

**BIRMINGHAM CITY COUNCIL
(POOLWAY SHOPPING CENTRE MEADWAY)
COMPULSORY PURCHASE ORDER 2016**

**STATEMENT OF CASE
OF BIRMINGHAM CITY COUNCIL UNDER
RULE 7 OF THE COMPULSORY PURCHASE (INQUIRIES
PROCEDURE) RULES 2007**

CPO REFERENCE: NPCU/CPO/P4605/77242

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BIRMINGHAM CITY COUNCIL

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STATEMENT OF CASE

1. Introduction

- 1.1 The Order was made under Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended. Birmingham City Council (the Council) believes the acquisition will facilitate the carrying out of development, redevelopment and improvement on or in relation to the land to be acquired and will also contribute to the promotion or improvement of the economic, social and environmental well-being of the area by replacing the existing Poolway Shopping Centre with a new retail offer alongside new homes and an improved public open space.
- 1.2 The authority to make the Order was secured on 16 March 2015.
The Order was made on 25 October 2016.
The Order was submitted to the Secretary of State for Communities and Local Government (DCLG) for confirmation on 9 November 2016. Notices of making the Order were also issued on this date, with notices served on all relevant parties, placed in the press and across the site.
The objection period expired on 9 December 2016.
One objection has been submitted to the Secretary of State.
The Relevant Date has been confirmed by DCLG as being 13 January 2017.
- 1.3 This document is the Council's Statement of Case, issued under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. It describes the land in the compulsory purchase order, explains why the council has made the order and outlines the objection received to the order and the council's response to the objection.
- 1.4 In this Statement of Case, Birmingham City Council is referred to as "the Council" and the land included within the Order is referred to as "the Order Lands". This Statement of Case has been prepared in compliance with the Department of Communities and Local Government "Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion" dated October 2015.
- 1.5 The Order has been made by the Council to support the phased regeneration of the area known as the Poolway Shopping Centre (The Meadway), and adjoining land, some of which is already vacant following the earlier clearance of a number of blocks of flats. The comprehensive regeneration proposals include the demolition of the existing Poolway Shopping Centre which comprises 27 retail units, 84 flats and community buildings, the phased delivery of new residential and retail development and works to the adjoining Kents Moat recreation ground – part of which is included

in the development proposals. It should be noted that alternative spellings of the Centre name exist, Poolway and Pool Way – both spellings being used on a variety of formal and informal documentation. The Council’s Highways Register records the name of the road as Pool Way. Phase 1 of the redevelopment will be undertaken on the land adjoining the centre to the east which is already available for development along with a small area of the southern part of the centre itself. The first phase will deliver a new retail redevelopment and 136 new homes as well as reconfiguration and improvements to the open space and new infrastructure including new access points and roads. Although a small part of the Centre is included in the first phase of redevelopment, the majority of the Centre will form the second phase of development. This will comprise additional retail development in accordance with the recently adopted Birmingham Development Plan with the scope for some additional housing. However, this is dependent on the demand and the successful marketing of the retail element in the first phase and the subsequent marketing of the phase 2 development opportunity. The results of the marketing will direct the options for the second phase which then may be either retail or residential development or a combination of both.

1.6 These proposals are set out in more detail in the Council Cabinet approved report of 16 March 2015 – “Moving Forward The Meadway Regeneration Programme” (BCC 16), which also authorised the making of the compulsory purchase order and the Outline Planning Application (Ref 2015/09502/PA) for the first phase of development approved by the Planning Committee of the Council at its meeting held on 4 February 2016 (BCC 17, 18 and 19).

1.7 This Statement describes the Order Lands in section 2. The Statement goes on to describe the background to the proposals, the Scheme itself, the Council's purpose and justification for the use of compulsory purchase powers, and the planning position and policy context within which the Council's decisions have been taken in sections 3 to 7. The details of the objection received to the order are set out in section 13 along with the council's response to the objection. Other matters referred to in this Statement include other special considerations and human rights in sections 9 and 15 respectively.

1.8 Objections

The Council has received one objection to the Compulsory Purchase Order. The objection relates to plots 1 and 18 on the Order Schedule and Map and has been submitted by Geldards LLP on behalf of Western Power Distribution (West Midlands) Plc.

Full details of the objection and the Council's response to it are set out in section 13 of this Statement.

2. Description of the Order Land, location and current uses

2.1 The Poolway Shopping Centre/Meadway is located in the Stechford and Yardley North ward of the Yardley Constituency of Birmingham approximately 8 kilometres

(4.9 miles) east of the City Centre. Much of this area was developed during the rapid inter and post war expansion of the city and comprises significant areas of former municipal housing and shopping parades typical of the period. Meadway is a key route into the city from the North Solihull area. The area is served well by public transport including the nearby Lea Hall station on the Birmingham New Street to Coventry rail line and by key bus routes.

- 2.2 East Birmingham has and continues to be a focus for regeneration and new development. A number of local centres have already benefitted from regeneration including Swan Centre Yardley and Shard End Crescent and there has been significant investment in housing regeneration including the delivery of new homes at Westhall Court, The Chesnuts, Bucklands End, Saltley Core Area, and Shard End Urban Village. Much of this work has been led and delivered by the Council working in partnership with local communities and other delivery organisations including the private sector. Photo evidence of recent local centre and housing regeneration schemes is included at BCC 29 and further details of these schemes is included at 6.23 of this statement.
- 2.3 The Poolway Shopping Centre was built in the late 1950s/early 1960s and is typical of many of the centres built at that time. It comprises a pedestrian shopping precinct that runs southwards from the Meadway to a pedestrian square. Shops line each side of the precinct and originally also ran westwards from the square, but shops there were converted into additional flats in 2000 to respond to earlier decline of the centre. The total current retail floor space is approximately 7,200 sq.m. The retail element accommodates 27 shops. The larger former Co-op supermarket building has 2 floors in part, but only the ground floor was in retail use until early 2016, and is no longer trading. Service access to the shops is generally from the rear of the premises which contributes to the centre's poor relationships with adjoining uses. The centre is inward facing with poor visibility and very limited outlook onto the main road or to the recreation ground to the rear.
- 2.4 The shop units within the centre are all, except one, owned freehold by the City Council. Occupancy of the shops is still reasonably strong; however there are approximately 5 vacant units. The centre contains a number of key shops, services and community facilities. The rental levels are relatively low compared with other similar centres locally and generally there is a limited retail offer. The shops are let on varying lengths of lease some long term and others on short or temporary leases.
- 2.5 Above the shops and to the south west of the centre are 84 two and three storey flats and maisonettes, a mix of 69 Council (including 13 recently acquired from Waterloo Housing Group) and 15 private leasehold (sold by the Council under Right To Buy), which are accessed from a combination of enclosed shared stairwells and stairs leading up from the parking and servicing areas at the rear of the commercial properties. In a number of locations, communal access decks provide access to the residential front doors which in many cases overlook the servicing areas. There is also one flat above the now vacant supermarket, with access from the service/garage area to the east of the centre. The setting, access arrangements and amenity of the flats is poor.

- 2.6 A 100 space surface level car park lies to the west of the shopping precinct with vehicle access from the Meadway and Sheldon Heath Road and a pedestrian link through to the centre itself. A number of garage blocks are located across the site which serve the residential accommodation – where blocks have been demolished the sites are still used for parking.
- 2.7 The wider centre also includes a former Council neighbourhood office, a pre-fabricated building now occupied on a short term lease (expiring on 14 March 2017 although the Council has indicated that this can be extended to the end of 2017) by a local cancer support charity as an advice, support and drop-in facility and a separate community centre used by a number of community organisations including a nursery. These are single storey, free standing buildings located on the Meadway frontage. Given the design and layout of the centre, there is little visible retail frontage to the Meadway and the centre has poor relationships with both the adjoining open space and the car parking to the west. Due to issues with security, gates have been installed and pedestrian access to the shopping centre is prevented overnight.
- 2.8 Land to the east of the centre includes the site of the former Meadway flats (1.53 Ha) – 5 multi-storey blocks comprising 222 flats that were demolished in 2009/10. The Kent's Moat recreation ground lies to the south (11.33 Ha).
- 2.9 Vacant land on the corner of Sheldon Heath Road forms the sites of a former block of flats (Arley House) and a petrol filling station. On the north side of Meadway, and not included in the redevelopment proposals, is an existing small supermarket with associated parking. Photo evidence of the shopping centre is at BCC 30.
- 2.10 The majority of the Order Lands are in the freehold ownership of the Council. Full details of the Order Land are given in the Order Schedule and Map (BCC 3).
- 2.11 The Order Lands cover approximately 3.01 hectares.

3. The Purpose of the Order

- 3.1 The Order will secure the necessary land assembly and unification of ownerships to enable the delivery of phased comprehensive redevelopment at the Poolway Shopping Centre and adjoining lands.
- 3.2 The first phase of redevelopment will comprise the initial phase of a new district centre comprising a foodstore and several additional units that could accommodate shops and related local centre uses (including community and leisure uses) including relocation opportunities for uses within the existing centre, and a residential development of 136 houses. This will also provide new rehousing opportunities for existing residents. Also included in a first phase will be associated development comprising a new roundabout access from the Meadway, access from Broadstone Road, and enhancements to the retained area of public open space including new play equipment, street furniture, benches, trees, paths, landscaping and outdoor exercise equipment. The redevelopment of the majority of the shopping centre itself will form the second phase of development and will comprise retail development in accordance with the Birmingham Development Plan. However

should there be limited demand for a second retail phase then there is the option to include additional residential development in this phase.

