2.1 A very clear benefit resulting from the proposed scheme is the 'resolution' of the urban block, which replaces the current exposed rear of Stratford Road frontages with frontage development, which is in complete accordance with good urban design principles, as identified within my proof of evidence at paragraphs 3.3.7, shown below:

3.3.7 One of the strongest aspects of the scheme is how it has addressed the appropriate definition of public and private space. At present, service yards and parking areas are provided to the rear of Stratford Road mixed use premises but are exposed to the adjacent Shirley Park. The scheme proposes to 'wrap' these exposed rear areas by retail and residential development which 'resolves' this conflict in the defined public – private spaces. The result is a perimeter block with all public spaces facing outwards, servicing and parking takes place within the block and is not exposed to the public realm.

Benefit 2 – Security improvement to the public footpath

2.2.2 The existing footpath, by virtue of its separation from Shirley Park by a hedgerow and lack of overlooking buildings, creates a public route that does not benefit from the necessary levels of surveillance to be in accordance with the seven principles of Safer Places, the Planning System and Crime Prevention, which is the Government's statutory guidance relating to security (extract provided below):

Access and movement: *places with well defined routes, spaces and entrances that provide for convenient movement without compromising security*

Structure: *places that are structured so that different uses do not cause conflict*

Surveillance: *places where all publicly accessible spaces are overlooked*

Ownership: places that promote a sense of ownership, respect, territorial responsibility and community

Physical protection: places that include necessary, well-designed security features

Activity: places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times

Management and maintenance: places that are designed with management and maintenance in mind, to discourage crime in the present and the future

- 2.2.3 It is clear to me that the removal of the hedgerow and replacement with a visually permeable line of semi-mature trees demarcating the edge of Shirley Park, coupled with the sensitive placement of residential buildings overlooking the public route will significantly improve the access and movement, surveillance, ownership and activity aspects of the public footpath route. All of these improvements provide a significant improvement to the safety and security of the public in using this route, which will further encourage public use and therefore sustainable travel patterns.

Benefit 3 – Ecological improvements within Shirley Park

- 2.2.4 It is recognised that the removal of the existing hedgerow and associated trees reduces the biodiversity value of Shirley Park and adjacent land. Shirley Advance and the Council are, however, committed to making a number of improvements to Shirley Park, which has been developed alongside the wider stakeholders and community (to the value of £500,000). A key component of these improvements include for a minimum of £15,000 being spent on ecological features within the existing park to mitigate for the loss of vegetation to facilitate the development. The detailed design of these features is yet to be determined, but will be developed by Solihull Metropolitan Borough Council's landscape and ecology team. Moreover, the proposed avenue of semi-mature native trees lining the proposed footpath will create significant ecological value adjacent to the existing hedgerow.

Benefit 4 – Improvement to the character of Shirley Park

- 2.2.5 The existing footpath and hedgerow does not provide an active frontage to the Park, and, whilst the route is one enjoyed by some residents, does not positively relate to the wider design and use of the Park. The proposed development does provide a positive frontage to the park, whilst retaining much of the existing vegetation in this area and producing a very positive visual and physical relationship between residents of the proposed development, public users of the proposed retail development and public users of Shirley Park. This cohesion engenders the Park as being a vibrant part of Shirley Town Centre rather than being segregated from it (which is partly the current position).

2.2.6 Paragraphs 4.2.8.1 – 4.2.8.2 of my proof of evidence (shown below), alongside Figures 11A and 11B of my evidence appendices highlights these benefits.

4.2.8.1 The existing character of Shirley Park is significantly influenced by the form of human activity taking place within it (either the use of sports fields or formal play equipment). A further key component of its character is the mature trees that sit within hedgerows running west – east through the park. A negative aspect of the existing character is the screening of pedestrian routes, the lack of surveillance from adjacent buildings and the exposed rear of properties fronting onto Stratford Road.

4.2.8.2 The impact on the character of the Shirley Park – Playing Fields character area is beneficial due to the benefits of the presence of residential development addressing the park, providing surveillance and a sense of enclosure. This is supported by the retention of key mature trees and the proposed planting of semi-mature trees to create an appropriate green edge to the park. These benefits outweigh the potential detriment of loss of hedgerow to part of the eastern boundary of the site.

