

**SMBC5/3**



**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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**REBUTTAL PROOF OF EVIDENCE  
RELATING TO THE OBJECTIONS OF THE ROYAL BRITISH  
LEGION AND KEEP SHIRLEY ALIVE**

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FOR THE LOCAL PLANNING AUTHORITY**

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

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## 1. SCOPE OF EVIDENCE

1.1 This rebuttal proof of evidence deals with issues raised by or on behalf of the following parties:

- Royal British Legion ("RBL")
- Keep Shirley Alive

## 2. ROYAL BRITISH LEGION

2.1 Representations on behalf of the RBL have been made in the form of (i) a letter dated 14<sup>th</sup> April 2008 from Loders which essentially questions the residential component of the scheme taking place on Greenfield land, and (ii) the witness statement of Stewart Almond & letter dated 21<sup>st</sup> April 2008 from Loders questioning the relationship of the RBL building to the proposed apartments – in particular block C and subsequent noise issues.

2.2 With regard to the first issue I wish to highlight the benefits that will arise as a result of the development as a whole – namely the provision of a mixed use development, the positive impact upon the vitality and viability of the town centre, improvements to the public realm including connectivity and activity. In this respect the scheme functions as a whole.

2.3 Whilst the desire to maximise the re-use of previously developed land to minimise the amount of Greenfield land is recognised, so are the regeneration benefits of the scheme. The loss of a small area of Greenfield land included within the larger application site is considered justified and is appropriately measured against policy R2 of the Unitary Development Plan ("UDP") – as the report to committee assesses.

2.4 It is also noted that Regional Spatial Strategy sets minimum housing requirements for the major urban area and the residential element of the scheme will also enable a significant amount of affordable housing to be delivered. The need for affordable housing is an important local issue in Solihull and it features highly on the Council's corporate policy agenda.

2.5 Turning to the second issue it is noted that the development proposals provide for two extensions to the RBL premises. These are an extension to the west of the building to provide a concert hall extension and an extension to the north to provide a café. Both extensions provide an opportunity to incorporate measures to 'design out' issues regarding potential noise impact as a result of activities at the RBL. It is easier to accommodate appropriate measures now within a new build rather than seek to mitigate the problem with a retrofit at a later date.

2.6 In the first instance the extensions provide an additional buffer between the older fabric of the RBL building and the new residential development. These have been carefully designed to

reduce the openings and nature of them. For instance, on the northern elevation of the concert hall extension there is only one fire exit. As far as the café is concerned, this has been deliberately designed to front onto the town square to project its activity onto the square.

- 2.7 It is also noted that under condition 34 of the approval (CD/A/7) provision is to be made for the control of noise emanating from the site.
- 2.8 I am satisfied that appropriate consideration has been given to the potential impacts on future residents and that sufficient controls exist through the discharge of the conditions attached to the approval.

### **3. KEEP SHIRLEY ALIVE**

- 3.1 In the email dated 29<sup>th</sup> April 2008, KSA seek to add to the issues raised in their letter dated 12<sup>th</sup> April 2008. In essence this additional point relates to the temporary car park and the argument that although verbal assurances have been given that it is temporary, a shortfall in car parking spaces within the development may lead to future pressures for the permanent retention of the temporary car park.
- 3.2 Planning application 2006/919 (CD/A/2) was submitted concurrently with the principal application for the mixed-use development. It sought approval for a 160 space car park within Shirley Park .
- 3.3 The report to committee concerning the temporary car park is provided as CD/A/4. The committee report notes that the implementation of the mixed-use scheme will result in no public car parking being available on this side of Stratford Road north of the entrance to the park. This is because the existing car park providing some 148 spaces is located at the heart of the development site and cannot be retained during construction.
- 3.4 The committee report goes on to note that to ensure as little disruption as possible takes place to trading in the town centre during this period, some alternative parking provision should be made available.
- 3.5 Both the application and the report make it clear that the car park would be for a temporary period only and that following completion of the development the land would be restored to park land. In assessing the impact of the temporary car park the analysis was clearly on the basis of the effects being temporary.
- 3.6 A condition was imposed on the permission (CD/A/8) that requires the temporary car park to be removed on or before 2 years from the commencement of the main development. Furthermore the land would need to be reinstated in accordance with a scheme to be

submitted to and approved by the local planning authority. The reason for the condition is to safeguard the park in accordance with policy R2 of the UDP.

- 3.7 I believe that the above details demonstrate there is a clear commitment to ensuring that sensible provision is made for car parking to serve the centre whilst the development is constructed and that the removal of the car park (and reinstatement of the land) is appropriately controlled by condition.
- 3.8 In terms of the capacity of the proposed permanent basement car park, the report to committee (CD/A/3) noted that a detailed analysis of likely demand indicated that it would normally operate at 90% capacity at the busiest time on a Saturday – less at other times.