- 3.3 The redevelopment proposals are supported by the Government's Homes and Communities Agency (HCA) which has committed grant of approximately £6.5 million to support the regeneration programme under its Public Asset Accelerator. A copy of the funding agreement is attached at BCC 21. This funding is being used to acquire the private interests across the centre to enable redevelopment to move forward. The HCA has been a partner in the regeneration of Poolway, Meadway since approximately 2009 when it was involved in some initial master planning work across east Birmingham. It has supported the feasibility work, the appointment of consultants, attended steering group meetings and has now provided the funding to achieve the necessary acquisitions to enable the redevelopment to proceed. This demonstrates the Government's commitment to the redevelopment of the Poolway Shopping Centre and regeneration of the wider area.
- 3.4 Proposals for the Order Lands will continue the programme of regeneration and improvement of local centres across the city – a number of which in East Birmingham have already benefitted from significant investment and development. This includes the Swan, Yardley and Shard End Crescent (see section 6.23 and BCC 29). The wider proposals are also a key element in complementing the delivery of sustainable housing as part of the City Council's Growth agenda and for housing market restructuring to create a more cohesive community.
- 3.5 The regeneration of the Meadway is referred to and supported in local planning policy, including the Local Centres Strategy (2006) (BCC 7) and more recently in the Birmingham Development Plan which was adopted by the City Council on 10 January 2017 (BCC 33 and 34). The plan was submitted to the Secretary of State in July 2014 and has been subject to extensive public consultation, Examination in Public and Inspector's Report and modifications. The adopted Birmingham Development Plan sets out the overall vision for growth and regeneration of the city up to 2031 and identifies a number of priority growth areas. The plan promotes new housing and retail development at the Meadway as part of the "Eastern Triangle Growth Area" (Growth Area 8) which will deliver around 1000 new homes and the regeneration of the Poolway Centre. Further details of planning policy are set out within section 7 of this Statement.

4. Background to the Order

- 4.1 Like a number of other local centres across the City built in the same style and at around the same time, Poolway has declined and now provides a more limited retail offer in an increasingly poor quality environment and setting. However, it continues to house a number of key shops and services including the library and health and community facilities. Its design is now outdated and the Council has recognised for some time the need for improvements to the centre. The recreation ground to the rear of the centre provides extensive open space but is of poor quality with few facilities and poor setting. There has been a long running Council programme of promoting improvements to local centres and this has already led to significant investment and new development at many centres including The Swan (Yardley)

and Shard End also in East Birmingham (see paragraphs 2.2, 6.23 and BCC 29). The current proposals for Poolway follow the consideration of development options and funding opportunities and local consultation over a number of years.

- 4.2 Birmingham's original Unitary Development Plan (BCC 5), and which has now been largely superseded by the recently adopted Birmingham Development Plan, had identified Meadway as showing signs of decline. The Council's Local Centres Strategy published in 2006 (BCC 7), identified Meadway as a large neighbourhood centre but weak in the health check of centres undertaken at the time. Gaps in accessibility to local centres/food stores were identified including the area to the south of the Cole Valley, which related to the limited scale and poor quality of the centres serving it. Proposals being brought forward for Shard End were acknowledged and opportunities at Meadway were suggested as a means of addressing the range and choice of local services in the area. The link with housing regeneration in this location was also outlined.
- 4.3 In order to address the need for comprehensive regeneration of the area, a number of consultation exercises and studies have been undertaken. More detail on this can be found in Section 8 of this Statement.
- 4.4 The Birmingham Development Plan (BDP) (BCC 33 and 34) proposes a District Growth Centre at the Meadway with up to 15,000 sq.m of comparison retail with enhanced convenience provision and office development which will complement the proposals to deliver new housing as part of the Plan's Eastern Triangle Growth Area. The Council's intention remains to achieve this aspiration however delivery is affected by the presence of the existing, out dated centre, which hampers any attempt to present a development opportunity to any prospective developer. It is considered that such an opportunity can more effectively be promoted once the existing centre has been demolished and the development opportunity has been unlocked.
- 4.5 On 8 December 2011 Cabinet Committee (Property) of the City Council agreed the report 'Meadway Regeneration Proposals' (BCC 14) which considered a range of options for the future of the centre. The options comprised doing nothing at this stage, the development of a housing only scheme, part demolition and part refurbishment of the centre and a comprehensive redevelopment option. Cabinet Committee supported the comprehensive clearance and redevelopment option. This was followed by appointment of consultants to assist with the further consideration of detailed redevelopment options, discussions with the HCA regarding funding and additional public consultation as set out from section 8.5 of this statement.
- 4.6 On 16 March 2015 the Council's Cabinet approved a report entitled "Moving Forward The Meadway Regeneration Programme". (BCC 16). The report granted authority for the Council to:
 - Accept grant of £6.5 million from the Homes and Communities Agency (HCA) to support the regeneration programme.
 - Make a Compulsory Purchase Order under Section 226(1) (a) of the Town and Country Planning Act 1990.

- Negotiate the acquisition of all interests and rights in land within the defined area either voluntarily or through the use of a Compulsory Purchase Order if voluntary negotiations are unsuccessful.
- Cease the lettings of Council owned properties and to commence the rehousing of existing tenants.
- Appropriate as necessary Council owned land within the defined boundary.
- Market any land within the defined boundary in furtherance of the Meadway development proposals.
- Procure an housing developer to undertake the building of the residential element of the proposals.
- To progress plans to detailed design for the development of the open space and the proposed highways works.

5. Description of the Proposal

5.1 This CPO will enable the comprehensive regeneration to take place and the following elements of the redevelopment proposals to be undertaken:

The development will proceed in two phases.

The first phase will consist of:

- Retail development of up to 2,730 sq.m (30,000 sq.ft) comprising a food store and several additional units that could accommodate shops and related local centre uses (including community and leisure facilities) fronting the Meadway with associated and conveniently located parking and servicing. This will allow initial relocation opportunities for existing Poolway shops, services and community uses wishing to remain in the locality.
- 136 new homes comprising a wide mix of 2, 3, 4 and 5 bed properties for both market sale and rent accessed from both a new roundabout junction off Meadway and Sheldon Heath Road. Much of the new housing would overlook the improved open space, and the new roads would provide enhanced access points to the open space and through the area. The new housing would comprise 2 and 3 storey properties along with some bungalows. The reserved matters application confirms the proposed housing mix for open market sale as being: 23 x 2 bed houses, 29 x 3 bed houses and 16 x 4 bed houses. For the affordable element of the development, the mix is 14 x 2 bed bungalows, 14 x 2 bed houses, 14 x 3 bed houses, 12 x 4 bed houses and 14 x 5 bed houses. The reserved matters layout plan is included at BCC 35.
- Reconfiguration comprising 33% reduction, but significant improvement of, the public open space including full size and junior football pitches, toddler play and teenage areas, a Multi-Use Games Area, paths, fitness trail, landscaping and planting as well as sustainable drainage features. The layout of the improved open space would address many of the poor design issues associated with the existing facility. This includes providing significant new road frontages to the open space, improving security and safety by creating

natural surveillance from surrounding properties and reducing the amount of 'dead frontages' and blank elevations that adjoin the area. The existing back land nature of the site will be changed so that the open space becomes much more accessible and integrated with the surrounding area and new development. New development will overlook the park from the north and west and pedestrian routes into, alongside and through the park will be substantially improved. New roads with street lighting along the park's western and northern edges will also contribute to safety within the area.

5.2 The majority of the necessary site assembly for this first phase has been completed. However there is a portion of land situated within the identified Order Lands which will need to be acquired and the buildings demolished before development can commence. Therefore the indicative build programme for Phase 1 will be designed so that this part of the site will not be developed until later in the programme. The area in question is identified as Phase 1D in the attached indicative phasing plan (BCC 23). The area of the Order lands that falls within phase 1 of the redevelopment comprises the following:

- The southernmost portion of reference number 9 in the CPO Schedule and Order Map.
- Reference number 10 in the CPO Schedule and Order Map – public convenience within the pedestrian precinct.
- All land forming reference number 12 in the CPO Schedule and Order Map – communal area serving adjoining properties which once formed the roadway.
- All properties forming reference number 13 in the CPO Schedule and Order Map – commercial and residential premises at 49 to 59 and 71 to 81 Poolway.
- A significant part of the property included as reference number 14 in the CPO Schedule and Order Map – commercial premises that housed the former super market that ceased trading at the beginning of 2016.

Phase 1 will also require the demolition of the Council owned properties and former Waterloo Housing properties located at the south west part of the centre.

5.3 Phase 1 is economically viable and deliverable as the programme will be implemented direct by the Council, and which also enables the Council to draw down £6.5 million in funding from the Government's Homes and Communities Agency (HCA).

5.4 The second phase of development will be carried out on the majority of the site of the current Poolway Shopping Centre and includes the remaining majority of the Order Lands. This phase will enable the delivery of additional retail provision in accordance with the Birmingham Development Plan and subject to marketing as the development progresses. Should there be limited demand for a second retail phase then there is the option to include additional residential development in this phase.

- 5.5 New housing will be delivered through the Birmingham Municipal Housing Trust (BMHT), which is the Council's vehicle and brand identity for building new rented and market homes across the city. The BMHT is now the largest housing developer in the city and has a very successful track record in providing new homes and was awarded Midlands Social Housing Provider of the Year at the Insider Residential Property Awards 2016. A developer has been selected through a tender process from an established list of development partners and a Cabinet report "Meadway Regeneration – Contract Award' (BCC 20) recommending the appointment of Kier Living Ltd was agreed on 26 July 2016. Kier Living is a major UK development, construction and project management company that works across a number of development sectors and has significant experience in housing regeneration and development including within Birmingham.
- 5.6 The Council has continued to work with Kier Living Ltd on the contract for phase 1 and a planning application relating to the Reserved Matters for the residential element was accepted on 10 January 2017 and is in the course of consultation and consideration (Application Reference 2017/00077/PA). The layout plan and elevations is attached at BCC 35.

