

SMBC1/1

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

**SUMMARY PROOF OF EVIDENCE**

**Michael John Swallow BSc. Hons MRICS**

**for**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

## **PURPOSE AND SCOPE OF THIS EVIDENCE**

This document provides a summary of my Proof of Evidence reference SMBC1/2.

The purpose of this document is to cover the role of the Council, as landowner, and how it has used its land holdings to promote and ensure the effective implementation of the Scheme in accordance with Council policy for the regeneration of Shirley. In this respect, I explain the Council's decision to facilitate the Scheme through the use of its compulsory purchase powers.

In particular, the document provides the following:

### **1 Introduction**

- 1.1 My name is Michael John Swallow. I have a Bachelor of Science Degree with Honors in Urban Estate Surveying and have been a Member of the Royal Institution of Chartered Surveyors since 1981. I have been employed by Solihull Metropolitan Borough Council ("the Council") for over fifteen years and now take a lead role in advising the Council, as landowner, in the delivery of major development and redevelopment projects.

### **2 Scope and purpose of evidence**

- 2.1 This section sets out the basis of my evidence as covering the role of the Council as landowner and development partner and how it has used its landholdings to promote and ensure the effective implementation of the Scheme in accordance with Council policy.

### **3 The vision for and the development of the Scheme**

- 3.1 Consideration, by the Council as landowner, of the objectives for Shirley town centre commenced in June 1999 when the objectives and vision of the Shirley (Planning) Working Party were endorsed.
- 3.2 With a view to taking forward a scheme for Shirley, approval was given to the opening of negotiations with Miller Developments and the purchase of the former T.A. site.
- 3.3 Following initial marketing and consideration of options for the proposed scheme, including the size of the anchor food based store required to deliver the objectives of the Council, ASDA were selected as the preferred store operator.
- 3.4 In May 2003, it was resolved to terminate the preferred developer status of Miller when it was reported that it had not been possible to conclude a legal agreement with the Developer.

- 3.5 In November 2003, following a selection process and consideration of submissions from a short list of developers, Coltham Developments Limited and Helical Bar Plc. were selected as the Council's preferred development partners.
- 3.6 A brief was agreed with the developers setting out the requirements for taking the scheme for Shirley forward.
- 3.7 In May 2004, the Council completed a development agreement with Coltham and Helical (named Shirley Advance for the purposes of delivering the Scheme).
- 3.8 During the course of the latter half of 2004 and 2005, Shirley Advance carried out a consultation exercise as part of the evolution of the Scheme for Shirley. In July 2005, the Council as landowner, considered the Scheme proposed by Shirley Advance and resolved that it satisfied the requirements of the Development Agreement. The Council also authorised the Developer to submit a planning application.
- 3.9 In July 2005, Cabinet delegated to the Cabinet Member for Resources the function of determining whether it was appropriate to make a compulsory purchase order.
- 3.10 In March 2006, Cabinet received an update on negotiations on connection with site assembly and approved the latest plans be submitted as part of the planning application.
- 3.11 In May 2006, Cabinet approved that the proposed disposal of open space land required for the Scheme be subject to statutory advertising as required by section 123 of the local Government Act 1972. Cabinet in September 2006 considered objections received to the notice and whether the open space disposal was justified in all circumstances. Cabinet resolved to approve the disposal.
- 3.12 Following an update on the status of negotiations in connection with land and property interests required in connection with delivery of the scheme, Cabinet in December 2006 approved that the Council should make a compulsory purchase order. Cabinet in June 2007 resolved to make the Order in relation to the boundary of a plan submitted (Document CD/B/3)

#### **4 Justification for the Compulsory Purchase Order and Associated Orders**

- 4.1 This section sets out the policy background leading to the resolution of the Council to make a compulsory purchase order. It sets out the power used in section 226(1)(a) of the Town and Country Planning Act 1990 and subsequent ODPM Circulars.
- 4.2 It concludes that the Council considers that the compulsory purchase order is fully justified in accordance with the powers and advice given to local authorities to ensure that sites are brought forward for development. In reaching this conclusion, the Council believes that the compulsory purchase of the land and rights as set out in the order will facilitate the carrying out of the development,

redevelopment and improvement of the site and will contribute significantly to the achievement of the promotion and improvement of the economic, social and environmental well being of Shirley.

## **5 Objections and negotiations**

- 5.1 The Council, together with its development partner Shirley Advance, has for some time sought to acquire the interests comprised within the compulsory purchase order through negotiation. Unfortunately it became clear that this would not be possible in all instances and therefore the need for a compulsory purchase order was identified which was duly authorised by the Council's members.
- 5.2 My response to the objections received to the compulsory purchase order is set out in the appendix attached to the proof. The Council and Shirley Advance continue to try and resolve those objections in advance of the inquiry.

## **6 Conclusion**

- 6.1 The Council, as landowner working alongside its development partner, has proactively sought to deliver a town centre for Shirley in accordance with planning policy for some years. The Scheme, for which planning permission has been obtained, is one which is consistent with the Council's aims and aspirations as landowner. It is considered by the Council as essential to Shirley's future prosperity and will deliver significant social, economic and environmental benefits for both Shirley and the surrounding area.
- 6.2 Although the Council is the freehold owner of a large proportion of the development site, I have no doubt that the full potential that the site offers, having regard to its location, can best be realised by its comprehensive redevelopment. This requires the acquisition of all of the land and interests specified in the compulsory purchase order.
- 6.3 The Council, together with its development partner, has sought to acquire these interests through negotiation. Unfortunately this has not been possible in all instances and it therefore became clear that a compulsory purchase order was required which was duly authorised by the Council's members.
- 6.4 The Council is satisfied that the compulsory purchase order is fully justified and that there is a compelling case in the public interest for the compulsory purchase order to be confirmed. The Council has no doubt that the Scheme is both viable and deliverable.
- 6.5 For the reasons set out in my evidence, I am firmly of the view that the compulsory purchase order and footpath stopping up order should be confirmed and the road closure order should be made. That being the case, I can confirm that the Council is committed to moving forward with the Scheme as soon as reasonably practicable.