

**SMBC5/2**



**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990 etc**

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

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**PROOF OF EVIDENCE**

**GARY PALMER Dip T.P., MRTPI**

**FOR THE LOCAL PLANNING AUTHORITY**

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Local inquiry date: 8<sup>th</sup> May 2008

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**1. QUALIFICATIONS**

- 1.1 My name is Gary Palmer and I hold a Post Graduate Diploma in Town Planning from the University of Central England in Birmingham. I have 19 years planning experience in Development Control in local government.
- 1.2 I am a Chartered Town Planner and have been a member of the Royal Town Planning Institute since 1992. I have been employed by Solihull Metropolitan Borough Council since August 2003. I am currently the Council's Head of Design & Development - a post I have held since April 2007.
- 1.3 Previously I was the Design & Development Manager (from July 2006) and prior to that an Area Planning Officer when I was responsible for handling planning applications in one of the three area teams which cover the Borough's administrative area. This included acting as case officer for the planning application which underpins the CPO the subject of this inquiry.
- 1.4 I have been involved with the proposed development since August 2003 and over this period I have visited the site on numerous occasions. I am therefore familiar with the site and its surroundings.

## 2. SCOPE OF EVIDENCE

2.1 The Council's statement of case describes the order land which it is seeking to acquire. The land is required to enable the construction of a comprehensive redevelopment scheme within Shirley town centre. This redevelopment scheme was the subject of a planning application (2006/735) approved in September 2006. My evidence covers the scheme development, the submission and determination of the planning application, amendments to the scheme and the identification of changes in circumstances since the application was determined.

2.2 Evidence submitted by others deals with the following issues:

Paul Watson            The development in a wider context and how it delivers the corporate objectives of the Council.

Andy Williams        How the scheme performs in Urban Design and sustainability terms.

Rob Barnes            Retail planning issues.

Piers Cockcroft      Transportation issues.

Johnny Ojeil          Transportation issues.

Mike Swallow         History of proposals, negotiations with land owners and finance/deliverability from the developer's perspective.

Robert Birch          History of proposals, negotiations with land owners and finance/deliverability from the developer's perspective.

### 3. FROM POLICY TO PLANNING APPLICATION

- 3.1 Following the appointment of Shirley Advance as the Council's developer partner in May 2004 work commenced on the development of the scheme to enable a planning application to be submitted. At that time the local policy context was in the form of the 1997 Solihull UDP and that emerging through the Revised Deposit UDP published in June 2003. The emerging policy (S4/1) (later confirmed when the UDP was adopted in February 2006) makes it clear that proposals for the development of a foodstore to support Shirley Town Centre would be bought forward. The foodstore is therefore a key component of the scheme.
- 3.2 There was also policy support (S4) for proposals which maintain or strengthen the function of Shirley Town Centre as an importantly centre providing (inter alia) a wide range of convenience and comparison goods. Such proposals could include mix-use developments.
- 3.3 Policy advice also provides a context for the design considerations that would be applicable to the development. Principles that are applicable include the desire to integrate the development into its context (especially the Stratford Road and Shirley Park), maximise active frontages, and provide a high quality public realm & pedestrian routes.
- 3.4 It is against this policy background that the schemes' evolution was undertaken. The final proposals were also developed in the context of on-going public consultation which enabled the views of interested parties to be obtained and allowed the scheme to evolve in light of these views.
- 3.5 In particular a consultation exercise was undertaken in August/September 2004 based on concept plans for the scheme.
- 3.6 Further consultation took place in December 2004 which included the publication of a more detailed plan for comment.
- 3.7 The scheme was subsequently revised and was formally submitted in April 2006. This follows the adoption of the UDP in February 2006.
- 3.8 As part of the planning application submission, a Statement of Community Involvement (CD/A/1i) was provided. It noted that:

*The specific aim of the consultation has .... been to provide local people and other key stakeholders with every opportunity to input the design process. From this point of view, the consultation has proven to have been extremely successful. We believe that the scheme has evolved over the past 2 years or so, alongside the consultation process, taking on board many of the concerns and comments made. Therefore, we feel that The New Heart for Shirley proposals have indeed been influenced by the extensive community consultation that has been undertaken and that, furthermore, the proposed scheme is all the more better for it."*

3.9 Feedback from the latest of the exhibitions was summarised as follows:

***The scheme itself:***

*With regard to the scheme itself, 35% of all respondents were in full support of the proposed scheme, whilst a further 33.9% agreed with the principles of the proposed development but had some reservations. Therefore, almost 70% of those attending the exhibitions were generally in support of the overall scheme, although some still had some reservations. The remainder did not support the principle of the development.*

***Shirley Park:***

*With regard to the proposed improvements to Shirley Park, 45.4% of all respondents were in full support of the design ideas, whilst a further 28.9% agreed with the principles of the proposals but had some reservations. This adds up to three quarters of individuals being in support of the proposed improvements to Shirley Park on the whole, albeit some with reservations. The remainder did not support the principle of these improvements.*

