

<b>TITLE</b>	<b>Regeneration of Peach Place Compulsory Purchase Order</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 30 July 2015
<b>WARD</b>	Wescott
<b>LEAD OFFICER</b>	Andy Couldrick, Chief Executive
<b>LEAD MEMBER</b>	Philip Mirfin, Executive Member for Regeneration and Communities

## **OUTCOME / BENEFITS TO THE COMMUNITY**

- Enable the compulsory acquisition of all necessary land interests to deliver the regeneration of Peach Place, which is a plan-led regeneration project supported by the planning and corporate policies of the Council and is a key part of the regeneration of Wokingham Town Centre.
- Secure the earlier delivery of the regeneration of the Site and the consequential benefits to the local community which will be delivered.

## **RECOMMENDATION**

That the Executive:

- 1) Agrees that the Council should make a compulsory purchase order ("CPO") to include the land required to deliver the proposed regeneration of land known as Peach Place, Peach Street, Wokingham as shown indicatively edged red on the draft plan at Appendix 1 of this report ("the Site") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) because it considers that:
  - (a) the acquisition of the land will facilitate the carrying out of the development, redevelopment or improvement of the Site; and
  - (b) the development, redevelopment or improvement of the Site is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of the borough of Wokingham;
- 2) Agrees that the Council should include within the CPO the acquisition of new rights within the Site as necessary under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to facilitate the development, redevelopment or improvement on or in relation to the Site;
- 3) Agrees to authorise the Chief Executive, in conjunction with the Leader and Executive Member for Regeneration, to:
  - (a) take all necessary steps in relation to the Site to secure the making, the confirmation and, in accordance with a programme approved by the Executive, the implementation of the CPO including publication and service

of all relative notices and the presentation of the Council's case at any Public Inquiry; and

- (b) approve terms for the acquisition of legal interests (including rights) by agreement including for the purposes of resolving any objections to the CPO;
- 4) Authorises, if the CPO is confirmed, to the extent that it is not already held for such purposes, that that part of the Site already within the Council's ownership as shown shaded green on the plan at Appendix 2 of this report be appropriated for planning purposes as described in section 226 of the Town and Country Planning Act 1990 (as amended) on the date immediately before the Council implements the confirmed CPO by the making of a vesting declaration or service of notice to treat/notice of entry, such land being then no longer required for the purpose for which it is currently held.

## **SUMMARY OF REPORT**

The purpose of this report is to:

- Consider the making of a CPO to achieve the regeneration of the Site; and
- Consider appropriation of the Council's land for planning purposes to facilitate the regeneration of the Site.

The regeneration of the Site has been a corporate and planning objective of the Council for many years.

Working with Wilson Bowden Developments Limited, the Council's appointed development manager, planning permission for the regeneration of the Site has now been secured. The only impediment to regeneration of the Site is the need to assemble all necessary land interests. It is therefore appropriate for the Council to now consider use of its compulsory purchase powers.

The Council has previously referred to the use of compulsory purchase powers to assemble the Site in the Wokingham Core Strategy 2010, and it has subsequently demonstrated its intent to deliver regeneration of the Site by acquiring various land holdings by private treaty. The Council has acquired a significant proportion of the freehold interest in the Site as shown shaded green on the plan at Appendix 2 of this report. The Council has further, from 2010 until the present day, engaged with tenants who are in occupation and trade from the Site with a view to varying their leases to enable regeneration of the Site to proceed.

Whilst the Council has had considerable success in acquiring the necessary land interests or securing variations to leases which will in due course enable the regeneration of the Site to proceed, it has not however been possible to acquire all necessary land interests by negotiation.

The Council considers that the use of compulsory purchase powers is appropriate and in accordance with national and local policy.