6. The Case for Compulsory Purchase

- 6.1 The Order Lands comprise a large site in a number of ownerships. Although the City Council owns the majority of the freehold interest in the site and many other interests, the unification of interests is necessary to secure the development opportunity and will ensure that it can proceed in a timely manner. The acquisition of interests in the centre and its proposed demolition follows the clearance of a number of other blocks in the area over the last 10 years or so. Demolition has already taken place with respect to the Meadway flats (five blocks fronting the Meadway that comprised 222 units) and Arley and Bewdley Houses that were sited on either side of the northern part of Sheldon Heath Road. The Meadway flats, built in 1958, presented a number of design issues including unattractive design and appearance, unsatisfactory space and access arrangements, and a deteriorating environment. With high levels of anti-social behaviour the flats had become increasingly unpopular. The blocks were cleared in 2009/10 and the resulting sites have been held vacant pending a comprehensive development solution that also considered the adjoining recreation ground and the future of the shopping centre itself. Arley House was demolished in approximately 2003/04, and that site has also been held vacant since then.
- 6.2 The configuration, layout and design of the Poolway shopping centre is now outdated and there is a need for significant investment to achieve a long term future for the centre as a retail and service destination. This is important given the catchment area it serves and the location of other centres in the wider area.
- 6.3 Although it is recognised that there are a number of important shops and services located within the centre in general terms the centre does not currently provide an attractive retail destination in terms of its appearance and the general facilities on offer. Security and vandalism have become greater issues as the centre has declined.

The shopping centre exhibits a number of design and layout issues which have contributed to it becoming less attractive as a place to shop, visit and live. Many of these issues are highlighted in the photographs at BCC 30.

The centre now presents an unattractive frontage to the main road – with a combination of blank frontages and limited retail units. The car park is not ideally situated for the centre, and the link between the car park and the shops is poor. The relationships between the retail and residential elements of the centre are now considered to be unsatisfactory, with the flats generally having a poor setting and unattractive access arrangements. Access to the flats mainly comprises communal stairwells or external stairs leading up from the service and parking areas at the rear of the shop units. Such arrangements do not now reflect best practice regarding designing for personal safety and security, providing no demarcation between public and private realm. In some locations access stairs to flats are located between rear garage/store rooms of the retail units which also now house commercial and communal bin stores. Many of the flats are also served by communal deck walkways and generally the quality of the environment is very poor.

The shopping centre's relationship with the adjoining Kent's Moat Recreation Ground is also poor and unsatisfactory. The former supermarket building backs on to the recreation ground, providing considerable blank elevations to the open space which provide no natural overlooking or surveillance. The pedestrian access from the open space into the shopping centre comprises an unattractive, narrow passage. The southern elevation of the shopping centre also comprises the rear garage /service areas of the retail units and the stair/deck access to the flats above. Again, this provides a poor setting for both the flats and the open space.

- 6.4 The centre has suffered reduced footfall over recent years and this has been made worse with the recent closure of the Co-op supermarket, Post Office and Greggs bakery.
- 6.5 The Council has recognised for some time the need for the regeneration of the centre and how this can be more appropriately and successfully achieved through a more comprehensive phased proposal that could also deliver new housing and address the design and layout issues including that of the adjoining open space.
- 6.6 It is the Council's ambition to create a well-designed, thriving and vibrant centre. This would be in accordance with both the retained design policies of the Birmingham Plan (UDP) and the adopted Birmingham Development Plan, and respond to guidance set out in associated adopted design advice. The planning position and context for the Order is set out under section 7 of this Statement.
- 6.7 The Council is in the best position to promote and secure new development and investment. It has a successful track record of enabling and delivering both housing and local centre regeneration. No alternative regeneration proposals have come forward for the centre.
- 6.8 The Council has secured the necessary funding in order to deliver this regeneration supported by the Homes and Communities Agency (HCA) which has committed grant of approximately £6.5 million to support the regeneration programme under their Public Asset Accelerator. The Council has also set out its financial ability to support this regeneration process in the Full Business Case attached to the Cabinet

approved report of 16 March 2015 – ‘Moving Forward The Meadway Regeneration Programme’ (BCC 16).

- 6.9 The total capital cost of phase 1 of the development is estimated at £23.12m which it is planned to be incurred between 2014/15 and 2020/21. The costs will be funded from a combination of Housing Revenue Account resources (identified in the Council Plan 2015+), HCA grant and additional capital receipts.
- 6.10 The Council secured an Outline Planning Permission (Ref 2015/09502/PA) on 4 February 2016 (BCC 17, 18 and 19) for the first phase of the redevelopment to deliver a new district centre up to 30,000 sq.ft (2,730 sq.metres) which provides a range of retail and/or community/leisure units, up to 136 new homes and enhancements to the retained open space. A planning application for Reserved Matters relating to the residential element of phase 1 has been submitted and is currently subject to public consultation and consideration (BCC 35).
- 6.11 The Council has appointed a housing developer partner to build the residential element of the Phase 1 proposals. There was significant interest in this development opportunity and a number of bids were received by the deadline of 4 March 2016. A Cabinet Report to appoint the preferred housing developer was approved on 26 July 2016 (BCC 20) and the developer is confirmed as Kier Living Ltd.
- 6.12 Phase 1 of the development can commence before the CPO has been confirmed as the majority of the development land is already available and in Council ownership. Completion of the phase is however dependent upon the confirmation of the order and the necessary demolition taking place. Should the order not be confirmed, phase 1D could not proceed and other design and layout modifications would be required to other elements of the consented proposals, including the access road leading from Sheldon Heath Road and the setting of any new properties in relation to any part of the shopping centre that was to remain. The retention of any element of the existing Poolway Centre would restrict the opportunity to deliver a comprehensive and coordinated development solution and address the design failings that the existing centre exhibits.
- 6.13 The Council has appointed Jones Lang LaSalle (a financial and professional services consultancy specialising in real estate services and investment management) to seek a developer to build the retail opportunity in phase 1. The tender process commenced in March 2016 and closed on 14 April 2016. The bids have been evaluated and a process of due diligence has been undertaken. Heads of Terms have been agreed and a Cabinet Member report will shortly be considered to confirm the development partner. Once the developer has been appointed, it will submit a reserved matters planning application for the Phase 1 retail before the build programme can commence.
- 6.14 The Council has appointed Bruton Knowles, Chartered Surveyors who along with Birmingham Property Services (the property service of the Council) will manage the voluntary acquisitions process for the outstanding interests.

- 6.15 While the City Council is pursuing voluntary acquisition of the private interests across the Order Lands, this Compulsory Purchase Order is being progressed to secure any that cannot be acquired by negotiation within a reasonable timescale.
- 6.16 The rehousing process for the existing Council tenants started in November 2015. A phased approach is being implemented so that blocks can be secured and cleared as they become empty.
- 6.17 The Council acquired 13 residential properties within the Order Lands from Waterloo Housing Group on 26 February 2016. The tenancies have been taken over by the Council and the tenants will be rehoused through the Clearance programme. Since the start of the rehousing process 30 council tenants have been rehoused.
- 6.18 The CPO will enable the phased delivery of a new district centre, housing development, access roads and reconfigured and improved open space. The Council considers it will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the area. This will include:
- Economic – through the development of a new District centre, with the creation of jobs in the centre and through the construction process generally, which will include training and apprenticeship opportunities. The Council also wishes to maintain existing jobs currently provided within the centre through fully exploring relocation opportunities within the new development or within other local centres within the vicinity.
 - Social – through the provision of new mixed tenure housing, a new District Centre and improvement of the open space and the creation of an improved environment that addresses existing poor design and layout issues.
 - Environmental – through the provision of new development and enhanced open space that addresses the design, layout and security issues of the existing centre and provides a more attractive environment in which to live, work, visit and pass through.
- 6.19 Phase 2 of the development which includes further retail and the potential for additional residential will proceed once all of the private interests have been acquired by the Council. The retention of individual properties would not be appropriate given the design of the existing centre, the comprehensive nature of the proposals and the very different form that new development will likely take.
- 6.20 No alternative proposals for the area have come forward and the Council is not aware of any alternative means to secure the proposed development. The Council is in the best position to facilitate and promote new development and has a track record of doing so at other locations.
- 6.21 The proposed compulsory purchase order meets the advice set out in Department for Communities and Local Government “Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion” (October 2015), particularly that set out in Tier 1 Stage 2 (paragraphs 12 – 15) and Tier 2 Section 1 (paragraphs 64 – 76):

- There is a compelling case in the public interest – the proposed redevelopment will deliver a significantly improved District centre, housing, open space and associated facilities and infrastructure within an improved environment. All this will contribute towards the promotion and improvement of the economic, social and environmental well-being of the area.
- The Council has considered Human Rights and in taking a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land and the wider public interest, the making of the order can be justified. Further details on Human Rights issues are set out under Section 15 of this Statement.
- There are clear proposals for the acquired property. The Outline Planning Permission (ref: 2015/09502/PA) set out the basis for the first phase of development. The second phase of the development comprising the future regeneration of the shopping centre will be in line with the adopted Birmingham Development Plan which sets out clear policy advice regarding both residential and district centre growth proposals for the area. Should the demand for new retail be more limited than projected, there will be further opportunities to deliver additional housing. This would be in accordance with the consultation undertaken and the subsequent Cabinet Reports. It is acknowledged that the full details of phase 2 have not been finalised at this stage. The Compulsory Purchase guidance (Tier 2, Section 1, Paragraph 75) recognises this as a potential scenario as “It may not always be sensible or feasible to wait until the full details of a scheme have been worked up and planning permission obtained, before proceeding with an order. Furthermore, where the acquisition is part of a long term strategy which needs to be able to cope with changing circumstances, it may not always be possible to demonstrate with absolute clarity or certainty the precise nature of the end use proposed”. The overall proposals for the Poolway/Meadway are clearly set out in the recently adopted Birmingham Development Plan, which has been subject to consultation and examination in public and the preferred feasibility proposals have been subject to public consultation and reports to Cabinet. Public consultation has supported the Council’s proposals and the first phase has been granted planning permission. Substantial clearance in the area has already taken place, with the resultant sites awaiting development, and there is a clear strategy regarding the implementation of phase 1 and further marketing of the wider development opportunity.
- There are agreed funding proposals for the scheme – acquisitions of the Order Lands are being supported through grant assistance from the HCA and the first phase of development comprising residential development, improvements to the open space and the first phase of retail is being delivered through the Birmingham Municipal Housing Trust and the Council’s appointed development partner. Funding of the second phase retail will be determined through further marketing of the development opportunity and partnership working between the Council and potential development partners (see Full Business Case attached to the Cabinet approval report of 16 March 2015 “Moving Forward the Meadway Regeneration Programme” (BCC 16)).

