

SMBC5/1



SOLIHULL METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 etc

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

SUMMARY OF PROOF OF EVIDENCE

GARY PALMER Dip T.P., MRTPI

FOR THE LOCAL PLANNING AUTHORITY

Local inquiry date: 8th May 2008

1. INTRODUCTION & SCOPE OF EVIDENCE

- 1.1 My name is Gary Palmer and I hold a Post Graduate Diploma in Town Planning. I have 19 years planning experience and have been a member of the RTPI since 1992.
- 1.2 I have been employed by Solihull Metropolitan Borough Council since August 2003. I am currently the Council's Head of Design & Development. I acted as case officer for the planning application that underpins the CPO which is the subject of this inquiry.
- 1.3 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. FROM POLICY TO PLANNING APPLICATION

- 2.1 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. The then emerging policy (S4/1) makes it clear that proposals for the development of a foodstore to support Shirley Town Centre would be brought forward. The foodstore is therefore a key component of the scheme. There was also policy support (S4) for proposals which maintain or strengthen the function of Shirley Town Centre as an importantly centre.
- 2.2 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.
- 2.3 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. These were detailed in a statement of community involvement that accompanied the planning application.

3. THE PLANNING APPLICATION SUBMISSION

- 3.1 On the 4th April 2006 the planning application was submitted. A range of supporting documentation accompanied the application, including design statement, retail planning report, transport assessment & environmental statement.

4. ASSESSMENT OF THE PLANNING APPLICATION

4.1 Upon submission the application was subject to widespread consultation and publicity.

4.2 A committee report on the proposals was prepared which appraised the proposals in the following key areas.

Retail Policy Impacts

4.3 It was noted that weaknesses in Shirley included the poor main food shopping provision and the centre lacking an identifiable focal point. 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.

4.4 A need assessment 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.

Open Space

4.5 The loss of 0.58ha from the park amounts to 4.3% of the total area. Whilst the open space to be lost has some value for these purposes it was considered to be relatively limited.

4.6 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. The Green Spaces Strategy identifies that improving the quality of existing provision is a priority. The legal agreement associated with the development proposals secures funding of £500,000 to carry out qualitative improvements in the park.

4.7 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.

Layout & Building Design

4.8 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.

4.9 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.

Impact on the Amenities of the Occupiers of Nearby Dwellings/Buildings

- 4.10 The closest residential dwellings to the development are those on Haslucks Green Road - particularly nos. 47-61. Whilst the introduction of a new structure will change the outlook presently experienced from these properties, it was considered that the resulting relationship would not be unduly prominent or dominant. Separation distances were considered sufficient to avoid a loss of privacy from occurring.
- 4.11 Potential noise disturbance to nearby residents could occur as a result of servicing arrangements or from the pedestrian and vehicular traffic visiting the site.
- 4.12 In relation to servicing the main issue relates to operation of the foodstore. Use of no 63 Haslucks Green Road as less sensitive buffer immediately adjacent to the access, together with restrictions on the time of deliveries were considered sufficient to avoid a significant impact on the amenities of nearby dwellings as a result of servicing.
- 4.13 The main pedestrian access which is from within the newly created 'town square' is away from existing properties and car borne visitors would access the store via the basement parking area. These movements were not expected to be disruptive and no significant loss of amenity is expected as a result of noise disturbance.

Highways, Traffic & Access

- 4.14 In dealing with the transportation matters arising from the development the report considered the operation of nearby junctions and access points; the impact on the wider highway network; and car parking provision. Following an examination of each of these issues it was concluded that, with the implementation of the necessary highway improvements, the development would operate satisfactorily.

Section 106 Agreement

- 4.15 During the course of assessing the application it was identified that if permission were to be granted it should be subject to a legal agreement that secures a number of objectives, including £500,000 towards park improvements, ensuring public access through the scheme and affordable housing provision.

- 4.16 The Council's Planning Sub-Committee considered the application on the 19th July 2006 and resolved to approve the application subject to the application not being called in for determination following referral to the Secretary of State.
- 4.17 By way of a letter dated 30th August 2006 from the GoWM, the Secretary of State confirmed that she had decided not to 'call in' the proposals and the permission was issued on 20th September 2006.
- 4.18 The decision to grant planning permission was taken having regard to the policies and proposals of the development plan and to all relevant material considerations.

5. AMENDMENTS TO PLANNING PERMISSION

- 5.1 Following the determination of the application the proposals have been amended by the submission of revised plans that were approved as a rider to the existing permission and by further amendments which were the subject of a second application approved under reference.
- 5.2 The amendments related to the number and balance of residential units to be provided and in the amended scheme a total provision of 201 apartments of which 89 are retirement/extra care units will be provided.

6. ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES SINCE THE APPLICATION WAS DETERMINED ?

- 6.1 Since the planning application was determined in September 2006 planning policy has changed and further studies into the proposals have been undertaken.

7. CONCLUSION

- 7.1 The proposals contained within the planning application were formulated in order to deliver a policy objective of the UDP – they represent a plan led approach to tackling the problems identified in Shirley.
- 7.2 The proposals were subject to a comprehensive assessment as part of the determination of the planning application. In particular, the proposals were considered to provide a mixed use development that created a comprehensive & cohesive centre to the town. The town will no longer turn its back on the park, instead it will provide an attractive & integrated frontage with the benefits that brings through activity & natural surveillance. These benefits, together with qualitative improvements to the park were considered to justify the small quantitative loss to the park. Planning permission was therefore granted.

- 7.3 Since the determination of the planning there have been no material change in circumstances to suggest that planning permission would no longer be appropriate. Indeed, further studies since the determination of the application give added credence to the Council's decision to grant permission.
- 7.4 In turn the approval is demonstration that there are no planning impediments to the implementation of the scheme which will contribute to the achievement of the promotion or improvement of the economic, social and environmental well being of Shirley.