The following documents are appended to this report:

- 1 Draft plan showing the land proposed to be included in the CPO edged red
- 2 Plan showing the freehold land owned by the Council shaded green
- 3 19 February 2015 Executive Paper
- 4 Draft Statement of Reasons

## Background

The Executive, at its meeting on 19 February 2015, considered the recommendations of the Executive Member for Regeneration and Communities and approved the in-principle making of a CPO to acquire the necessary land interests to facilitate the redevelopment of land at Peach Place Peach Street Wokingham town centre. A copy of that report is at Appendix 3 of this report.

The Executive also authorised the Chief Executive, in conjunction with the Leader and Executive Member for Regeneration, to take all necessary steps to commence the process for the making of the CPO, including securing the appointment of suitable external advisors and preparing all necessary draft CPO documentation.

Following the Executive decision in February 2015 and on 5 March 2015, planning permission (reference F/2014/2637) has been granted for the regeneration of the Site. This has enabled the Council to carry out a detailed land referencing exercise which has identified the land interests that need to be included in the CPO. A revised draft CPO map (Appendix 1) is consequently attached to this report and will be further updated and finalised before the making of the CPO. In addition, significant progress has been made in preparing the CPO documentation.

Since the acquisition of the Peach Place holding in 2010 (which forms the majority of the Site), the Council has worked hard and effectively with its existing and new tenants to provide for both their needs and those of the regeneration. In most cases, the existing tenants' leases have been re-gearred by agreement to enable the Council to progress with the redevelopment of the Site. The Council has successfully let any vacant units on 'regeneration leases', short term leases, suitable for start-up local independent traders, again which will allow the Council to proceed with the redevelopment at the end of 2016. In addition, the Council has worked with owners and occupiers adjacent to the Site who benefit from rights across the Site. In all cases suitable alternative rights have been offered and in most cases legal agreements have been completed or are in hand.

In tandem with the preparation of the CPO, the Council has continued its negotiations in respect of the outstanding third party land interests with a view to concluding acquisition by agreement where possible.

## Regeneration of the Site

The regeneration of the Site has been a longstanding corporate and planning policy objective of the Council.

In 2010, the Core Strategy for Wokingham identified one of the aspirations and spatial issues that needed to be addressed by the Council as the "*renaissance of Wokingham and other town centres*" (paragraph 2.68). More particularly at paragraph 2.84 it stated:

*"[Wokingham] town centre is the largest retail centre in the borough and its range of facilities and services is recognised in both LPS2 and appendix 3 [of the Core Strategy]. The sustainability of the town may be undermined unless schemes are developed which support its vitality and viability, particularly so it can retain trade that might otherwise leak to the centres of Reading or an improved Bracknell. During the plan period there are likely to be opportunities for a number of significant developments within the town centre. The Council recognises that*

*development around Wokingham could help reduce traffic flows through the town and would support the vitality and viability of the centre through increasing its population”.*

Core Policy 14 expressly deals with the growth and renaissance of Wokingham Town Centre:

*“Wokingham, as a major town centre in Berkshire is considered suitable for growth. Proposals should retain and enhance the historic market town character of Wokingham and maintain its position in the Berkshire retail hierarchy by:*

1. *Strengthening shopping in the retail core to reduce leakage of expenditure;*
2. *Conserving and enhancing historic quality and interest;*
3. *Improving existing public space;*
4. *Ensuring development cumulatively provides and maintains:*
  - a) *A wide range of services, learning opportunities, community facilities and tourist facilities that complement existing provision;*
  - b) *Housing;*
  - c) *Office accommodation;*
  - d) *Public open space providing for a range of activities;*
  - e) *Leisure and entertainment;*
  - f) *Improved pedestrian links between the station and the shopping streets;*
  - g) *Improved pedestrian and cycle links between the centre and other parts of the town;*
  - h) *Appropriate car parking to facilitate a viable and sustainable town centre;*
  - i) *Enhanced environmental and design quality.*

*The use of compulsory purchase powers to facilitate site assembly and the delivery of renewal and regeneration schemes”.*

Paragraph 4.69 of the Core Strategy explains that:

*“Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings), as this will contribute towards the vitality and viability of the centre. The Retail Study.....indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”*

In the same year, the Wokingham Town Centre Masterplan was adopted by the Council. It describes the Council's key objectives for the Site as being to:

- improve the retail performance of the site and the town centre, by providing modern retail units;
- improve the environmental quality of the town centre by introducing well designed buildings which relate well to their urban context;
- contribute a new urban space to complement the existing arcade;
- help to diversify the town centre by introducing additional residential units

above ground level; and

- continue to provide convenient short stay car parking for town centre visitors.