- A number of feasibility studies have been undertaken which have considered the costs associated with and the level of developer and retail interest in the proposed development as well as the level of interest from existing occupiers. The Council is confident that there will continue to be strong interest in the first phase of the new district centre and residential development and that there will be further interest in phase 2 as the scheme moves forward and as the development opportunity is unlocked. A bid to the HCA for additional funding to support further master planning work has been submitted by the Council
- There are no impediments to implementation of phase 1 which is already in the ownership of the council (save for an area of land in phase 1 D which is in the Order), other than the confirmation of the Order. Planning consent was granted on 4 February 2016 for the phase 1 development and an housing development partner has been appointed which has submitted a Reserved Matters planning application for the residential element. In relation to phase 2, other than the outstanding land interests which are the subject of the Order, all other land interests are in the ownership of the Council. There are no policy impediments to implementation, and no planning impediments are expected providing that planning, design and development advice in the retained policies of the UDP, the Birmingham Development Plan and other local and national planning policy is followed by the selected developer partner. This is an existing local centre where new investment has strong policy support nationally in the NPPF and locally in the BDP and Local Centres Strategy. The potential redevelopment and growth of the centre is set out in the Birmingham Development Plan and the policies TP21 and the Eastern Triangle Growth Area (GA8) sets out the potential scale of retail development and the potential use of CPO powers to deliver development. There are no known physical constraints on development – no ground condition issues, no natural or historic landscape designations, there are no anticipated problems providing access from Meadway. Utilities and services to serve the development exist within the area and the Council and developers will work with the statutory undertakers as part of the regeneration. There are no surrounding land uses that pose constraints on the development being taken forward.

6.22 The development proposals and the compulsory purchase order will deliver both quantitative and qualitative housing gain.

Compared with the 84 flats currently on site, the proposals will deliver at least 136 new houses. These will be for both sale and rent and comprise a wide mix of sizes. There will also be the potential to deliver additional properties should all the land within Phase 2 not be brought forward for retail and associated local centre uses. The development will also deliver a range of qualitative housing improvements. The new properties will have better design, setting, layout and access arrangements which will contribute towards enhanced safety, security and general amenity. They will have more conveniently located and safe curtilage parking as well as secure, private garden space. They will also be built to higher energy efficiency standards.

6.23 The Council has a successful track record of delivering local centre and housing regeneration projects. The following provides some recent examples which

demonstrate regeneration activity across East Birmingham. Photographs of the schemes are included at BCC 29.

Shard End Crescent (BCC in partnership with Barratt Developments/Stoford).

Shard End comprised a local centre with large number of vacant retail units, and vacant flats above and unpopular blocks of flats and maisonettes to the rear. After consideration of several options, a comprehensive redevelopment approach was proposed and the opportunity marketed to potential developers including a number of major house builders working in partnership with a retail partners. Barratt was appointed as the residential partner along with Stoford which delivered the retail element of the proposal. The scheme was agreed through consultation and an evolving Master plan and facilitated through the use of compulsory purchase powers. The development has been completed, including a new Co-op store that anchors the now smaller centre surrounding a new local square/car park with new library/local council offices and link to retained All Saints Church. All the retail units are occupied. The surrounding flats and maisonettes and flats above the former centre have been redeveloped with 191 new houses and flats reflecting current design and layout best practice, and addressing the poor urban design of the original centre and surroundings.

Swan Centre, Yardley.

The Swan District Centre included a 1960s shopping precinct and adjacent multi storey car park and vacant land both sides of Church Road. There was a long standing road improvement line and an additional development opportunity identified in the Unitary Development Plan. A Planning Framework was prepared to guide development and following consideration of a number of development proposals, a redevelopment put forward by Tesco including significant highway works secured planning permission and was supported including through the use of compulsory purchase powers. An area of playing fields/public open space was included within the development and significant S106 agreement was negotiated to deliver improvements to the adjoining Oaklands Recreation Ground. The development has been completed and is now occupied.

South Saltley clearance sites (Core Area).

This area formed a number of cleared sites that once comprised poorer quality older terraced housing that were demonstrated to be unfit under the Housing Acts. A phased programme of clearance under Part IX Housing Compulsory Purchase Orders provided the opportunity for the reconsideration of land uses in the area. Although most of the land was redeveloped for new housing under the Birmingham Municipal Housing Trust, delivering around 150 new family homes, the wider proposals included development of a new health centre, allocation of land to existing schools and a local community building and the relocation of an existing poorly sited area of open space to create a new central park adjoining an extended school site.

The Chestnuts Estate, Sheldon.

This scheme included the redevelopment of a number of sites of cleared blocks of walk – up flats located on corner plots throughout the estate. Sites have been redeveloped with 62 x 2, 3, 4 and 5 bed family houses via the Birmingham Municipal Housing Trust. Development addressed a number of design issues including providing appropriately designed schemes on number of corner sites and which also considered the setting of the informal open space that ran through the estate.

Former Sheldon Heath Playing Fields.

These comprised former un-attached education playing fields which were declared surplus – partly due to ongoing problems of poor drainage, lack of use/demand and a poor location and siting. Proposals were prepared for release of land for residential, an extra care housing facility and allocation of land to the then Primary Care Trust for development of a health facility. Overall proposals were subject to the recycling of capital receipts and a S106 to secure improvements to a number of off-site recreation facilities. The housing scheme was delivered through BMHT and comprised 100 mainly family homes. The Primary Care Trust did not progress their scheme, so that has now been sold onwards and 30 properties are now being developed by Waterloo Housing - planning permission was secured in May 2016 by Partner Construction Ltd.

Bucklands End (with Waterloo Housing).

The Bucklands End estate consisted of 356 former low rise council-owned properties built of non-traditional construction methods in the 1950s. Following consultation and consideration of options for the estate, redevelopment proceeded in phases with Waterloo Housing being the preferred development partner. A number of right to buy properties were acquired under Part II of the Housing Act. 287 new properties were delivered, including sheltered and specialist care facilities for the elderly.

Westhall Court – Housing 21

Westhall Court was developed on the site of a former tower block at the top of Sheldon Heath Road to the west of the Poolway. The scheme comprises 87 self-contained, extra-care apartments for the elderly with associated community facilities. The development includes shared ownership, market sale and rented properties.

7. Planning Policy and other policy considerations

- 7.1 Proposals for Poolway and Meadway have been prepared in accordance with national and local planning policy and have been subject to extensive public consultation. Phase 1 proposals have secured outline planning approval and indicative options for phase 2 have helped inform the various consultation exercises regarding options for the future of the existing centre.

National Policy

7.2 The proposals respond to the guidance set out in the National Planning Policy Framework (NPPF). Key themes of the NPPF that the regeneration proposals for Poolway Centre address include:

- Promotion of sustainable development.
- Planning to address economic, social and environmental roles.
- Seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life.
- Replacing poor design with better design – creating a sense of place and a safe and accessible environment.
- Improving the conditions in which people live, work, travel and take leisure.
- Widening the choice of high quality homes, creating sustainable, inclusive and mixed communities.
- Defining a network and hierarchy of town centres and planning positively for centres that are in decline.

The Framework also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Section 7 of the NPPF sets out the government's policy with respect to 'Requiring good design', and includes how the government attaches great importance to design of the built environment – good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The Framework goes on to outline that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion, and are visually attractive as a result of good architecture and appropriate landscaping.

The layout and design issues associated with the shopping centre have contributed to its decline and have influenced the Council's decisions to move ahead with clearance and redevelopment, which will address the issues raised by the NPPF outlined above.

Local Policy

7.3 Local planning policy is provided by the retained policies of the Birmingham Plan (Unitary Development Plan (UDP)), the adopted Birmingham Development Plan and a range of other local policy guidance.

The Birmingham Plan (UDP) (BCC 5) was adopted in 1993, revised alterations were adopted in 2005 and the plan was saved in 2008. It has now been replaced by the adopted Birmingham Development Plan, although policies 3.14 to 3.14D relating to the Design of New Development, and Chapter 8 covering Additional City-wide policies relating to a range of planning management issues have been saved further and these will ultimately be replaced by the Council's proposed Development Management Development Planning Document.

Proposals for the Poolway have been drawn up within the context of the UDP. The Yardley Chapter of the plan made reference to the Meadway showing signs of decline and how efforts would be made to retain and support the shopping function.

