

**SMBC3/2**

**Town and Country Planning Act 1990  
Acquisition of Land Act 1981  
Local Government (Miscellaneous Provisions) Act 1976**

**Inquiry into:**

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

**Proof of Evidence  
of  
Robert Barnes BA (Hons) MA MRTPI  
On matters relating to Retail Planning**

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# 1. Personal Profile and Scope of Evidence

## Personal Profile

- 1.1 I am a Director and Chartered Town Planner in Planning Prospects Limited (PPL), an independent planning and development consultancy based in Worcester. Prior to joining PPL in September 2006, I was an Associate Director in the Professional and Consultancy Services group of CB Richard Ellis. CB Richard Ellis (CBRE) is an international practice of surveyors and real estate advisors and deals with all aspects of commercial property in the United Kingdom and worldwide.
- 1.2 In particular, CBRE (via its predecessor firms, Hillier Parker and CB Hillier Parker) has a longstanding, national reputation in the field of retail planning and development. The company is therefore in close touch with the present and changing needs of retailers, property developers and investors. I have maintained a close working relationship with CBRE and former colleagues there since my move to PPL.
- 1.3 I have been professionally involved in planning and development for 12 years, seven of which were spent with DTZ based in both London and Birmingham, before moving to the Birmingham office of CB Hillier Parker (as was) in January 2003. Throughout this period I have specialised in retail based instructions and have extensive experience in a wide range of small, medium and large scale development projects. I have had extensive experience in retail planning and development on behalf of both private and public sector clients.
- 1.4 I have undertaken shopping studies and third party appraisals for local authorities including Wolverhampton, Birmingham, Northampton, Manchester, East Northamptonshire, Colchester, Bromsgrove, Newark and Sherwood, and Shepway. This has included advice on retail capacity, impact and strategy and formed the basis for retail policies in emerging local plans. I also provided retail planning advice to, and appeared on behalf of, Wolverhampton City Council in relation to the inquiry into their Retail Core Expansion Compulsory Purchase Order.
- 1.5 Recent private sector instructions include preparation of the retail planning statement on behalf of Hammerson in support of their regeneration proposals for the Eastgate and Harewood Quarter of Leeds, and preparation of the retail planning statement in support of The Cube at The Mailbox in Birmingham City Centre. Whilst at DTZ, I had extensive involvement in supporting the expansion programme of Safeway Stores Plc, and co-ordinated the planning input into the valuation of their portfolio for sale.
- 1.6 This focus on retail planning has continued into my role at PPL. I am currently working with St Modwen, in their partnership with Birmingham City Council, AWM, Bromsgrove District Council and Worcestershire County Council, on the retail and centres component of the emerging AAP for the regeneration of Longbridge. I continue to advise private sector clients on retail and mixed use developments

across the country, and public sector clients on third party proposals and policy issues.

- 1.7 I am familiar with retailing in and around Shirley, having provided Shirley Advance with retail planning advice in relation to their original planning application for the Parkgate development ("the Scheme"). I also live in this part of the conurbation.

### **Scope of Evidence**

- 1.8 My evidence addresses retail planning issues in relation to the Scheme; more general planning matters are principally addressed in the evidence of Paul Watson and Gary Palmer (Ref. SMBC4/2 and SMBC5/2). My evidence demonstrates that there is a compelling need for the Scheme, and that through their positive, plan-led support of the Scheme the council's approach has been consistent with that advocated at the national level. It also reviews the trading implications and scale of the Scheme; both are found to be acceptable.
- 1.9 My evidence also responds to retail planning issues raised by objectors; other matters raised by objectors are dealt with elsewhere. In summary, the key objections made in relation to retail planning matters are these:
- 1.9.1 The Scheme is not necessary or beneficial to the economic, environmental and social well-being of the area
  - 1.9.2 It has not been demonstrated that the Scheme is PPS6 compliant
  - 1.9.3 There is no proof of the need for the Scheme and therefore the CPO is unnecessary
  - 1.9.4 There is no evidence of the impact of the Scheme on the rest of the centre, or of any assessment of the wider impact
  - 1.9.5 An alternative (Tesco) proposal has not been given proper consideration
  - 1.9.6 The Scheme is of an inappropriate scale
- 1.10 These points summarise the key principles underpinning the objections made. Turning to the structure of my evidence, following the introduction set out in this section:
- 1.10.1 In section 2, I set out aspects of the background to retail planning within Shirley, commenting on the adopted UDP, RSS and PPS6, and outlining the positive response by the Developer and the Council to this policy framework.
  - 1.10.2 In section 3, I go on to demonstrate the need for the Scheme, referring to the treatment of this issue in adopted and emerging regional planning policy as well as local planning policy, qualitative issues and the results of an updated quantitative exercise.
  - 1.10.3 In section 4, I provide a more general retail assessment, considering the profile of Shirley as a trading location, identifying the trading implications of

the Scheme, and assessing the appropriateness of the scale of development proposed.