And more recently, in February 2014, the Managing Development Delivery Local Plan was adopted by the Council which sets out how the vision in the Core Strategy will be delivered. Policy SAL08 allocates the Sites as suitable for mixed use redevelopment:

*"Land at Peach Place, Wokingham, for the delivery of A1 (retail) floorspace with flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development"*

The Council has and continues to remain committed to securing regeneration of the Site in accordance with the above policy. The vision for the town centre sees Wokingham as:

- The number one place for people to live in the UK.
- A town centre that is home to a thriving retail and business economy with a diverse leisure and recreation offer, and which provides high quality living at the heart of the Borough.
- A town centre that not only builds on the existing strengths and unique character of the Town, but also forms the heart of the surrounding community with a high quality and active public realm that attracts and promotes the well-being of its residents, working population and visitors alike.

The Council further considers that the Site represents a significant opportunity to improve the quality of the retail offer in Wokingham and to improve Wokingham town centre's retail competitiveness. Regeneration of the Site will further deliver significant environmental improvements by replacing tired poorly designed buildings with high quality well designed buildings which are complementary and in keeping with the surrounding townscape.

In October 2010, the Council took the first steps in securing implementation of the regeneration of the Site by appointing Wilson Bowden Developments Limited as its development manager.

Wilson Bowden is working with the Council to achieve the Council's key principles and objectives as set out in the Project Briefing Document, which can be summarised as follows:

- Improving the Economic Vitality and Viability of the Town;
- Improving the Social Vitality and Viability of the Town;
- Improving and Enhancing Public Open Spaces and Public Realm;
- Enhancing the Architectural Quality of the Town Centre; and
- Improving Pedestrian Accessibility in the Town Centre and Access to the Town.

In 2013, the Council and Wilson Bowden progressed two separate planning applications for Peach Place and Elms Field linked by way of one contributions agreement (Infrastructure Delivery Plan). Following a robust master-planning exercise, discussions and negotiations with potential tenants and with a series of consultation events, the two applications were submitted to the Council as local planning authority in November 2013. However, in December 2013, the Council took the decision to withdraw the applications due to the need to review some elements of the elevations of Peach Place. In April 2014, a key proposed tenant for Elms Field withdrew from the scheme and the decision was made to proceed with an independent application for Peach Place.

## **The Scheme**

In November 2014, a fully detailed planning application for the regeneration of the Site was submitted to the Council. Planning permission reference number F/2014/2637 ("the Planning Permission") was granted for the redevelopment of the Site pursuant to that application on 5 March 2015 ("the Scheme") for:

*"Full application for part redevelopment and part retention and refurbishment of existing buildings to provide a mixed use development for town centre uses including Class A1 shops, Class A2 financial and professional services, Class A3 restaurants and cafes, Class A4 drinking establishments, Class A5 hot food takeaways and a new public square, plus 26 Class C3 dwellings (a net gain of 21), as part of the regeneration of Wokingham Town Centre. The proposals include:*

- *Demolition of 34/35 Market Place, 2-22 (even) Peach Street, 1-6 The Arcade and the wall along the Rose Street frontage; and the removal of Rose Street Car Park;*
- *Retention of 24-38 (even) Peach Street (Marks & Spencer, the Haka and Redan Public House);*
- *Retention and refurbishment of 36 Market Place (including two first floor apartments) with external alterations; and 1-5 (odd) Rose Street (including two second floor apartments) with external alterations;*
- *Erection of new building for the uses listed above, new public toilets and associated works including reconfiguration of part of Marks and Spencer car park."*

The Scheme will more specifically provide:

- Total floor area of proposed development 6,043 sqm GIA (6,678 sqm GEA) (includes existing floor space of apartments to be refurbished).
- Retail (A1 – A5) of 3,674 sqm GIA (3,938 sqm GEA) to be arranged over ground and some of the first floor levels.
- New residential units comprising 4 three bed town houses and 18 two bed apartments on the first and second floor over the retail units.
- Refurbishment and reconfiguration of two existing apartments (Flat 1 - two bed and

Flat 2 – one bed) on Rose Street, including external alterations.