The retained policies 3.14 to 3.14D regarding The Design of New Development and Good Urban Design Principles will continue to guide the Council's approach to redevelopment of the Poolway.

The Birmingham Development Plan (BDP) (BCC 33(extracts) and 34(policies plan))

- 7.4 The BDP was submitted in July 2014 and was subject to examination in public during October/November 2014. The Inspector's Report and Modifications were received on 11 March 2016 and the plan was adopted on 10 January 2017. The Minister of State for Housing and Planning had issued a direction under section 21(A) of the Planning and Compulsory Purchase Act 2004 following representation from a local MP regarding proposed residential development in the Green Belt in Sutton Coldfield, and this was lifted on 24 November 2016. The plan sets out a strategic framework for the delivery of growth and development across the city up to 2031.

Key objectives of the plan include developing Birmingham as a city of sustainable neighbourhoods, making provision for a significant increase in the city's population, and the creation of a prosperous, successful and enterprising economy with benefits felt by all. The population of the city is predicted to increase by 156,000 by 2031 and the plan sets out a strategy to provide for this rise. This includes providing 45,100 new homes within the urban area, an urban extension of 6,000 homes at Langley in Sutton Coldfield and close working with neighbouring local authorities towards meeting the city's additional housing requirements. The strategy also includes the creation of a thriving network of local centres to deliver new office and retail growth and other services to support communities throughout the city. Meadway is identified as one of three district growth centres with potential for 15,000 sq m of comparison retail to be delivered up to 2026 along with up to 5,000 sq m of office development.

The plan identifies a number of key growth areas, which includes the Eastern Triangle Growth Area (GA8) within which the Poolway/Meadway area is located. Meadway is identified as a District Growth centre along with opportunities to provide an improved centre, reconfigured and enhanced open space as well as new homes. It is proposed that the Eastern Triangle will deliver around 1000 new homes over the life of the plan. The potential use of compulsory purchase powers is identified in the Eastern Triangle policy. The plan also supports the development of a new rapid

transit route (metro) connecting the city centre and the airport/NEC. This would pass along Meadway and the redeveloped Poolway would be a key location/destination on the route. There were no objections submitted to the proposals for the redevelopment of the Poolway shopping centre set out in the BDP.

The BDP also contains a number of Thematic Policies (TP) which is relevant to the order. Key policies include the following:

- TP9 deals with open space with an emphasis on quality and accessibility, ensuring that people have access to good facilities and sufficient recreational space. It sets out that planning permission will not normally be granted for development of open space, and the circumstances where development would be considered including the loss of an area of a site with inherent design problems to secure significant improvements to the quality and recreational value of the remaining area. The policy goes on to set out the standards for which open space should be provided. The emphasis is upon good quality open space that people want to use and feel safe to use. There should be well maintained paths, hard and soft landscape elements, bins, seats, and other appropriate site furniture and the needs of people with disabilities should be taken into account.

In response to this policy, the proposed works to the Kent's Moat recreation ground as part of the development proposals will deliver on all these elements and provide a well-designed facility that will be able to more appropriately address the needs of the local community.

- TP21 deals with the network of centres which identifies Meadway as a District Growth Point and the scale of potential development. The policy sets out the vitality and viability of the centres within the hierarchy identified will be maintained and that they will be the preferred locations for retail, office, and leisure developments and for community facilities. Proposals will be encouraged that enhance the quality of the environment and improve access. Meadway is identified as one of the centres with potential for considerable growth, and the policy outlines opportunities for a level of comparison retail floor space of 15,000 sq m between 2012 and 2026 and of office floor space of 5,000 sq m between 2013 and 2031.

The current proposals for Poolway are in accordance with this guidance.

- TP22 covers convenience retail where in principle, convenience retail proposals will be supported within centres subject to being at the appropriate scale for the individual centre. The policy recognises the growth in the convenience sector over recent years which has served to improve the offer and which has led to there being no major gaps in provision – although at local level there may be variations in provision.

Phase 1 proposals for the regeneration of the Poolway include a new food store which will enable re-provision of facilities locally now that the former store within the Poolway centre has ceased trading.

- TP27 sets out criteria for the development of Sustainable Neighbourhoods. This includes providing a wide choice of housing sizes, types and tenures to ensure balanced communities, access to facilities such as shops, schools, leisure and work opportunities, convenient travel options, a strong sense of place, and attractive, safe and multifunctional public spaces. Meadway is

recognised as being an appropriate location for new housing in line with this policy.

- TP28 outlines the criteria for the location of new housing. Proposals for Poolway, Meadway meet the criteria set out in this policy.
- TP32 outlines how the regeneration and renewal of existing housing will be promoted – Meadway is identified as one of five initial priorities which also includes Lyndhurst, Bromford, Druids Heath and Maypole along with Kings Norton Three Estates. Progress is being made at each of these locations to replace poor quality and unpopular and unsuitable accommodation with new homes in an enhanced environment. The policy also sets out the need to address local employment, open space, playing fields, sports facilities and the quality of the local environment and community, health and education facilities.
- TP41 covers public transport and includes proposals for a rapid transit link between the city centre and the airport. The current route feasibility includes Meadway as part of the route. Poolway would be a key stop/destination and Metro would further enhance the accessibility of the area and its attractiveness as an investment and development opportunity.

Section 10 of the BDP covers implementation issues including working in partnership with other delivery agencies, the private sector and landowners/developers, the use of compulsory purchase powers to assist with land assembly and the proactive use of the Council's land holdings to assist delivery.

The residential opportunity at Poolway, Meadway has also been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) which provided a key part of the evidence base for the BDP. The SHLAA 2016 identifies the opportunity as reference E17 – with the scope to provide up to 175 properties within 5 years.

- 7.5 Places for All (BCC 8) and Places for Living (BCC 9) (Supplementary Planning Guidance adopted in 2001) set out principles of good urban design. The proposals for redevelopment at Poolway embrace the key elements of these documents, including: creating diversity within new development, enabling easy movement and access, creating safe places with private spaces, building for the future and building upon local character.

The Birmingham Local Centres Strategy (2006) (BCC 7)

- 7.6 The Strategy was prepared as a review of the original 2001 Strategy, the local centres regeneration programme (there was a capital programme that enabled a range of environmental projects and appointment of Town Centre Managers for a number of local centres across the city) and partly as a response to the then recently introduced PPG6 (central government planning policy guidance on town centres and retail development) which emphasised the need for local authorities to take positive steps to improve the quality of their centres.

The Strategy set out a number of factors that could lead to the success of local centres. Consideration was also given to centres in decline (chapter 5) including acceptance that in some circumstances redevelopment may be considered to overcome fundamental problems with design or layout (section 5.11).

Meadway was categorised as a Large Neighbourhood Centre and which was “weak” in an health check of centres at the time.

Shopping and Local Centres SPD (2012) (BCC 10)

7.7 The SPD defines shopping centre boundaries and their primary shopping areas, categorises the centres as Town, District or Neighbourhood, sets out policies that protect the primary shopping function by ensuring an appropriate balance of non-retail uses and ensures that new hot food takeaways are directed to the most appropriate locations. Meadway is categorised as a District Centre.

7.8 **Other Policy considerations.**

Redevelopment of the Order Land will also support the objectives of the following policy documents:

Birmingham Municipal Housing Trust (BMHT) delivery plan 2015 – 18 (BCC 15)

The Birmingham Municipal Housing Trust (BMHT) delivery plan was agreed by the Council’s Cabinet on 8 December 2014. It sets out the BMHT programme for 2015 – 18 to deliver approximately 2,056 new homes of which approximately 1,456 would be new rented Council homes.

Specific reference was made in the plan to the major housing regeneration and development schemes at Kings Norton, Meadway (which comprises the development at Poolway), Bromford and Yardley Brook.

Birmingham City Council Business Plan and Budget 2016+ (BCC 11)

Published in March 2016 the Business Plan and Budget 2016+ sets out the vision for 2020 and how the Council plans to achieve it.

Based on population growth it has been calculated that Birmingham needs an additional 84,000 homes by 2031.

One of the key strategic priorities identified in the Business Plan is the provision of decent homes in the city. The Budget made allowance for the continued financial support of the ongoing BMHT new build programme.

Housing Revenue Account (HRA) Business Plan 2016 (BCC 11)

Included within the Council Business Plan but also as a separate document the HRA Business Plan sets out the immediate and long terms financial plan and includes how the HRA will support the BMHT house building programme over the coming years.

Housing Growth Plan 2013 (BCC 12)

The Housing Growth Plan 2013 set out the Council’s ambitions to achieve housing growth in the city over 5 years and beyond. This includes how the Council will use its

resources and influence to work with other partners in the housing sector to deliver the kind of homes that the growing population of the city needs.

Housing Prospectus 2015 (BCC 13)

Following on from the Housing Growth Plan the Housing Prospectus 2015 is one of a number of policy initiatives that aim to address the issue of housing growth.

The Prospectus acts as a road map for prospective developers by listing all of the key housing development sites in the city providing all the essential information that a developer needs.

It included information about the development opportunities at the Meadway.

8. Consultation

- 8.1 There has been significant and ongoing consultation with local residents both Council tenants and private leaseholders, retail leaseholders and other interested parties and stakeholders with respect to the formulation of proposals for Poolway Shopping Centre and the wider development opportunity.

2005

- 8.2 Consultation in the area started in 2005 with residents of the Meadway flats (the 5 blocks comprising 222 units that fronted the Meadway) regarding the future of the blocks. The majority of residents were in favour of clearance and rehousing and the blocks were demolished 2009/10. The site has remained vacant pending redevelopment.