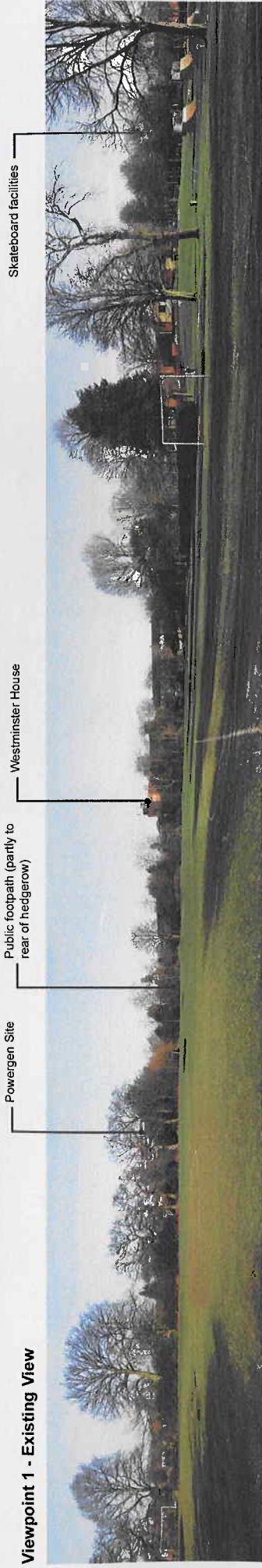
3. CONCLUSION

3.1 In conclusion, it is considered that the matters identified by Solihull Ratepayers Association (in item 6 and 8 of their evidence) and by Keep Shirley Alive (in item 4 and 5 of their evidence) provide an inaccurate definition of the impact of the proposed development upon the replacement of the existing public footpath with the proposed development and footpath route. It firmly remains my belief that the proposed development results in a net improvement to Shirley Park, the public footpath and the Town Centre of Shirley.

APPENDICES

Figures 11A and 11B from A Williams Proof of Evidence Appendices

Viewpoint 1 - Existing View



Description of existing view

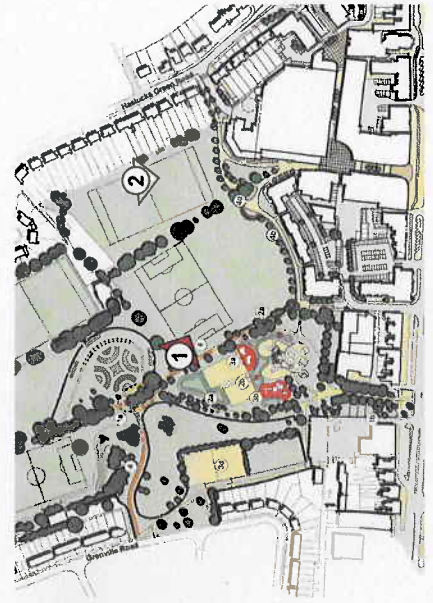
This view looks northwards towards the rear of Stratford Road properties, with football pitch and play facilities in the foreground. Significant visual elements include the mature trees set within the hedgerows lining the football pitch to the left and right of the view. Human activity is less visible and when sports pitches are not in use is partly restricted to the play facilities and footpath running alongside (and partly obscured by) a hedgerow to the rear of Stratford Road properties. The view is identified as being *moderately sensitive* to change, due to a combination of its robust landscape framework but high visibility from the park.

Viewpoint 1 - Proposed View



Assessment of magnitude and significance of change and nature of effect.

The magnitude of change within the view is identified as being *moderate*, due to the high visibility of the proposed development. The significance is also therefore moderate and classified in a worst case scenario as *significant*. The nature of change is identified as being *beneficial*; there are significant benefits to the change, such as the screening the unsightly rear of Stratford Road, the introduction of high degrees of activity and surveillance to the Park, improving security and maximising its benefit. These benefits are identified as more significant than the loss of the existing hedgerow (as the major elements of the view - mature trees - will be retained and supplemented by semi-mature native tree planting, mitigating the loss of the hedgerow).



View Location Reference

Figure 11A – Shirley Park Visual Impact Assessment - Viewpoint 1
Parkgate CPO