- Refurbishment of two existing two bed flats above shops (Costa and Superdrug) at 36 Market Place, including improvements to façade and access.
- New public toilets to include one male and one female toilet, built to disabled standards.
- Removal of existing Rose Street car park to create a new public square and access to site.
- Reconfigured Marks and Spencer's car park area (with no loss of car parking spaces).

The Council is satisfied, for the reasons set out below, that the Scheme for which the Planning Permission has been granted is in accordance with the adopted policy for the regeneration of the Site and will achieve the purposes for which the CPO is proposed to be made.

### Scheme Benefits

The Council's key ambition for the proposed regeneration of the Site is to ensure the continued health of the town, successfully integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all. The premises that are on the Site at present detract from the overall appearance and character of the centre, are of poor quality in terms of built form, appearance and layout, provide limited flexibility for retailers and as a result have struggled to attract the quality of occupier desired to sustain and lift the retail order in the town.

The Scheme is in line with the Development Plan for the Site and is supported by national and local planning policy and guidance; this is set out in some detail in the draft Statement of Reasons (see Appendix 4 of this report). It will deliver regenerative benefits to the town centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town. In summary, it is considered that the Scheme will deliver the following public benefits:

- Economic Benefits

The Wokingham Retail Study, Update 2014, prepared by Nathaniel Lichfield and Partners (NLP), identifies unmet need for new retail space in Wokingham town centre. Taking into account future retail commitments in Wokingham Town Centre of a net increase in convenience floor space of 3,546 sqm (GIA) and 4,614 sqm (GIA) comparison (of which this current application forms part), the report identifies a further requirement of 284 sqm of convenience floorspace and 3,700sqm of comparison floorspace within the town by 2026. The Scheme will deliver a net increase in retail floor area of just over 900 sqm (GIA), making a positive contribution to bringing forward some of the identified commitment for the town centre.

Wokingham's position in relation to surrounding town centres has been declining as people choose to do their shopping in these other centres, which continue to improve and diversify the offer of retail and leisure premises. Therefore, a key aim and benefit of



the proposed regeneration is to meet the need for an enhanced retail and restaurant offer and experience within Wokingham town centre. This is to be accomplished through the provision of larger more flexible shop and restaurant units suitable for modern retailers who might not otherwise be able to locate in the town.

The requirement for larger format units (over 200 sqm) has been specifically identified by the Council's retail advisors (Strutt & Parker) and was referenced in the Wokingham Retail Study Update 2014 by NLP. The aim is to make Wokingham town centre a destination in its own right, one that plays to its strengths as an historic market town, a safe and convenient centre and one that offers choice for a range of shoppers.

The commercial retail/leisure environment is competitive and potential occupiers are very specific in terms of their requirements for unit layout, location and quality of the town centre environment. National retailers typically require units of specific size and layout from 200 to 300 sqm; larger format stores will trade from 500 sqm. National retailers are becoming ever more discerning in terms of location and type of environment they will locate in. It is important that all the correct elements of a well-designed scheme that is managed by a single organisation are in place to attract them.

In response to the above, the Scheme will deliver new, larger format modern retail units which will be attractive to retail and restaurant operators. The new units will have efficient mechanical and natural ventilation systems, the built framework will enable retailers to expand and contract the size of their unit given market conditions and adjoining unit conditions. This will attract new operators into the town centre and add to the vitality and retail performance of the centre in line with approved planning policy. In turn, this will assist in clawing back trade and increasing footfall and dwell-time to the benefit of the town.

