

**INQUIRY INTO THE METROPOLITAN BOROUGH OF
SOLIHULL
(SHIRLEY TOWN CENTRE REDEVELOPMENT)**

**COMPULSORY PURCHASE ORDER 2007 AND RELATED
ORDERS UNDER SECTION 247 AND SECTION 257 OF THE
TOWN AND COUNTRY PLANNING ACT 1990**

INQUIRY START DATE THURSDAY 8 MAY 2008

OBJECTION ON BEHALF OF WILSON (UK) LIMITED

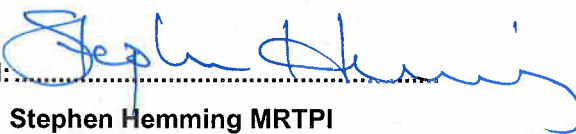
**PLOT 19 (PLAN)
PLOT 16 (NOTICE OF ORDER)**

LAND REAR OF 162 – 170 STRATFORD ROAD, SHIRLEY

**PROOF OF EVIDENCE OF
STEPHEN HEMMING MRTPI
LAMBERT SMITH HAMPTON
INTERCHANGE PLACE
EDMUND STREET
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B3 2TA**

- 1) My name is Stephen Hemming. I hold a Diploma in Estate Management and a Post Graduate Diploma in Town and Country Planning. I am a member of the Royal Town Planning Institute.
- 2) I am currently employed as an Director in the Development and Planning department of Lambert Smith Hampton's Birmingham office. Lambert Smith Hampton (LSH) is a commercial property consultancy acting for a range of clients across the country.
- 3) I have practiced as a town planner for the past 15 years in both local government and the private sector. My experience covers a wide range of work including all types of commercial development, residential development and strategic development, and I have previously acted on behalf of a number of clients in respect of Compulsory Purchase Orders. I have in the past and am currently acting for a range of clients in both the private and public sectors.
- 4) My views are set out in the letter of objection dated 3 August 2007 (attached) on which I rely on paragraphs 1, 2 and 4.
- 5) In the event that an agreement between the parties to resolve issues is not completed in the next few days, I would reserve the right to submit further material to support these objection points at the rebuttal stage.

Signed:



Stephen Hemming MRTPI

Dated: 17 April 2008

3 August 2007

The Secretary of State for Communities and Local Government
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Our Ref: AC/zv

Dear Sirs

**Metropolitan Borough of Solihull
(Shirley Town Centre Redevelopment) CPO 2007
Objection on Behalf of Wilson (UK) Investments Limited
Plot 19 (Plan)
Plot 16 (Notice of Order)**

On behalf of Wilson (UK) Investments Limited the freehold owners of the above property, (the objectors), we hereby object to the above Compulsory Purchase Order on the following grounds:-

1. Lack of clarity. The objectors are the owners of 162-170 Stratford Road, Shirley. These properties are retail shops let to three tenants. The plan accompanying the CPO includes the rear parking area and delivery yard as Plot 19. The Notice of making up the order under "the land to be acquired" refers to the same land as Plot 16. Because of the confusion over plot numbers I have had to refer to the land as the "subject plot" in the remainder of this objection.
2. The acquisition of the delivery/service yard to the rear of 162-170 Stratford Road will seriously adversely affect the shops within the objector's ownership (162-170 Stratford Road). Despite the objector's willingness to negotiate a sale of all of their interest in 162-170 Stratford Road to "Shirley Advance" the latter have refused to negotiate on such a basis. Compulsory Purchase should be seen as a last resort but here the promoters have not attempted to purchase the subject plot together with the adjacent land which suffers serious material detriment as a result of the acquisition.
3. The promoters have attempted to purchase by negotiations rights over the subject plot. The acquisitions they have sought would involve landlord's breach of covenant in the existing leases. The promoters have not been willing to approach the tenants to expunge their rights. The negotiations with the objectors could therefore never realistically be concluded. The promoters have therefore not realistically attempted to acquire by agreement the interests for which they now seek Compulsory Purchase Powers.
4. The land required is for the purpose of providing part of a service yard to the proposed development. An adjustment to the design of retail Block H would enable the service yard access and turning to be provided without the necessity to acquire the subject land. Whilst this may be a small disbenefit to the developers, the disbenefit to the objectors and their tenants of being deprived of the subject plot is substantial. In these circumstances the objectors should not be compulsorily deprived of their Property rights



For the above reasons the subject plot being the delivery/service yard to the rear of 162-170 Stratford Road (Plot 19 on CPO Plan, Plot 16 on Notice of Order) should be excluded from the Compulsory Purchase Order.

Yours faithfully

Andrew Cook BA FRICS IRRV
Director

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