2008 and 2009 (BCC 25 and 26)

- 8.3 Initial consultation was undertaken on potential housing development options for the area in May 2008 and February 2009. By way of exhibitions and newsletters/questionnaires, consultation explored the potential location and configuration of new housing development and established the principle of the loss of some open space to facilitate the overall regeneration including that of the remaining open space. The consultation also established the principle of development on the site of the Meadway flats and at both the northern and western parts of the recreation ground on condition of securing significant improvements to the remaining area of open space.

2011

- 8.4 Consultation has also been undertaken on the draft Birmingham Core Strategy and then the emerging Birmingham Development Plan. Local consultation in February 2011 also raised issues regarding the uncertain future of the centre, that there were too many vacant units and a lack of choice offered. Consultation on the draft Birmingham Development Plan did not produce any specific comments relating to the Poolway Shopping Centre.

2014 (BCC 27)

- 8.5 Further consultation with the local community was undertaken during September 2014. This was an independent consultation exercise undertaken by Black Swan Property Ltd., on behalf of the Council and which was funded by the HCA. The consultation area covered 1,069 households and business addresses. Participants were presented with 3 indicative options for the regeneration of the Poolway Shopping Centre. The report is included in the attached background documents.
- 8.6 The consultation took the form of professional researchers undertaking visits to all the households and business addresses in the defined consultation area. Questionnaires were completed or sent by post with a pre-paid return envelope. Visits were undertaken during daytime and evenings and also weekends. Residents could also access the consultation information through the Council's Be Heard website. Public exhibitions were held at the Meadway Community Centre on 12, 13, 19 and 20 September 2014.
- 8.7 Following evaluation of the results of the consultation the preferred option was the delivery of the regeneration scheme through a phased approach with a first phase of retail development of up to 2,730 sq.m (30,000 sq.ft), up to 136 new homes, a 40% reduction in the public open space, significant investment in the remaining open space and a second phase of retail up to 10,103 sq.m (108,750 sq.ft) and residential development of up to 150 new homes.

2015

- 8.8 A further consultation event organised by the Council was held over two days on 24 and 25 September 2015 between the hours of 1pm and 8pm on both days. The event was held at the Meadway Community Centre. Residents of those properties affected, business owners and leaseholders and residents of neighbouring roads were invited by letter to the event.
- 8.9 Approximately 140 people attended the event over the two days. Attendees were advised about the preferred option and details of the outline planning application were available for viewing. The event was facilitated by Council Officers and the commissioned architect. Attendees were able to see the outline planning application plans for the proposed first phase of the retail centre, new housing development and the layout and the new facilities proposed for the public open space. They were also able to obtain advice about the clearance and rehousing process (private and council owned properties) and the details of the planned acquisition of the retail premises.
- 8.10 A meeting was held with the shop lease holders on 17 December 2015 to discuss the issues around the acquisition process, relocation, leases and compensation. The meeting was attended by 2 local Councillors (Councillor Eustace and Councillor Dad), 3 Council Officers and 16 shop lease holders. Shop leaseholders expressed concern about the acquisition process and how their businesses were being affected by the proposals.

2016

- 8.11 A follow up meeting with primarily the shop leaseholders was held on 25 February 2016. The meeting was attended by 3 local Councillors (Councillor Dad, Councillor

Eustace, and Councillor Jones), 2 Council Officers and representatives from Bruton Knowles and Jones Lang LaSalle and approximately 30 shop lease holders. Topics covered at the meeting included:

- Information about the proposed new retail development and the opportunity for existing shop owners to move into the new development
- How compensation payments would be calculated, attendees were provided with a FAQ sheet regarding compensation.
- The Compulsory Purchase Order process was explained and attendees were provided with copies of the Government's Compulsory Purchase and Compensation guidance booklet.
- The possibility of relocation to other Council owned shops
- The anticipated timescale for acquisition and demolition.

8.12 Consultation on the planning application for the first phase of development generated a small number of comments and objections, including from local residents. These included concern over fewer shops being provided, loss of open space, highway safety and the need to replace the library and community centre. The results of consultation on the planning application were included in the officer report on the application to Planning Committee.

9. Special Considerations

9.1 The Order Lands are not within a conservation area, do not contain any ancient monuments, listed buildings or any consecrated land, or lie within an area of flood risk. This has been confirmed in the Protected Assets Certificate submitted to the Government Office with the Order. There are two electricity sub-station sites located within the order lands and the Council is confident that agreement can be reached with Western Power Distribution (West Midlands) Plc about any siting or replacement of sub-stations (if required) as well as any alterations or diversions of existing cables or provision of new facilities to serve the development. One sub-station is sited to the east of the Centre (plot 18 on the Order Schedule and map) and is shown as being retained within the Phase 1 Master Plan. The other sub-station was located to the west of the centre on the site of the former Arley House (plot 1 on the order map). It appears that this sub-station was decommissioned and removed when the flats were demolished. Western Power Distribution (West Midlands) Plc has objected to the CPO and details of the objection and the Council's response, including the Agreement being prepared between the parties is set out under section 13 of this Statement.

10. Views of Government Departments

10.1 The Homes and Communities Agency has allocated grant of up to £6,598,000 to support the Poolway Shopping Centre regeneration under their Public Asset Accelerator programme. The grant funding is to assist the acquisitions necessary to deliver the development proposals. Details of the HCA's involvement in the project was set out under section 3.3 of this statement.

11. Related Applications, Appeals, Orders etc

11.1 There are no related applications, appeals or orders which will require a coordinated decision by the Secretary of State.

12. Negotiations undertaken for voluntary acquisitions.

12.1 In January 2016 the Council commenced detailed discussions with the private residential owners and the retail shop and business owners regarding the voluntary acquisition of their properties. This process is being managed through the Council's appointed Surveyors – Bruton Knowles and the Council's own Property Services team. Attempts have been made to contact all the owners and tenants so that their positions can be explained with regard to their leases and entitlement to disturbance payments and relocation opportunities.

Progress with the residential acquisitions

12.2 The first phase of rehousing of tenants from the Council owned residential properties commenced in November 2015.

12.3 Taking into account the acquisition of the 13 flats from Waterloo Housing in February 2016 there are 69 flats at the Poolway in the Council's ownership.

12.4 The rehousing of the Council tenants is being carried out in phases. Since commencing the process 30 tenants have been rehoused. Including the remaining 22 tenants who will join the clearance programme in April 2017 there are 38 tenants still to be rehoused.

12.5 Of the 15 private residential leasehold owners 8 flats have been acquired voluntarily by the Council and the purchases have been completed. The sale terms have been agreed with a further 3 owners and these have been passed to solicitors to finalise completions.

12.6 Negotiations are underway with the agents acting for 3 of the outstanding owners. Contact has yet to be made with the final private owner despite a number of visits and letters being sent to the address.

12.7 None of the flats have been the subject of objections to the compulsory purchase order.

12.8 The council is working with all occupiers regarding their rehousing requirements and rehousing options.

12.9 The extent of Council ownership and progress being made with rehousing, and the small number of remaining properties to be acquired emphasises the need for the order to be confirmed.

Progress with the non-residential acquisitions:

- 12.10 The Council's appointed consultants, Jones Lang LaSalle, have contacted the retail owners in order to establish which businesses wish to move into the new retail development. This information will be provided to the retail development contractor once they have been appointed.
- 12.11 Of the original 35 retail and community facility leases, 4 occupiers have moved out of the shopping centre. This includes the Co-op supermarket which has moved but is still negotiating the relinquishment of the lease.
- 12.12 There are currently 3 retail leaseholders who are in negotiation with the Council's appointed surveyors Bruton Knowles regarding the acquisition of their leases.
- 12.13 Both the Community Centre and the Help Harry Help Others Cancer Care Centre have been advised that they can stay on site until December 2017. The Community Centre is already in the ownership of the Council. The Help Harry Centre was originally provided with a 2 year contracted out lease in March 2015 on the basis that there were already proposals in place for the redevelopment of the Poolway centre. The Care Centre offers a valuable service and therefore the Council has provided them with a short term contract in order that they can stay until December 2017 while they secure alternative accommodation.
- 12.14 Bruton Knowles on behalf of the Council are in contact with the remaining 12 long leaseholders and their agents and negotiations are continuing for the voluntary acquisition of these leases.
- 12.15 On 14 September 2016 the Council's appointed legal representative Bevan Britton served Notices under Section 25 of the Landlord & Tenant Act 1954 on the 13 short term lease holders. The accompanying letter provided details of the statutory compensation the leaseholders are entitled to based on the terms of their lease.
- 12.16 Bevan Brittan sent a follow up letter to the short leaseholders on the 19 January 2017. This letter offered a further discretionary payment of £1,500 on top of the statutory compensation detailed in the first letter. This payment was offered on the basis that it would assist with relocation and any legal costs. The letter further advised that the leaseholders if they did not accept the revised offer by 17 February 2017 then the Council would commence legal proceedings to obtain a court order to terminate the tenancies on 8 September 2017.
- 12.17 None of the retail or community premises have been the subject of objections to the compulsory purchase order.

13. Objections received to the Order and the Council's response.

- 13.1 There has been one objection submitted with respect to the Compulsory Purchase Order. This was submitted in a letter dated 8 December 2016 from Geldards LLP on behalf of Western Power Distribution (West Midlands) Plc. The objection was made

to The Secretary of State for Business, Energy and Industrial Strategy pursuant to Section 16 of the Acquisition of Land Act 1981 and also to the Secretary of State for Communities and Local Government.