The Scheme will create new jobs and valuable investment into the local area. It is predicted to create in the region of 100 (net) new jobs, with a further 44 jobs per annum during the construction phase. In gross value added (GVA) terms, once the Scheme is operational, approximately £4.65M per annum will be secured for the local economy.

Economic benefit to the town will also accrue from the occupants of the proposed new residential properties within the Scheme. Indeed, a further gross direct expenditure, in excess of £600,000 per annum, will be generated into the local economy in this way.

- Environmental Benefits

The improvements to the built form and landscape framework at the heart of Wokingham are critical to its future success. Market towns must carve out a niche and draw for discerning customers, a quality environment where town centre users can comfortably move around and enjoy a good range and variety of retail, restaurant, cafes, cultural and leisure uses in an attractive setting is key to its future success. The proposals are an important planned intervention for the historic town centre area and will help secure its sustained health and vitality.

The proposed Scheme will make much more efficient use of prime town centre land and will deliver significantly improved public realm at the heart of the town centre. A high quality new public space will be created that will help reinforce a sense of local distinctiveness, provide an attractive meeting place and introduce quality hard and soft landscaping.

By removing unattractive buildings, which detract from the setting of key heritage assets, and by providing new buildings that are more sensitive to their location, the heritage and townscape value of the locality will be enhanced. Moreover, by the provision of a new public space at the heart of the Conservation Area, opportunities will be created for the historic fabric to be enjoyed and understood.

The Scheme will enhance the appearance of a back land area, currently utilised for parking and with some service access, and contribute positively to local character and distinctiveness. Indeed, the buildings have been designed in accordance with robust design principles and in consultation with the local community and other stakeholders. Active shop and restaurant frontages will animate the space and unattractive service areas will be screened.

Improved pedestrian connectivity through the Site to Peach Street/Market Street and Rose Street will also result from the new public realm. The new space will act as an important link connecting various town centre areas and activities.

Seating and resting areas will be located at regular intervals, the gentle gradient across the public realm across area is compliant with the Disability Discrimination Act 1995 and paving and kerb detailing will be carefully considered to ensure the needs of all members of the community are accommodated.

The majority of the new homes proposed as part of the Scheme will be built to Lifetime Homes Standards and capable of future adaptation to meet residents changing needs.

More sustainable modes of transit including walking and the provision of 37 cycle storage spaces will be included as part of the Scheme. Displaced car parking from the Rose Street car park will be accommodated in other car parks close to the town centre.

The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.

- Social Benefits

The proposed Scheme will enhance the retail offer in order to better cater for the retail needs of the town, as well as providing opportunities for additional restaurant and café provision. Indeed, by linking this new floorspace to the enhanced public realm, (designed to meet all accessibility standards), the Scheme will provide new opportunities for socialising and outdoor community events for the whole community to enjoy.

The proposed residential provision and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.

It is estimated that the proposed development will create 44 construction jobs per year and an additional 107 operational jobs. The opportunity to target newly created jobs to local people via an employment and skills protocol is also to be investigated by the Council.

New public toilets that are compliant with Disability Discrimination Act 1995 will be provided as part of the proposed Scheme. This is an important amenity that has been consistently requested by the local community during the evolution of the proposed Scheme.

## **The CPO**

The Council has sought for some time to assemble land ownership of the Site. A large number of interests have already been acquired but it has not been possible to secure every interest. The Council considers that the inability to acquire all necessary land interests by agreement is likely to delay regeneration of the Site.

Having regard to the advice in Circular 06/2004 – Compulsory Purchase and the Crichel Down Rules ("the Circular"), the Council considers it appropriate to make a CPO to acquire any outstanding land interests. In particular, the Circular recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for residents and the business community without delay.

If the Executive endorses the recommendation set out in this report then the Council proposes to:

- Make the CPO to acquire all necessary land interests within the Site, and following confirmation of the CPO, appropriate the Site for planning purposes.
- In parallel, continue to seek to acquire all necessary land interests by agreement.
- Apply for an order pursuant to section 247 of the Town and Country Planning Act 1990 to stop up highway within the Site to facilitate delivery of the Scheme.