1.10.4 In section 5, I set out my response to the retail planning issues raised by objectors to the CPO.

1.10.5 Finally, in section 6, I set out my overall conclusions.

### **Key Conclusions**

1.11 The overall conclusions from my evidence are set out in section 6. However, in summary, my key conclusions are as follows:

1.11.1 There is a well established need for the Scheme. This need can be demonstrated in both quantitative and qualitative terms.

1.11.2 The approach to planning for the retail expansion of Shirley taken by the Council and the Developer is consistent with and supportive of that advocated at the national level.

1.11.3 The trading implications of the Scheme for the rest of Shirley and on other locations will be acceptable. Indeed, the Scheme will reinforce and improve the trading performance of Shirley, and is important both in meeting the needs of local people and in enabling the centre to compete and adequately perform its role, as defined in the UDP.

1.11.4 The Scheme will bring a series of further important benefits to Shirley in terms of investment and addressing key weaknesses in the existing centre provision. It is also entirely consistent with, and central to the fulfilment of, the Development Plan strategy.

1.11.5 The Scheme would be of an appropriate scale in terms of the role and function of the centre, in terms of the identified need, and in terms of its implications for Shirley and other locations.

## **2. Positive Planning for Shirley**

### **Introduction**

- 2.1 This section provides the background to key aspects of retail planning of relevance to the Scheme and Shirley generally. In particular, it focuses on two documents of particular importance, namely the guidance provided at the national level by PPS6, and the adopted UDP. Attention is drawn to the policy emphasis in PPS6 on the need to plan for the growth of existing centres and secure their expansion, and the role expected of local planning authorities in this regard. These themes are explored in relation to the Scheme, and the council's positive role and policy stance in supporting it.
- 2.2 Consideration is also given to policy at the regional level. Finally, by way of context, this section also comments on the earlier role played by CBRE in informing the application for the Scheme, the conclusions reached, and my role within that process.

### **PPS6 (Core Document (CD) /F/8)**

- 2.3 At the national level, the Government's policy on town centres and the main town centre uses is set out in PPS 6 – Planning for Town Centres (March 2005). PPS 6 does not incorporate any significant changes in policy direction from its predecessor (PPG 6). Rather, it maintains and reaffirms the key objective of promoting vital and viable town centres. It seeks to achieve this by planning for the growth and development of existing centres, and promoting and enhancing existing centres by focusing development within them, encouraging a wide range of services in a good environment, accessible to all. The Scheme is clearly consistent with this key objective.
- 2.4 PPS 6 underlines the key themes of sustainability, accessibility and choice, whilst also highlighting the importance of promoting social inclusion, consistent with PPS 1 and, generally, other strands of Government policy. The explicit recognition that there is a need to plan for the growth of existing centres and secure their expansion represents an additional policy emphasis to the principle elements that were previously set out in PPG 6.
- 2.5 PPS 6 maintains support for efficient, competitive and innovative retail and leisure sectors, and reconfirms that it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation. Investment to regenerate deprived areas, creating additional employment opportunities, improving the physical environment, and promoting economic growth are also recognised as relevant objectives. Equally, emphasis is placed on the promotion of high quality and inclusive design, to improve the public realm. Again, the Scheme is consistent with these policy themes.
- 2.6 In promoting positive planning for centres, PPS 6 (section 2) specifically encourages local planning authorities actively to promote growth and manage

change in centres, and to accommodate the need for growth by making better use of existing land and buildings including, where appropriate, through redevelopment and, where necessary, by extending the centre. Indeed, whilst pre-dating the publication of PPS6, it should also be noted that RSS 11 (CD/G/1, discussed further below) similarly states (paragraph 7.59) that, "Local authorities should take a proactive approach through their town centre strategies to identifying potential sites and premises for development within these centres, including, where necessary and appropriate, the wider use of compulsory purchase powers."

2.7 In this context, PPS6 advises (paragraph 2.5 – 2.6) that;

"Where growth cannot be accommodated in identified existing centres, local planning authorities should plan for the extension of the primary shopping area if there is a need for additional retail provision or, where appropriate, plan for the extension of the town centre to accommodate other main town centre uses.

Where extensions of primary shopping areas or town centres are proposed, these should be carefully integrated with the existing centre both in terms of design and to allow easy access on foot. Extension of the primary shopping area or town centre may also be appropriate where a need for large developments has been identified and this cannot be accommodated within the centre. Larger stores may deliver benefits for consumers and local planning authorities should seek to make provision for them in this context. In such cases, local planning authorities should seek to identify, designate and assemble larger sites adjoining the primary shopping area (i.e. in edge-of-centre locations)."

2.8 PPS 6 places emphasis on high quality and inclusive design and the efficient use of land within town centres, recognising this as an important factor if they are to remain attractive and competitive. Support is given to the promotion of mixed use development and mixed use areas. PPS 6 recognises (paragraph 2.22) that, "a diversity of uses in centres makes an important contribution to their vitality and viability". It observes that diverse and complimentary uses can reinforce each other and make centres more attractive, and advises that diversification should be encouraged to ensure that a range of uses appealing to a wide range of age and social groups are dispersed throughout the centre.