***Concerns:***

*The main area for concern expressed throughout the winter exhibitions was the likely traffic congestion, with 33.7% confirming that this was their single biggest issue with the proposed development. Less than 19% expressed concern about the inclusion of the foodstore and only 11.6% felt that the scheme might have an adverse impact on existing traders. Only 14.4% of all respondents specifically suggested that were opposed to building on Shirley Park, having seen the latest plans at that stage.*

*Overall, apparent support for the scheme was increased between the summer and winter exhibitions. This in part was due to the availability of more information and the wider section of the local community that had their say, but most of all due to the design concepts that had been borne out of the initial stage of consultation.*

#### 4. THE PLANNING APPLICATION SUBMISSION

4.1 On the 4<sup>th</sup> April 2006 the planning application was submitted. It sought approval for a "mixed use development comprising of an anchor foodstore, retail units & basement car parking; 190 apartments (including 50 'retirement'); footways, service areas, revised highway junction, new access arrangements, landscaping works to Shirley Park; demolition of properties and change of use of 63 Haslucks Green Road to B1 offices; and accommodation works."

4.2 The main elements of the proposed development were identified as follows:

- Large store with a floor area of 7,615 m<sup>2</sup> including mezzanine floor of 1,100 m<sup>2</sup> (but excluding enclosed marshalling area of 705 m<sup>2</sup>). 60% of the sales area is intended for convenience retailing and 40% for comparison retailing.
- Retail Block H containing retail floor space of 7,526 m<sup>2</sup> (non-food)
- Retail Block J containing retail floorspace of 4,112 m<sup>2</sup> (non-food)
- 5 residential blocks A to E containing 140 apartments
- Retirement residential block F with 50 apartments
- Community uses – scouts building to be retained and extended. Royal British Legion building to be retained and extended and to incorporate a café.
- A town square at the heart of the development linking Stratford Road with the park.
- A smaller square on the Haslucks Green Road frontage.
- Car parking for 127 cars at surface level to serve the residential apartments and a basement car park for 650 cars including 50 'colleague/staff' parking spaces.
- New junction at Stratford Road/Haslucks Green Road/Olton Road

4.3 The application was accompanied by a range of supporting documentation including:

- Application forms & covering letter
- Full set of scaled plans
- An A3 book of plans to a reduced scale (supplied as the second volume of the Design Statement)
- Planning support statement
- Environmental Statement
- A supplement to the ES detailing additional ecological surveys
- Non-technical summary to the Environmental Statement
- Transport Assessment & associated appendices

- Design statement (2 volumes)
- Retail planning report (2 volumes)
- Statement of Community Involvement
- Specification for soft landscaping
- Statement on affordable housing

## 5. ASSESSMENT OF THE PLANNING APPLICATION

- 5.1 Upon submission the application was subject to widespread consultation and publicity. This included the provision of an exhibition and a copy of the application submission being made available in Shirley library. The exhibition was manned by Planning Department staff.
- 5.2 The results of the consultation exercise (which are detailed more fully in the Planning Committee report) can be summarised as 'no objections' from statutory and non-statutory consultees; some 110 letters of objection/concern from third parties (including political representatives, residents' groups, traders and individual residents); some 178 signatures on tear off slips in petition style objecting to the proposals; and some 12 letters of support.
- 5.3 As part of the Council's assessment of the application, the proposals were scrutinised by its officers which included commissioning DTZ to provide an independent assessment of the retail planning reports provided by the applicants as part of the submission.
- 5.4 A committee report on the proposals was prepared - CD/A/3. The report was structured so as to describe the site and proposed development; summarise the representations made (a separate volume provided a copy off all representations that were made); provide background to the proposals and identify relevant national and local policy considerations.
- 5.5 The report then appraises the proposals in the following key areas: retail policy and impacts; open space; housing; affordable housing; archaeology; layout and building design; landscape and trees; ecology; impact on residential amenity; highways, traffic and access; and finally drainage & flooding.
- 5.6 The following paragraphs provide brief commentary on the key issues that were identified in determining the planning application.

### **Retail Policy Impacts**

- 5.7 It was noted that weaknesses in Shirley included the poor main food shopping provision and the centre lacking an identifiable focal point. Although not a strategic centre, development plan policy would not necessarily preclude major retail development in other centres. In this instance the entrance to the development would be within the primary retail frontage and the retail proposals are located almost entirely within the town centre boundary defined by the UDP. The exception including a very small section of the foodstore trading area which amounts to less than 1% of the store.
- 5.8 As part of the submission the application included a need assessment. Although it was not necessary to demonstrate need for proposals within the primary retail frontage, this

assessment was nevertheless useful in considering whether the proposals were of an appropriate scale. It was demonstrated that there was both a quantitative and qualitative need and that the proposal represented an opportunity to improve the quality & range of shopping within the centre enabling it to compete more effectively with the existing out of centre offer. No impact on the existing shopping hierarchy within the Borough was identified.

- 5.9 It was also noted that the proposals would allow the fulfilment of UDP policies in delivering a foodstore and providing additional retail provision in accordance with a plan led approach advocated by national guidance.