## **Analysis of Issues**

### Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended) to make a CPO for any land within the Borough if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Pursuant to section 226, the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- The promotion or improvement of the economic well-being of their area;
- The promotion or improvement of the social well-being of their area;
- The promotion or improvement of the environmental well-being of their area.

Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire any new rights.

The Circular provides updated and revised guidance to acquiring authorities in England on the use of CPO powers. Paragraph 1 states:

*Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing Compulsory Purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay*

Particular guidance on orders made by local authorities under section 226 is contained in Appendix A of the Circular. Paragraph 2 states:

*"The powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no other single specific compulsory purchase power would be appropriate"*

Importantly the Circular requires that a CPO should only be made where there is a compelling case in the public interest.

Paragraph 15 of the Circular also recognises that it is not always feasible or sensible to wait until the full details of a scheme have been worked up and planning permission has been obtained before proceeding to prepare a CPO. An acquiring authority will however have to demonstrate that there are no reasons why any required planning permission for the scheme should not be secured.

A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- *"Whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;*
- *The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;*
- *The potential financial viability of the scheme for which the land is being acquired;*
- *Whether the purpose for which the acquiring authority is proposing to acquire the*

*land could be achieved by other means, e.g. alternative proposals put forward by the owners of the land".*

The Circular also requires the Council to have regard to the following when considering making a CPO:

- *"that the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;*
- *the degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme and on what basis such contributions or underwriting is to be made;*
- *evidence relating to financial viability;*
- *whether the scheme is likely to be blocked by other impediments to implementation".*

The Circular looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Circular recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The Circular notes that this has the advantage of making the seriousness of the acquiring authority's intentions clear from the outset which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

In preparing this report and considering the implications of making a CPO to enable the redevelopment to proceed, the Council has also had regard to the draft updated guidance published by the Government in March 2015 – 'Compulsory Purchase, The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'.

In the making of the CPO, the Circular encourages acquiring authorities to offer those concerned about a CPO access to alternative dispute resolution techniques where appropriate.

Notice of the making of the order is given to categories of "qualifying persons", namely owners, lessees and occupiers (other than monthly or shorter tenants) and publicised in the local newspaper. Objections from such persons may lead to a public inquiry.

#### Land Proposed for Compulsory Acquisition

The land required for regeneration of the Site and proposed for compulsory acquisition is indicatively identified edged red on the draft plan at Appendix 1 of this report. It comprises of the following land interests as shown shaded pink on the plan:

- 1 – 5 Rose Street
- Private car park at Rose Street
- Public car park at Rose Street
- Service yard to the rear of 39 - 40 Market Place
- Electricity Substation to the rear of 39 Market Place
- Alleyway to the side of 36b Market Place
- 34 – 35 Market Place
- 2 – 22 Peach Street

- Service yard to the rear of 36, 36a and 36b Market Place
- Service yard to the rear of 16a – 22 Peach Street
- The Arcade off Peach Street
- Part of the Marks and Spencer's car park
- Public conveniences
- Land to the rear of Wokingham Methodist Church

The CPO also proposes to acquire the following new rights over the land indicatively shown shaded blue on the plan:

- Land to the side of 24 Peach Street, Redan Public House - The right to take down buildings on adjacent land, including making good to party wall where necessary. The right to erect temporary scaffolding for the duration of the works. The right to provide protection over existing rear footway to the rear alongside the property. The right to provide protection to the roof of the public house.
- Land to the rear of Wokingham Methodist Church and land comprising part of the Marks and Spencer's Car Park - The right to enter the car park to carry out works including resurfacing works and reconfiguration of the car parking spaces. The right to erect and retain scaffolding on the land in connection with the erection of a building on adjacent land.
- Land by the entrance to the Bradbury Centre at Wokingham Methodist Church - The right to take down existing handrail and replace with new handrail in conjunction with the removal and carrying out of access works on adjacent land.
- Superdrug, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development. The right to take down buildings on adjacent land, including making good the party wall where necessary and the right to construct new buildings on adjacent land.
- Costa Coffee, 36 Market Place - The right to install, retain, maintain and renew on the roof of the building photo Voltaic panels and mechanical plant for the purpose of serving the development. The right to take down buildings on adjacent land, including making good the party wall where necessary and the right to construct new buildings on adjacent land. The right to amend the rear serviced route.