13.2 The objector owns property and interests at:

- Leasehold interest in Plot 1 on the order map – 26 sq m of land of a former electricity substation situated on the cleared site of the former Arley House to the east of Sheldon Heath Road (lease dated 30 November 1967 for 60 years from 25 December 1967);
- Leasehold interest in Plot 18 on the order map – 66 sq m of land together with electricity substation known as 5067 situated to the east of 139 Poolway and adjacent to garage numbered 72 Poolway (lease dated 20 March 1958 for 75 years from 1 January 1958); and
- Electricity transmission lines, cables, conduits and apparatus within the area of the order although the objection does not define the exact locations of these elements.

13.3 The grounds of objection can be summarised as follows:

- 1 The proposed scheme does not adequately address how the electricity network will be protected both during construction and following completion
- 2 The information accompanying the order does not provide adequate information to enable Western Power Distribution (West Midlands) Plc to fully understand the design or construction of the scheme and therefore the potential operational implications
- 3 The information accompanying the order does not provide information to enable Western Power Distribution (West Midlands) Plc to understand how it would continue to fulfil its statutory responsibilities as an electricity distribution company and the terms of its distribution licence, following the acquisition of its land and interests
- 4 The proposed scheme does not currently make provision for an alternative substation site and replacement cable or overhead line routes to compensate for the interests and apparatus to be acquired, potentially resulting in a significant negative impact upon the supply of electricity in the area
- 5 The proposed scheme and discussions that have taken place with the Acquiring Authority to date do not adequately address concerns as to the impact of the scheme on the local area and/or strategic electricity distribution network, or the need to ensure security of electricity supply in the area.

The objection sets out that these are initial grounds and that these may be expanded or added to in due course. The Objection also outlines that discussions with the Acquiring Authority have been taking place with a view to safeguarding the

objector's statutory duties, including the need for an agreement to be entered into to ensure that suitable arrangements are put in place with regard to the provision of an alternative substation, if necessary, and the lifting, diversion, removal or replacement of cables and other apparatus in a manner that is both safe and maintains security of supply. The objection has been lodged as these discussions have not yet been concluded.

13.4 The Council's response to the objection.

Photographs of the substation and the site of the former substation are included at BCC 32.

The Council confirms that it is working with the objector, Western Power Distribution (West Midlands) Plc and that both parties are finalising an Agreement that will lead to the withdrawal of the objection to the Order, subject to a number of assurances being given by the Council to safeguard electricity distribution in the area, which includes the provision of alternative substation sites, if necessary, the replacement of cables or other apparatus and the reimbursement of all reasonable and appropriate costs associated with the necessary works.

It is the Council's intention to protect power distribution during construction and following the completion of development.

Significant information has been provided within the Order documents regarding the Council's proposals for the area. This has included the detailed masterplan for phase 1 (BCC 18) which has secured outline planning approval, and which shows the potential retention of the existing substation at plot 18 on the order map in situ, along with the scale and layout of the new residential and retail development within the phase including the position of new roads within which new services would run. The Order documents also explain the comprehensive development proposals for phase 2, which include the former substation at plot 1 on the Order map, including the likely scale and nature of development in accordance with the adopted Birmingham Development Plan. Further detailed information about the design, layout and phasing of this element of the development will be shared with Western Power Distribution (West Midlands) Plc as the scheme moves forward.

The substation at plot 18 on the Order map is shown as being retained within the phase 1 master plan (BCC 18). The confirmation of the Order with respect to this property will give the Council and its development partners the ability to relocate the facility if this is necessary in the interests of the efficient use of land and securing the most appropriate design and layout of development in the area and securing enhanced linkage between the phase 1 retail and the future second phase retail. The existing substation is housed within a metal unit located within a walled yard with gated access from the service road that runs to its west. The current substation is in a very visible and prominent location. Should relocation be necessary, the Council confirms that it will work with Western Power Distribution (West Midlands) Plc regarding the identification of an alternative site, the appropriate relocation of the facility and the payment of costs and fees in doing so.

The former substation site at plot 1 on the Order map, which was decommissioned and cleared when Arley House was demolished, lies within phase 2 of the overall development. Should a new substation be required in this vicinity to serve phase 2, the Council confirms that it will work with Western Power Distribution (West Midlands) Plc in order to identify an appropriate site. The Council will share detailed proposals for phase 2 of the scheme with Western Power Distribution (West Midlands) Plc as this project moves forward.

The Council confirms that discussions will continue regarding any replacement of cables or other apparatus that might be affected by the development, and the reimbursement of all reasonable and appropriate costs associated with the necessary works.

If there is a requirement for diversion and alteration of existing underground plant the Council and its development partners will use all reasonable endeavours to ensure that whilst such works are being undertaken, measures are in place to distribute electricity effectively. The Council and its development partners are committed to working with Western Power Distribution (West Midlands) Plc to ensure the continuation of electricity provision for existing users, in addition to facilitating connections to users within the new development.

The Council has a successful track record of understanding and accommodating electricity companies' and other utility providers' requirements within redevelopment and regeneration schemes.

The Shard End Crescent redevelopment (Referred to at 6.23 and BCC 29) required a planning compulsory purchase order to achieve the necessary land assembly to facilitate development of the new local centre and housing. A substation at the rear of the former local centre was included within the CPO to ensure appropriate and efficient use of land could be secured and the appropriate design and layout of development achieved. Although the electricity distribution company objected to the order, the objection was withdrawn following further negotiations with the Council. An alternative substation site was identified and a new facility was provided nearby within the redevelopment on Shustoke Road that fully met the supply company's and the development's requirements.

14. Evidence

- 14.1 The Council will call expert witnesses to give evidence on the above matters and reserves the right to call rebuttal evidence.

15. Human Rights and Equalities

- 15.1 Section 6 Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the Convention on Human Rights.
- 15.2 The main articles of the Convention which are of importance in circumstances where the Council is considering making a compulsory purchase order (CPO) are Article 8

– the right to respect for private and family life and his/her home and Article 1 of the First Protocol – the protection of property.

- 15.3 The approach to be taken to give effect to rights under the Convention is also reflected in DCLG Guidance Compulsory Purchase Process October 2015 paragraphs 12 and 13

“A Compulsory Purchase Order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the Compulsory Purchase Order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention”.

“The Minister confirming the Order has to take a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land that it is proposing to acquire and the wider public interest”.

- 15.4 The Council considers that after considering and balancing these various interests, the use of compulsory purchase powers in this case is justified.

- 15.5 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate. In pursuing a CPO, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also to the availability of compensation for compulsory purchase.

- 15.6 Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes e.g. public safety, economic well being, protection of health and protection of the rights of others.

- 15.7 In considering Article 8 in the context of a CPO it is necessary to consider the following questions:

1. Does a right protected by this article apply?
2. Has an interference with that right taken place or will take place as a result of the CPO being made?

- 15.8 Clearly Article 8 does apply and therefore it is necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:

- Is the interference in accordance with law? There is a clear legal basis for making the CPO under section 226(1)(a) of the 1990 Act.

- Does the interference pursue a legitimate aim? The CPO is necessary to implement the Scheme, which seeks overall redevelopment of the Site in accordance with planning policy, feasibility proposals and local consultation.
- Is the interference necessary in a democratic society? This requires a balanced judgement to be made between the public interest and the rights of individuals. The CPO is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve this Scheme's objectives

15.9 The second relevant article is Article 1 of the First Protocol, which provides that:

- Every natural or legal person is entitled to the peaceful enjoyment of his possessions
- No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.

15.10 The Council has considered the effect of the above articles of the Human Rights Act and decided that on balance it is in the interest of the community to make the CPO over and above the interest of the individuals affected. Interference with Convention rights is considered by the Council to be justified for the reasons set out in this Statement of Case. The Council in making this order also had particular regard to the rights of the individuals to compensation.

15.11 Article 6 also requires that those whose civil rights may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the CPO process, including the holding of an Inquiry into any objections which may be made, and the ability to challenge any CPO confirmation decision in the High Court.

15.12 The opportunity has been given to landowners to make representations regarding the Council planning policies that underpin the proposed CPO. Objections may be made to the making of the CPO. Further representations can be made in the event of any Public Local Inquiry that the Secretary of State may decide to hold in connection with the CPO. Those directly affected by the CPO will be entitled to compensation under the compensation legislation, equivalent to the loss that they incur as a result of the acquisition.

Equalities

15.13 Paragraph 6 of the October 2015 CPO Guidance provides that *"...acquiring authorities are bound by the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers...acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics."*

- 15.14 An Equality Analysis was carried out as part of the decision and approval process to move ahead with the Meadway Regeneration and secure authority for the making of the CPO granted by the Council's Cabinet. The Equality Analysis is included as Appendix 7 of the 16 March 2015 Cabinet Report Moving Forward the Meadway Regeneration Programme. This includes a summary of the measures identified to mitigate against potential negative impacts.
- 15.15 The Council considers that making the CPO to bring forward redevelopment of the Poolway centre is justified and there is no illegal discrimination. The positive benefits of the wider regeneration are considered to outweigh any negative effects.
- 15.16 Although the area has a similar age profile to the city as a whole, the area has a smaller percentage of ethnic minority residents. Unemployment rates locally are also similar to the city average. The Council has also had regard to the fact that the proposals for the area support a regeneration process that aims to create mixed, balanced and successful communities in the area by establishing a successful local centre, attracting new residents and creating a sustainable community.
- 15.17 With regards to removing/minimising disadvantages suffered by those with protected characteristics and steps that can be taken (as well as encouragement) as part of the CPO process, the Council can provide copies of the Statement of Case in braille, moon, audio tape or in different languages. The Council has published all the CPO core documents on its website to make them as accessible and available as early as possible. It will also provide hard copies of CPO documents for those without access to the internet. Those affected by the CPO are encouraged to seek professional advice and the Council will meet professional fees in appropriate circumstances. Before the CPO process, there was significant local consultation on both the emerging Development Plan and development proposals for the area. A number of meetings have recently taken place for residents and businesses affected by the CPO. Rehousing of tenants is taking place in accordance with the Council's Housing Allocation Policy which reflects all statutory duties and policies.
- 15.18 As the CPO progresses, should there be a need for a Public Local Inquiry, when choosing a venue the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating/minimising discrimination for those with protected characteristics.