### **Open Space**

- 5.10 The commentary to proposal S4/1 of the adopted UDP recognises that car parking may need to encroach into the park. Thus there was an assumption that some loss of parkland might occur. This could have been more severe had the car parking to serve the development not been provided underground. A car park at grade would not only have resulted in a greater incursion but would also have been provided in a form that would not enhance the setting of the park or the development.
- 5.11 The proposed development impinges upon 1.1ha of open space. This is comprised of 0.58ha of land recognised as falling within the park and 0.52ha of informal open space which contains the ring of oaks (a circle of oak trees with a larger specimen at its centre).
- 5.12 The total area of the park amounts to some 13.4ha (excluding a further 2.4ha belonging to the rugby club). The loss of 0.58ha therefore amounts to 4.3% of the total area of the park.
- 5.13 A small part of the playing pitch located closest to the town centre would be affected by the development, with the remainder consisting of a grassed area with some trees and a footpath which links Haslucks Green Road to the areas to the rear of the properties fronting Stratford Road.
- 5.14 Policy R2 recognises the value of open space for a variety of functions and seeks to protect valuable open spaces. It also recognises that where loss is unavoidable, the Council will require development to provide appropriate compensatory measures. To apply policy R2 of the UDP it was necessary to have an understanding of the value the open space proposed to be lost has. The policy sets out criteria that could be applicable and this includes what contribution the space makes to formal & informal recreation, nature conservation, visual amenity or as a community resource. Whilst the open space to be lost has some value for these purposes it was considered to be relatively limited.

- 5.15 It was reasonable to consider what impact the development would have by considering the

impact on the open space as a whole, including the space to remain and what benefits the development could bring, e.g. development fronting on to the park and what other qualitative improvements could take place. This assessment also take place in the context of the Green Spaces Strategy (GSS) (CD/H/4). This does not establish a single quantitative figure for all types of open space; instead it seeks a qualitative assessment of different forms of open space and associated facilities.

- 5.16 Zone Action Plans (ZAP) form part of the GSS. They provide an overview of how each area of the Borough currently compares to the Green Space Standards and identify priorities for action. The development site falls within zone 3. In relation to 'Principal Parks' the ZAP identifies that everyone has access to a Principal Park. It states that the priority for action is to improve the quality of existing provision.
- 5.17 The legal agreement associated with the development proposals secures funding of £500,000 to carry out qualitative improvements in the park. At the time the application was determined a range of potential qualitative improvements had been identified and that these would form the basis of further consultation. The list was essential to identify the magnitude and scope of potential improvements against which the qualitative loss could be assessed against. Mr A Williams explores this further consultation in his proof of evidence.
- 5.18 Taking all of these issues into account the relatively small quantitative loss of open space was considered to be outweighed by the qualitative improvements to the park that would take place.

### **Housing**

- 5.19 The committee report noted that policy ENV1 of the UDP encourages housing as part of mixed use schemes, particularly in town centres. Although it was recognised that the development would result in the loss of a small area of Greenfield land, this was justified by the positive aspects of the proposal on the vitality and viability of the town centre; and the strengthening of its role and function. It also facilitated good urban design and improved links between the park and centre.

### **Affordable Housing**

- 5.20 The size of the development triggered the need for an affordable housing contribution. On site provision at 40% of the 140 non-sheltered accommodation resulted in 56 units being identified for on site provision as affordable housing.
- 5.21 It was recognised that in some circumstances there can be difficulties in on site provision of affordable housing within sheltered accommodation. In this instance in lieu of providing on

site provision within the 50 sheltered apartments in block F, a commuted sum towards provision elsewhere is to be made which is considered appropriate in this instance.

- 5.22 Both aspects of the affordable housing provision noted above were subsequently included within the associated section 106 agreement.

### **Archaeology**

- 5.23 Whilst there is potential for archaeological deposits at the development site as a result of the development of Shirley during the medieval & post medieval periods, these were not believed to be so significant to warrant more than appropriate recording during construction.

### **Layout & Building Design**

- 5.24 The design statement submitted with the application noted that the proposed development sought to address the negative aspects identified in the character analysis that informed the design process. These included large areas of surface parking; prominence of existing service yards; lack of a focal point and the poor relationship of the centre with the park.

- 5.25 The committee reported noted that these issues were addressed as a result of the proposals including provision for the following:

- High quality public spaces.
- A focal point for the centre that brings depth to the frontages.
- Better links with the park.
- A safe, secure & well used environment.
- Integration between retained & new buildings.
- Blocks of buildings around the edges of the site fronting Stratford Road, Haslucks Green Road and the park to create more attractive frontages, promote natural surveillance and to enclose service yards.
- The provision of basement parking.

- 5.26 In concluding on design matters, the committee reported noted that adopting a perimeter block principle, benefits would be achieved as follows: defining the public spaces; active frontages to public areas; natural surveillance; car parking and servicing in secondary locations (internal to the block or in basement areas); and a network of connected routes linking Stratford Road, the development & the park. It was considered that these benefits resulting from the design provided justification for the minor loss of park. The town centre would no longer turn its back on the park, but front it.