#### Case for Compulsory Acquisition

The Council's case for making the CPO is more fully set out in the draft Statement of Reasons at Appendix 4 of this report.

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is sought will bring economic, social and environmental benefits to Wokingham.

The Council has sought over the last five years (since June 2010) to assemble land ownership of the Site and has been successful in securing control of a large part of the freehold interest in the Site, including:

- 1-5 Rose Street
- Rose Street private car park
- Flats 1 – 6, 39b Market Place
- 34 – 42 Market Place
- Offices 42a Market Place (now private apartments)
- Flats 36a/b Market Place
- 2 – 16B Peach Street
- 20/22/22a Peach Street
- 18/18a Peach Street
- Bush Walk, 37 Market Place
- 26 Peach Street
- 1 – 6 The Arcade
- Part of Rose Street public car park

The Council has further throughout this five year period engaged with tenants who are in occupation and trade from the Site with a view to varying their leases to enable regeneration of the Site to proceed. This has involved renewing leases on regeneration compliant terms when leases expire as well as the proactive re-gearing of leases midterm. In all cases, these re-gears have either provided alternative accommodation or alternative leases with suitable compensation provisions to reflect any rights surrendered. Where premises have fallen vacant during this period, care has been taken to grant new leases on regeneration compliant terms. Such renewals and re-gears have been agreed with:

- 2 Peach Street – Helen & Douglas charity
- 4 Peach Street – Village Floral Boutique
- 6 Peach Street – Heirs of Sanpa
- 8 Peach Street – Funtastic Toys
- 10 Peach Street – Round Corners Ltd
- 12 Peach Street – AW Sports
- 14 Peach Street – Dragon Nails
- 16 Peach Street – Sun Shed
- 16A Peach Street – Kebab Extra
- 16B Peach Street – CT Bell
- 18/18a Peach Street – Code Boutique
- 20 Peach Street – Vitality Health
- 22 Peach Street – Mac’s Turkish Barber
- 5 Rose Street – Strange Jewellers
- Flat 1, 5a Rose Street – Aeroblu Ltd
- Rose Street car park site of public toilet - Wokingham Town Council
- 1 The Arcade - Baloo
- 2 The Arcade – Hairy Poppins
- 3 The Arcade - Baloo
- 4 The Arcade - Attattooed
- 5/6 The Arcade – Just Around the Corner
- 38/39a Market Place – Peach Dental Practice
- 39 Market Place – Boots Chemist
- 40 Market Place – Boots Chemist
- 41 Market Place – John Wood Sports

- 41/42 Market Place - Clarks

Where tenants are able to stay in-situ during and following redevelopment of the Site, the Council has endeavoured to agree terms with the tenants to secure the redevelopment rights required to deliver the redevelopment.

However, notwithstanding the Council's efforts since 2010, it has not been possible to acquire or secure control of all interests in the Site and a number of interests remain to be resolved. The Council proposes to continue to try to acquire or secure control of such interests following any resolution to make a CPO.

In determining whether to proceed with compulsory acquisition, the Executive is reminded that, for those directly affected, there will be interference with convention rights incorporated into law by the Human Rights Act 1998. The Council will take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the Site will have the effect of delaying the regeneration of the Site and delivery of the consequential benefits to the community.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

#### Timetable for Progress

In the event that the Council proceeds with the making of the CPO, it is envisaged that the CPO will be made in late August/September 2015. Progress thereafter will depend on whether any objections are made to the CPO and the nature and scope of those objections.

