

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

SUMMARY PROOF OF EVIDENCE

prepared by

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birchwooddevelopments

on behalf of

Shirley Advance LLP

Ref: SMBC2/1

Shirley
advance

1 PURPOSE AND SCOPE OF THIS EVIDENCE

1.1 This document provides a summary of my Proof of Evidence reference SMBC2/2.

1.2 The purpose of this document is to set out the history and current status of the project as well as the reasons why in my opinion the Compulsory Purchase Order should be approved.

1.3 I also seek to demonstrate the significant commitment of Shirley Advance to this project and that in my opinion the reasons why the scheme will be delivered in the event that the Compulsory Purchase Order and the related Orders are approved.

1.4 In particular this document provides the following:-

- Section 1 provides an introduction of myself.
- Section 2 provides an overview of the background to the project.
- Section 3 explains the history and structure of Shirley Advance LLP.
- Section 4 provides an outline of the Development Agreement between Shirley Advance LLP and Solihull Metropolitan Borough Council, as major landowner.
- Section 5 provides an overview of the scheme evolution process that has led to the proposed development.
- Section 6 provides a description of the proposed scheme.
- Section 7 provides an overview of the planning history and current status of the planning permission that exists for the scheme.
- Section 8 sets out my positive view of the commercial viability of the scheme.
- Section 9 provides an overview of the progress that has been made with regard to site assembly required to implement the scheme.
- Section 10 provides details of my response to the outstanding objections to the Compulsory Purchase Order.
- Section 11 provides a conclusion to my evidence.

2 INTRODUCTION

- 2.1 My name is Robert Murray George Birch.
- 2.2 I am fully retained by Shirley Advance LLP ("Shirley Advance") to manage all aspects of the Shirley Town Centre Redevelopment project ("the Scheme").
- 2.3 I have been involved in all aspects of commercial property work since 1989 and particularly commercial property development and investment business since 1993.
- 2.4 I was an Associate Director in the Birmingham office of Miller Developments between August 1997 and June 2000. I was a Director of Birmingham based Coltham Developments Limited ("Coltham") between June 2000 and March 2004.
- 2.5 I was personally responsible for bringing the individual members of Shirley Advance together in the summer/autumn months of 2003.
- 2.6 Shirley Advance was selected by Solihull Metropolitan Borough Council ("SMBC") in their capacity as major landowner to progress the Scheme in December 2003 and a conditional Development Agreement was completed in May 2004.
- 2.7 I am responsible for the discharge of conditions contained within the Development Agreement between SMBC and Shirley Advance including, throughout, the Site Assembly required to implement the scheme.
- 2.8 I am responsible for the deals with The Royal British Legion, First Shirley Scout Group, Solihull Christian Fellowship and Shirley Baptist Church together with all of the 3rd party adjacent landowners that are affected by the development.
- 2.9 I am responsible for the disposal of the various elements of the development.
- 2.10 I am fully up to speed with all aspects of the project.
- 2.11 I can confirm that Shirley Advance remains committed to the pursuit and subsequent delivery of the Scheme.
- 2.12 I present this Summary Proof of Evidence on behalf of Shirley Advance LLP in support of The Metropolitan Borough of Solihull (Shirley Town Centre Redevelopment) Compulsory Purchase Order 2007.

3 BACKGROUND TO THE SCHEME

- 3.1 It is generally accepted that Shirley Town Centre has been in decline for many years.
- 3.2 This decline was exacerbated by the relocation of PowerGen from their office campus site at the junction of Stratford Road and Haslucks Green Road.
- 3.3 When they relocated their operation to Coventry, PowerGen sold their property interest to Asda who then pursued planning permission for the development of a foodstore on the site. Asda did not succeed in obtaining consent and the site remains dormant.
- 3.4 SMBC, as both major landowner and local planning authority, were also promoting an alternative retail based scheme which was known as '*The New Heart for Shirley*'.
- 3.5 Donaldsons Property Consultants (now "DTZ") acting on behalf of SMBC issued a marketing brief to a number of potential development partners in July 2003 which set out the broad ambitions of SMBC in respect of the Scheme.