2.9 PPS 6 sets out a series of considerations to be taken into account both in identifying sites for allocation in development plan documents, and assessing planning applications. Essentially, these considerations reflect those set out in PPG 6 (as clarified) and include need, the sequential approach to site selection, and implications for defined centres, as well as accessibility. A number of the objections to the CPO effectively speak to these tests, and in particular aspects of need and impact. These issues are addressed in sections 3, 4 and 5 of my evidence.

2.10 However, PPS 6 additionally formalises a new "appropriateness of scale" test. It advises (paragraph 3.12) that this might be defined in terms of gross floor space

limits. Specifically, the test requires (paragraph 2.41) that, "...the scale of opportunities identified are directly related to the role and function of the centre and its catchment." Regard should be had to the status of the centre within the wider hierarchy, with the aim being to, "...locate the appropriate type and scale of development in the right type of centre". Again, a number of objections to the CPO relate to the question of appropriateness of scale; this is considered in section 4 of my evidence.

- 2.11 In this context, the central commitment of national planning policy on town centres is towards the support of existing centres, consistent with themes of accessibility, choice, sustainability, inclusion and good design. Furthermore, there is support for positive planning by local authorities for the growth of centres in appropriate circumstances. The Scheme is consistent with these principles.

### **The UDP (CD/H/5) and the Council's Response**

- 2.12 Focusing more closely on the exact provisions of PPS6, confirmation is provided at the outset (paragraph 1.3) that;

"The Government's **key** objective for town centres is to promote their vitality and viability by:

- **planning for the growth and development of existing centres;** and
- promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all." (my emphasis)

- 2.13 In this way it establishes an upbeat tone for planning for centres and centre uses, and an expectation that expansion will be encouraged and accommodated. Whilst its predecessor, PPG6, was sometimes criticised as representing a negative tool and an obstacle to development, the tenor of PPS6 is somewhat different. It goes on (paragraph 1.6) specifically to require that regional planning bodies and local planning authorities should implement these objectives by "planning positively" for the growth and development of centres. As such they should, inter alia;

- "develop a hierarchy and network of centres
- assess the need for further main town centre uses and ensure there is the capacity to accommodate them
- focus development in, and plan for the expansion of, existing centres as appropriate, and at the local level identify appropriate sites in development plan documents"

- 2.14 This approach is framed within the context of achieving wider policy objectives, including:

- enhancing choice

- meeting the needs of the whole community (particularly socially excluded groups), and promoting social inclusion
  - supporting an efficient, competitive, innovative and productive retail sector
  - encouraging investment, employment and economic growth
  - improving accessibility and encouraging sustainable development
- 2.15 As such, it is anticipated in this way that the approach advocated by PPS6 to centre development should be consistent with achieving wider social, economic and environmental goals, to the benefit of the whole community.
- 2.16 The expectations placed on local planning authorities by PPS6 are expanded in chapter 2 of the guidance, which again gives emphasis to actively promoting growth, and adopting a proactive, plan led approach to planning for centres. Growth should be accommodated in appropriate centres and in accordance with the spatial strategy, making better and more efficient use of land and buildings, redevelopment where appropriate, and extension where necessary.
- 2.17 The preparation of the UDP predated the publication of PPS6. However, the approach followed by the council nonetheless anticipates and follows the expectations of PPS6 in this regard. In summary:
- 2.17.1 *hierarchy and network of centres*: The UDP establishes a three-tier hierarchy in its network of centres, with three town centres (Solihull, Shirley and Chelmsley Wood) at the head of this. Shirley is identified as the second largest centre in the borough.
- 2.17.2 *strategy*: Within this framework, the principal objectives of the plan include, "To enhance the role of existing centres within the Borough as a focus for retail, leisure and where appropriate, other trip generating activities, particularly the principal centres of Solihull, Shirley and Chelmsley Wood." These themes are echoed in Policy S1, which sets out the Council's overall strategy on retailing, and provides that, "The Council will support development and other proposals that will help to maintain or enhance the vitality and viability of existing shopping centres providing access, by a choice of transport modes, to a range of goods, services and other appropriate activities" subject to appropriateness in terms of scale and function. Similar themes are again expressed in Policy S4, with specific reference to Shirley town centre, and support for proposals that will maintain or strengthen its function as an important centre.
- 2.17.3 *need*: The UDP comments (paragraph 8.0.3) that Shirley, "remains vulnerable to increasing competition from out-of-centre retailing in, or near, the A34 corridor. This threatens the Centre's vitality and environment... These influences have necessitated measures designed to improve its environment and its attraction to shoppers" (my emphasis). Similar themes are expressed in paragraph 8.3.1, whilst paragraph 8.0.1 draws attention to the challenge to town centres of significant out-of-centre retail development.

