



**Solihull**  
METROPOLITAN  
BOROUGH COUNCIL

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Please ask for: James Carpenter

13 November 2015

Dear Liz,

**RE: Secretary of State Call in Consideration of Planning Application  
PL/2015/51464/MAJFOT Relating to the Expansion of the Touchwood Shopping  
Centre in Solihull Town Centre**

Thank you for the opportunity to provide you with information pertaining to Solihull Metropolitan Borough Councils decision to approve planning application PL/2015/51464/MAJFOT relating to the expansion of the Touchwood Shopping Centre in Solihull Town Centre. As discussed Solihull MBC are keen to work with the Secretary of State to assist in responding to the concerns that have been raised in terms of the determination of this application.

Further to our telephone discussions Solihull MBC have agreed not to issue the decision, and by return the Secretary of State has not formally issued an Article 31 Holding Direction at this stage.

As a starting point, it is relevant to note that the development of this planning proposal has been on-going for an extensive period and was advised by a Town Centre Advisory Board of elected members prior to submission. Pre-submission discussions were also undertaken with the Planning Department, by the applicant. This acted as a starting point for the Planning Departments consideration of the application, and a number of revisions were sought and made throughout this process working with Statutory Consultees, and where possible, in response to third party concerns.

As a Planning Service, and acknowledging the Councils land involvement in the site we sought to ensure that a very clearly defined rationale for the application's



recommendation was set out in the planning report. This is a multi million pound development scheme that will bring significant economic growth, job creation and development of skills. However, as the report clearly states, in the planning balance, this had to be weighed against the heritage harm that the proposal creates. This was and is, plainly a matter of planning judgement.

This is very clearly covered in the Planning Committee Report, the update sheet, and in the considered response of our Conservation Planner. Those comments forming a fulsome part of our consideration of the application, and as referred to specifically within the said report.

This analysis took on board the comments of Historic England, received on 29 July 2015 (enclosed), and the subsequent months of discussion with them, that included revisions to the proposals, and concluded in no recommendation for refusal from Historic England, and no conditions being sought. Having reviewed our web portal, which only shows the response of 29 July, I recognise that these discussions would not have been transparent to third parties.

The conservation response and report recognise that there is harm. Members were aware that Historic England would have preferred to see more design work, however, Historic England, as the Governments advisors on heritage, were fully aware of the timescales we were working to. They were clear that the balance was for Solihull as the decision maker to weigh the heritage harm against the economic benefits.

Members, taking on board the views of Historic England, regarding further design work, resolved at the Planning Committee on 04 November, that further conditions be placed on the consent that required additional design detailing to be provided in relation to the wall of Unit 82 that faces the Manor House Garden, and the elevation of "The Belvedere" (Unit 100) that fronts onto the listed Church of St Alphege. (See Plan attached).

Clearly the discharge of these conditions (Wording attached- Conditions 33 and 34) will require the applicant to work with the Council, and Historic England, in order to secure a design solution that is more acceptable. However, Members concluded that this approach met the relevant tests for conditions and enabled them to be satisfied that the application was acceptable, the demonstrable harm being further mitigated by this approach. Again, I suggest, a reasonable matter of planning judgement.

Also available on our web portal were the draft minutes of the Conservation Advisory Committee ("CAC"). This is an advisory committee to the Planning Committee. Two members of the Planning Committee attend, and the Planning Committee Chairman also attended the meeting on 24 September 2015, in an observatory capacity. The CAC meeting is attended by community representatives who are given an opportunity to pass commentary on applications that have a significant heritage impact. They are however an advisory committee. I note that the Chairman of the CAC sought agreement of his fellow members as to the summary of the community concerns that had been raised. It was apparent at the meeting, which was the first time that the Chairman had run the Committee, that he was unclear that there should not be a formal vote as the committee is not constituted to vote on

recommendations, nor does it form part of the decision making process, other than as in essence a third party consultee to the process.

However, this procedural misunderstanding has no impact on the decision taken. Whilst I again recognise that this may not be entirely clear to those who do not understand all of the Councils policies and procedures, the necessary clarification to the minutes of the draft published, that clarify the role and remit of the Committee would need to be made at the next CAC meeting, not amended in advance of this. Until then, therefore, the minutes, as drafted stand as published in draft, and I acknowledge the regrettable confusion this will have caused, and the likely expectation from third parties that this meant more than in reality it did.

I must be very clear however, that the concerns raised (setting aside the issue of voting and recommendations for refusal) were clarified to Members prior to their determination of the Committee. Members of Planning Committee themselves, fully understand the purely advisory role of the CAC. The concerns raised by the CAC in terms of scale, design and materials and accessibility were all covered in detail elsewhere in the report and the Conservation Officer comments, and were referred to in the report as having informed the balancing exercise undertaken by the planning department, and therefore Members in determining the application.

I trust that this provides you with useful information, and is based in terms of its content, on copies of complaints that have been sent to the Council, that I suspect mirror that which you have been sent.

As I have previously stated, I am regrettably unsurprised that you have received this request for a call in. However, I and my legal colleagues are content that the correct and appropriate process has been followed with this application.

Nevertheless, Solihull MBC respectfully acknowledge the right of the Secretary of State to consider this matter, and welcome your prompt attention to it. I note that the Council had been anticipating an issue of the decision on 20 November 2015, given the progress that has been made on the s106 with the applicant, and your steer in advance of this would therefore be greatly welcomed.

I trust that you will contact me directly should you wish to discuss this matter in any more detail, and also will advise me should I usefully be able to provide you with any further information.

Yours sincerely



**James Carpenter BA(Hons) MSc MRTPI**  
**Head of Services – Development and Regulatory Management**

Development Management/Building Control/Urban Design/Landscape Architecture/  
Ecology & Biodiversity/Environmental Health/Licensing/Trading Standards/Food Safety

**Enclosed:**

Committee Report PL/2015/51464/MAJFOT

Committee Update Sheet

Site Layout Plan

Heritage England response of 29 July 2015

Draft CAC Minutes

Wording of additional conditions in response to Heritage England concerns.