If no objections are received to the CPO then the CPO can immediately be confirmed and implemented subject to compliance with statutory requirements.

If objections are received then the Council will work to secure removal of those objections. If the objections cannot be resolved within a reasonable timescale, it is anticipated that the Secretary of State will arrange for a Public Inquiry to be held to consider any outstanding objections. It is envisaged that any Public Inquiry would be arranged for the early part of 2016, with a decision being reached by the Secretary of State in Summer 2016.

Alongside the procedural issues associated with the CPO, the Council and Wilson Bowden intend to progress discharge of the conditions imposed on the Planning Permission and appropriate procurement processes for the construction of the proposed development. In the event that the CPO is then confirmed and implemented to secure vacant possession during Summer/Autumn 2016, the Council will be ready to commence development on the Site at the beginning of 2017.

With a build programme of 21 months, the project programme therefore anticipates a completed development by Autumn 2018.



## Financial Implications

The Council has already identified in the Wokingham Town Centre Masterplan 2010 that the use of CPO powers may be necessary to assemble land to deliver regeneration of the Site. The Council's Corporate Plan confirms that it intends to use its resources to deliver the regeneration of the Site.

## Human Rights and Equality Implications

In considering the case for making the CPO, the Council has also had regard to the human rights implications and to its public sector equality duty (section 149 of the Equality Act 2010).

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:

- Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the regeneration of the Site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.

The opportunity has been given to landowners and other affected parties to make representations regarding the Council's planning policies which underpin the proposed CPO. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur as a result of the acquisition of their interests.

The Council further has a duty, when exercising any power, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities (section 149 of the Equality Act 2010). This includes removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs of people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or in other

activities where their participation is disproportionately low. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council has considered each protected characteristic to identify whether the redevelopment of the Site or delivery of the Scheme could have a detrimental impact of such protected characteristics.

One particular issue which was raised during the planning application process by a local councillor was the impact of the proposed Scheme on users of the Bradbury Centre, particularly disabled users who are commonly dropped off in front of and use the ramp to the entrance to the centre in Rose Street car park. The loss of a disabled access and parking (including drop off facilities) could prevent disabled users from being able to access the centre.

The Council considered the issue carefully as part of the planning application process and determined that the proposed Scheme had been designed in compliance with the requirements of the Disability Discrimination Act 1995 and that, as such, it would overall improve the environment and experience of residents, businesses and visitors and in achieving this deliver benefits to those with disabilities. Specifically, the proposed Scheme would allow much easier physical access to shops, residences and communal areas which would in turn promote independence and social inclusion.

In considering the disabled access to the Bradbury Centre, in particular, the Council noted that the centre presently operates an informal drop off facility within Rose Street car park but has no formal legal right to provide such facility. The Council, however, accepted that the loss of parking spaces and drop off facilities could have detrimental impact on disabled users of the centre.

The Council accordingly imposed a condition on the Planning Permission (condition 26) requiring the proposed Scheme to provide three disabled parking bays or two disabled parking bays and a drop-off facility before use of the Rose Street car park by visiting members of the public ceases. The Council, with Wilson Bowden, is in the process of finalising the details for discharge of this condition and is satisfied that such provision will ensure continuity of access to the centre by disabled users.

The Council is content that it has discharged its public equality duty and that the redevelopment of the Site and the proposed Scheme will have no detrimental impact, or where there may be an impact, steps have been taken to mitigate it, on the protected characteristics set out above.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£500K	Yes	Capital
Next Financial Year (Year 2)	£0.85m	Yes	Capital
Following Financial Year (Year 3)	Nil	N/A	N/A

**Other financial information relevant to the Recommendation/Decision**

Funding for this process is included within the WTCR budget currently approved and included within the medium Term Financial Plan. The costs include those for Counsel, legal and management costs of the process, together with the cost of the Inquiry and relevant compensation costs to any businesses impacted.

**Cross-Council Implications**

The project is in line with the Council Vision and forms one of the top priorities. There is no impact on other services.

**List of Background Papers**

None

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