16. Conclusions

In this Statement of Case the Council has demonstrated a compelling case for confirmation of the Order to enable the regeneration of the Poolway Shopping Centre. The proposals will promote or improve the economic, social and environmental wellbeing of the area and deliver a number of such benefits for the area that are in the wider public interest.

There has been a long running programme of consultation in the area on a range of development options over a number of years. This has included local consultation on development options for the shopping centre and adjoining land, as well as consultation on the various stages of preparation of the Birmingham Development Plan. Proposals for the Poolway reflect the wider programme of regeneration that

the Council is undertaking in securing improvements to many of its local centres and areas of poorer quality or unpopular housing.

There has been a phased approach to development at Poolway, Meadway with a number of unpopular and outdated blocks having already been cleared and the resultant sites having been retained vacant whilst the wider development issues were addressed.

Current proposals demonstrate a coordinated and phased strategy to deliver significant improvements including the delivery of new housing, the phased replacement of the existing shopping centre and reconfiguration and improvement of the Kent's Moat open space.

The proposals will deliver modern well designed housing that will meet the needs of the local population and will address the design issues associated with the existing open space. Phase 1 is funded, has the benefit of planning permission and with development partners to deliver both the residential and first phase retail elements having been secured through competitive tender processes. The success of delivery of Phase 1 is dependent upon the confirmation of the Order.

Phase 2 will deliver the redevelopment of the existing shopping centre and is dependent upon the confirmation of the Order. This will allow demolition of a centre which is recognised as being poorly designed, which has poor relationships with adjoining development and which has become an increasingly unpopular shopping and living environment. The centre has declined and in its current form is not attractive for future investment.

The Council owns the majority of the freehold of the centre and is in the process of acquiring leasehold interests with the assistance of funding from the Homes and Communities Agency, which has supported the Councils strategy for regeneration in this area for a number of years. Good progress is being made in acquiring both the residential and non-residential interests.

The Council has been very mindful of human rights and equality issues and is making every effort to assist with appropriate rehousing and relocation issues for those affected by the Order and the wider regeneration proposals.

The proposals are in accordance with planning policy including the NPPF and the recently adopted Birmingham Development Plan.

There has only been one objection to the Order and the Council is confident that this can be successfully addressed with the emerging Agreement between the Council and Western Power Distribution (West Midlands) Plc giving assurances regarding the safeguarding of electricity distribution in the area and the potential relocation of substations and other apparatus and the covering of costs and fees.

17. Contacts for further Information

17.1 The following Council officers of can be contacted for further information:

General enquiries about housing and the overall development proposals:

Clive French
Housing Regeneration and Development
1 Lancaster Circus
PO Box 16572
Birmingham
B2 2GL

Telephone 0121 303 3973
Email clive.french@birmingham.gov.uk

OR

General enquiries about Planning and the Compulsory Purchase Order:

Richard Thomas
Planning and Regeneration
PO Box 28
Birmingham
B1 1TU

Telephone 0121 675 8453
Email richard.l.thomas@birmingham.gov.uk

- 17.2 The Council will make all efforts to assist business, community and residential occupiers with their relocation and rehousing requirements. It is proposed that there will be rehousing and relocation opportunities presented by the new development. In accordance with Section 233 (5) of the Town and Country Planning Act 1990, relevant occupiers may seek accommodation within the proposed redevelopment subject to appropriate terms being agreed. Ongoing consultation throughout the development process will allow these opportunities to be fully explored and maximised. The phasing of development will allow, where practical, continuity of presence within the area for those that wish to be part of the new development. Further assistance can be obtained from the following:

Retail and other non-residential property owners should contact:

Martin Wilson
RICS Registered Valuer
Bruton Knowles
Embassy House
60 Church Street
Birmingham
B3 2DJ

Telephone: 0121 200 1100

Email: martin.wilson@brutonknowles.co.uk

Residential property owners should contact:

Barry McPartland
Birmingham Property Services
PO Box 16255
Woodcock Street
Birmingham
B2 2WT

Telephone 0121 303 3469
Email barry.mcpartland@birmingham.gov.uk

Advice on rehousing opportunities can be obtained from:

Collette McCann
Housing Regeneration and Development
1 Lancaster Circus
PO Box 16572
Birmingham
B2 2GL

Telephone 0121 675 3521
Email collette.mccann@birmingham.gov.uk

Enquiries about legal issues:

Liz Biddle
Legal Services
Birmingham City Council
P O Box 15992
Birmingham
B2 2UQ

Telephone 0121 675 8991
Email liz.biddle@birmingham.gov.uk

17.3 Further Advice and Assistance.

Those who own land within the compulsory purchase order as well as those served with notice of the CPO by reason of a Table 2 interest, may wish to appoint a Surveyor or Solicitor to help understand how the CPO affects you and negotiate your compensation entitlement.

The Council will pay reasonable surveyor /legal fees relating to the acquisition of property of those affected.

Advice on appointing a Surveyor can be found on The Royal Institution of Chartered Surveyors web site at <http://www.rics.org/uk>

Or <http://ricsfirms.com/>

Advice on appointing a Solicitor can be found on the Law Society web site at <http://www.lawsociety.org.uk>

18. Inspection of Order Documents and Plans

- 18.1 Copies of the Order, plans and related documents can be inspected at the following offices during normal opening hours:

Birmingham City Council
Reception
1 Lancaster Circus
Queensway
Birmingham
B4 7DJ
Telephone: 0121 303 4669 or 0121 303 4903

Mondays to Thursdays 08.45 to 17.15
Fridays 08.45 to 16.15

OR

Kents Moat Library
55-57 Pool Way
Birmingham
B33 8NF

Telephone: 0121 464 5755

Mondays and Thursdays 09.00 to 13.00 and 14.00 to 17.00
Saturdays 09.00 to 14.00

The Order and related documents can also be viewed on the Council's website at www.birmingham.gov.uk/poolwaycpo

19. Inquiries Procedure Rules

- 19.1 This Statement of Case is in accordance with the Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and a list of documents which may be referred to at an Inquiry is set out below.

20. Background Documents

CPO Documents

BCC1	The Birmingham City Council (Poolway Shopping Centre Meadway) Compulsory Purchase Order 2016 (The CPO) Statement of Reasons
BCC2	Compulsory Purchase Order
BCC3	CPO Map

Policy Documents

BCC4	National Planning Policy Framework (2012)
BCC5	The Birmingham Plan (UDP) 2005 - Extracts
BCC6	Emerging Birmingham Plan 2031 (Birmingham Development Plan Pre Submission Version 2013) and Inspector's Main Modifications (2016) - Extracts
BCC7	Birmingham Local Centres Strategy (2006)
BCC8	Places for All Supplementary Planning Guidance (2001)
BCC9	Places for Living Supplementary Planning Guidance (2001)
BCC10	Shopping and Local Centres Supplementary Planning Document (2012) - Extracts
BCC11	Birmingham City Council Business Plan and Budget 2016+ Extracts – Foreword, Parts1-3, Part 5/Chapter 4 Housing Revenue Account (HRA) Financial Plan, Appendix 8 Housing Revenue Account
BCC12	Housing Growth Plan 2013
BCC13	Housing Prospectus 2015

Council Reports

BCC14	BCC Cabinet Committee (Property) Report 8 December 2011 'Meadway Regeneration Proposals'
BCC15	BCC Cabinet Report 8 December 2014 Birmingham Municipal Housing Trust – Delivery Plan 2015-2020
BCC16	BCC Cabinet Report 16 March 2015 – 'Moving Forward The Meadway Regeneration Programme'
BCC17	Report to Planning Committee 4 February 2016 Planning Application 2015/09502/PA "Land South of Meadway incorporating Kent's Moat Recreation Ground , site of former high rise flats and existing flats to the south of the Poolway Shopping Centre Stechford, Birmingham"
BCC18	Indicative Master Plan
BCC19	Planning Application Decision Document.
BCC20	BCC Cabinet Report 26 July 2016 'Meadway Regeneration – Contract Award'

Other documents

BCC21	Homes and Communities Agency funding approval letter 13 January 2016
BCC22	Initial Demolition Notice – The Poolway – 22 October 2015
BCC23	The Meadway Phase 1 – Phasing Plan
BCC24	The Meadway - Working Sites Plan

Consultation documents

BCC25	2008 Consultation letter – Meadway a Better Future
BCC26	2009 Consultation letter – Redevelopment Update and Invitation to a Special Meeting on 12 February 2009
BCC27	Black Swan Meadway Consultation Report (30 September 2014) – including letters to residents and businesses, questionnaires, option plans, results of consultation and consultation comments.
BCC28	20 March 2015 Meadway letter to residents – Consultation Results

Photographs

BCC29	Photo evidence of recent local centre and residential regeneration and development schemes in East Birmingham
BCC30	Photo evidence of the Poolway Shopping Centre.

Additional background documents since the making of the Order:

BCC 31	Statement of Case
BCC 32	Photo evidence of the objection property – vacant site of the former substation (Plot 1) and the existing substation (Plot 18)
BCC 33	The adopted Birmingham Development Plan (extracts)
BCC 34	The adopted Birmingham Development Plan Policies Map
BCC 35	Phase 1 Residential development Reserved Matters planning application – layout and selected street elevations.