

**SMBC3/4**

**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**

**Rebuttal of Evidence of Wilf Gilbert (Staffs) Ltd  
by  
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On matters relating to Retail Planning**

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# 1. Introduction

- 1.1 My main proof of evidence (reference SMBC3/2), appendices (SMBC3/3) and summary (SMBC3/1) address retail planning issues in relation to the Parkgate development ("the Scheme").
- 1.2 This rebuttal addresses certain points raised in the proof of evidence prepared by Nicholas Barlow of Barlow Associates on behalf of an objector to the CPO – Wilf Gilbert (Staffs) Ltd – insofar as they relate to retail planning issues. The relevant material submitted on behalf of this objector is examined in section 2, expanding on the brief response already set out in my main proof of evidence (SMBC3/2 paragraphs 5.18 – 5.19). I go on to set out my conclusions in Section 3.
- 1.3 For clarity, this rebuttal addresses retail planning issues only, focusing on section 7 of Mr Barlow's evidence. Wider points on other topics made by this objector are not considered here.

# 2. Rebuttal of Evidence of Wilf Gilbert

- 2.1 Mr Barlow makes a series of points in section 7 of his evidence, suggesting:
  - 2.1.1 The Scheme should be justified by "need", but is in fact unnecessary
  - 2.1.2 Shirley is not struggling, has a good mix of retailers, and there are few vacancies
  - 2.1.3 Its retail offer is consistent with its function as a district centre
  - 2.1.4 The Scheme would simply replicate the type of offer found in Solihull
  - 2.1.5 The scale of the proposed food store is such that it will simply pull trade from other supermarkets
  - 2.1.6 His client's property should not be compulsorily purchased because no overriding need has been demonstrated
- 2.2 These points are already covered in some detail in my main proof of evidence (SMBC3/2). I address them again here through reference to that document. All paragraph references relate to my main proof unless otherwise specified.
- 2.3 There is in fact no clear policy requirement to demonstrate the need for retail proposals within the primary shopping area. The Scheme falls within Shirley's primary shopping area, and has the benefit of planning permission (paragraphs 3.1 and 3.16). The issue of need was nonetheless explored in the Retail Planning Report submitted in support of the Scheme (CD/A/1a) as it addresses to questions of scale; this work found that there was a clear need for the Scheme, and that it would be of an appropriate scale.

- 2.4 The issue has been revisited in my evidence, in circumstances where the compelling public interest benefits of the Scheme draw strength from the clear need that exists for it (and indeed because objections to the CPO raised questions about need). My evidence demonstrates the need in terms of achieving an appropriate distribution of locations and the provision of a range of sites; delivering the required scale of provision; meeting the needs of the core shopping population; and meeting the needs of the whole community (summarised in paragraph 3.68 and sub paragraphs 3.68.1 – 3.68.4). This position is consistent with that which has emerged over an extended period through consultancy studies, the UDP review, and appeal decisions (paragraphs 3.20 – 3.22).
- 2.5 The vacancy level in Shirley is indeed low and it has other strengths, for example in accessibility and aspects of the shopping environment. However, it is a complete misreading of the situation to suggest that it has a good mix of retailers. It is a strong service centre, but the proportion of retail units selling comparison goods is low, and the proportion of comparison multiples is also low. For example, the proportion of clothing retailers is less than half the national average. Rental growth has been low or static, and a complete lack of development over an extended period has prevented new entrants from gaining a presence in the centre (paragraph 4.10 – 4.11).
- 2.6 It is also not the case that the centre is well provided for in terms of main food shopping. Superstore and main food shopping provision is very heavily concentrated in out of centre sites, and the majority of locally generated convenience spending is directed to these locations. This does nothing to support Shirley town centre, encourage sustainable patterns of transport, or promote social inclusion. The smaller supermarkets in Shirley perform a specialised function, whilst the larger store – Morrisons – is compromised in a number of important respects. Shirley is unable to compete effectively for convenience shopping with the out of centre stores (paragraphs 3.56 – 3.58). There is also a clear need to improve the comparison retail offer in the centre, and in particular to respond to the longstanding and continued threat of development elsewhere (paragraphs 3.59 – 3.62).
- 2.7 Shirley is defined as a town centre in the UDP, second only in the hierarchy to Solihull. Policy identifies its function as, "...an important centre providing a wide range of convenience and comparison goods, employment, leisure and other services." It is expected to perform a higher order function than that expected of a district centre. However, Shirley town centre performs poorly in terms of its ability to meet the main food shopping requirements of local people. It also performs poorly in terms of its ability to meet even the basic day to day comparison goods needs of local people. As a retail centre, Shirley punches well below its weight, but the Scheme will address this (paragraph 4.39 et seq.).
- 2.8 Equally, there is an expectation that Shirley will operate at a lower level of the retail hierarchy than Solihull. In terms of scale and function this will very clearly remain the case with the Scheme in place: the size and type of unit shopping to be developed will in no way be comparable to the offer in Solihull, and nor will it

replicate the provision there. Rather, it will enable local people to meet a wider range of their day to day non food shopping needs in a location close to where they live (paragraphs 4.65 – 4.69).

- 2.9 The quantum of food superstore provision anticipated is again entirely appropriate to a town centre setting. It is of an appropriate scale in expenditure terms (paragraphs 3.50 – 3.53) and in terms of its ability to compete with major out of centre provision (paragraph 4.64). It will compete directly with these out of centre stores and recover trade currently lost to them (paragraphs 4.20 – 4.23). By retaining more shoppers within Shirley, there will also be associated spin off benefits to existing traders (paragraph 4.26 et seq.).
- 2.10 Read as a whole, my evidence shows that there is a clear retail need for the Scheme. It will address weaknesses in the centre, and make it more resilient to competitive threats. It will enable the centre to perform its designated town centre role, and claw back the considerable amount of trade currently lost, largely to out of centre locations. The public interest benefits of the Scheme, and the justification for the CPO, are underpinned by these considerations.

### **3. Conclusion**

- 3.1 In my main proof of evidence (SMBC3/2, paragraph 6.8), having fully considered all the objections to the CPO that raise retail planning issues, I reached the conclusion that they were not well founded.
- 3.2 Having now reviewed the material submitted on behalf of Wilf Gilbert, I remain of that view.

**Robert Barnes**

**Director, Planning Prospects Ltd  
02 May 2008**