4 SHIRLEY ADVANCE LLP

- 4.1 SMBC required a development partner with the track record and financial strength required to progress and deliver the Scheme.
- 4.2 Following a formal tender exercise with a number of possible commercial development partners the selection of the proposed joint venture between Coltham and Helical (which became Shirley Advance) was confirmed by SMBC as their preferred development partner for the Scheme in December 2003.

5 THE DEVELOPMENT AGREEMENT

- 5.1 SMBC and Shirley Advance entered into a conditional Development Agreement on 12th May 2004.
- 5.2 The Development Agreement remains intact and only outstanding conditions relate to completion of the Site Assembly exercise and the Agreement for Lease with Asda becoming unconditional.

6 SCHEME EVOLUTION

- 6.1 Alongside a full initial review of Shirley Town Centre and its environs including Shirley Park and an extensive Community Consultation exercise we were able to establish the main design principles of the Scheme.
- 6.2 We were then able to develop our initial concept plans for the Scheme incorporating the key elements required by the Development Agreement.

7 DESCRIPTION OF THE SCHEME

- 7.1 The consented mixed use Scheme provides an anchor foodstore together with further non-food retail units and residential apartments with car parking and service areas and high quality new public realm.
- 7.2 The Scheme provides retained and much improved facilities for both The Royal British Legion and First Shirley Scout Group.
- 7.3 The Scheme will be served by a basement car park with 600 spaces which will remain free of charge for all car borne visitors to Shirley.
- 7.4 The residential element of the Scheme will include 40% affordable housing provision, in line with SMBC's standard requirements. There will also be a Retirement Living facility.
- 7.5 There will be high quality public realm with a new Town Square, public toilets and space for a Shopmobility facility.
- 7.6 A new footpath, linking Haslucks Green Road with Shirley Park and Stratford Road will be provided. There will be improvements to the highways infrastructure in the vicinity of the Scheme.
- 7.7 A total of £500,000 has been committed to pay for much needed improvements to the retained area of Shirley Park. Only 4% (0.546 hectares/1.35 acres) of the defined area of Shirley Park (13.76 hectares/34 acres) will be lost. In my opinion the improvements to Shirley Park that will be enabled far outweigh this small reduction in overall area.

8 PLANNING

- 8.1 Detailed planning permission has been secured for the Scheme and Shirley Advance has completed Section 106 Agreements to deliver key requirements of SMBC.

9 COMMERCIAL VIABILITY

- 9.1 I am pleased to confirm that all aspects of the Scheme are financially viable and that Shirley Advance is confident that a satisfactory profit will be generated by the Scheme.

10 SITE ASSEMBLY

- 10.1 I confirm that we have managed to secure control of most of the property interests required to implement the Scheme. Unfortunately it remains clear that the Compulsory Purchase Order will be required to complete this exercise.

11 MY RESPONSE TO OUTSTANDING OBJECTIONS

- 11.1 Heads of Terms have been agreed and respective solicitors have been instructed to deal with the majority of the outstanding objections.
- 11.2 Shirley Advance will continue to negotiate with all parties. In the event that any objections remain outstanding at the time of the Inquiry I request that they are dismissed in favour of the Scheme.

12 CONCLUSION

- 12.1 I believe that that Shirley Advance will be able to proceed with the delivery of the Scheme in the event that the Compulsory Purchase Order, the Stopping Up Order and the Footpath Order are confirmed.
- 12.2 Also in the event that the Compulsory Purchase Order and the related Orders are confirmed I am confident that the delivery of the Scheme will lead in turn to further regeneration and investment within Shirley Town Centre.
- 12.3 The Scheme provides Shirley with a huge opportunity for regeneration and both direct and indirect investment. It complies with the specific requirements of the Development Agreement and has achieved detailed planning permission.