

**THE WOKINGHAM BOROUGH COUNCIL
(PEACH PLACE, PEACH STREET, WOKINGHAM)
COMPULSORY PURCHASE ORDER 2015**

**THE TOWN AND COUNTRY PLANNING ACT 1990
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND
THE ACQUISITION OF LAND ACT 1981**

**STATEMENT OF THE COUNCIL'S
REASONS FOR MAKING THE ORDER**

[July] 2015

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1. Introduction

- 1.1 Wokingham Borough Council ("**the Council**") has made The Wokingham Borough Council (Peach Place, Peach Street, Wokingham) Compulsory Purchase Order 2015 ("**the Order**") which it has submitted to the Secretary of State for confirmation.
- 1.2 The Order has been made to enable regeneration of land in Wokingham town centre, known as Peach Place ("**the Site**"), by the construction of a mixed-use redevelopment scheme ("**the Scheme**").
- 1.3 The Scheme is being promoted by the Council working with its appointed development manager, Wilson Bowden Developments Limited ("**Wilson Bowden**").
- 1.4 The Scheme has been a corporate and planning objective of the Council for many years. Although the Council owns the freehold interest in much of the Site, implementation of the Scheme requires the acquisition of various land and property interests. The Council and Wilson Bowden have endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with all of the parties affected.
- 1.5 Implementation of the Scheme will bring economic, social and environmental benefits through the regeneration of the town centre. The benefits of the Scheme are described in detail in section 5 of this Statement.
- 1.6 Planning permission (reference F/2014/2637) was secured for the Scheme on 5 March 2015 ("**the Planning Permission**"). It authorises 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 Permitted Scheme**").
- 1.7 The Council resolved on [] July 2015 to make a compulsory purchase order, reports were presented to the Council's Executive on 19 February 2015 and [] July 2015 in accordance with its powers in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004) and in Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The Council has consequently made the Order in order to secure the outstanding interests ("**the Order Land**") required for the purpose of implementing the Scheme.

2. Location and Description of the Order Land

- 2.1 The Order Land, comprising some [] acres, is located in Wokingham. It falls mainly within the Wokingham town centre boundary as defined in the Wokingham Town Centre Masterplan. The Order Land is more specifically described in the schedule of interests accompanying the Order and is identified on the related Order Map.
- 2.2 The Order Land is bounded by Peach Street to the south, Market Place to the west and Rose Street to the north. The area has a mix of uses including a Council operated car park and retail units.
- 2.3 The Order Land generally comprises the following land and property:
- 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; and
 - Land to the rear of Wokingham Methodist Church.
- 2.4 The Order Land also includes other land over which rights are needed namely the right to enter on the land referred to below in order to carry out works for and in connection with the construction of the Scheme including in each case the following works and rights:
- 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 a protective walkway over existing rear footway. 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; and

- 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.

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3. The Scheme

Purpose of the Scheme

- 3.1 The purpose of the Scheme is to ensure the continued health of Wokingham town centre, 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.
- 3.2 The buildings presently located on the Site detract from the overall appearance and character of the town centre. They are of poor quality in terms of built form, poor appearance and layout and provide limited flexibility for retail occupiers. As a result, the properties on the Site have struggled to attract the quality of occupier desired to sustain and lift the retail order in the town centre. The balance of the retail offer in the town centre is therefore not as strong as it should be.
- 3.3 Wokingham's position in relation to surrounding town centres has been declining as result of the poor quality of the retail offer. People choose to do their shopping in other centres, including Reading and Bracknell, which continue to improve and diversify the offer of retail and leisure premises. Accordingly a key aim and benefit of the Scheme is to meet the need for an enhanced retail and restaurant offer and experience within Wokingham town centre. This will be accomplished through the provision of larger more flexible shops and restaurant units suitable for modern retailers who might not otherwise be able or willing to locate in the town centre.
- 3.4 The Council considers that, in the absence of the Scheme, the retail environment in the town centre will continue to decline. In the absence of any action to halt that decline, there is a real danger that the overall health of the town will continue to suffer and those national retailers that are presently located within the town centre may choose to close their operations in favour of adjoining centres. The Council considers that the strategic investment proposed by way of the Scheme must therefore be brought forward at the earliest possible opportunity.
- 3.5 The Wokingham Borough Council Retail Study Refresh 2010 and Wokingham Retail Study update 2014, undertaken by Nathaniel Lichfield and Partners provides the evidence base for the retail policies in the Local Plan. The Wokingham Retail Study, Update 2014, 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 3,700 sqm of comparison floorspace within the town by 2026.
- 3.6 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. 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. Key to the success of any town centre is therefore the availability of modern, flexible, retail units of varying sizes capable of easy adaptation to meet the changing needs of retailers and shoppers.
- 3.7 Alongside the planned improvements to the town centre, the Council is also bringing forward substantial housing-led Strategic Development Locations (SDL's); the planned urban extensions are located to the north and south of the town. These will also add significantly to the population within the primary catchment areas of the town. Indeed, the growing population places greater emphasis on the need to

enhance the quantum, quality and choice of the retail, leisure and evening economy within the town centre. Developing an appropriate environment and context for a successful mix of use is an important ingredient for a successful town centre.

- 3.8 The refurbishment of part of the Peach Place area, the corner plot of Market Place Rose Street, has been completed. This is considered phase one of the wider regeneration proposals for the town centre. The improvements have helped set a marker for the quality and ambition for the wider regeneration of the town centre. The proposed Scheme is the second and more substantial phase of the town centres regeneration.
- 3.9 The correct balance of key national retailers, restaurants and cafes will also help retain customers and push up footfall. This in turn will help sustain local niche and independent retailers who depend, in part, on the draw of the national retailers for their customer base. At the same time as the units could be increased in size to accommodate larger retailers, they could also be reduced in size to meet the needs of smaller independent retailers within the scheme.
- 3.10 The improvements to the built form and landscape framework at the heart of the town 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.
- 3.11 The strengthening of the leisure element, through restaurant and café uses, is seen as a key component of the town's future health. It will help in the diversification of the function and meet the trend for a more leisure focused retail experience. Indeed, the Town Centre Masterplan promotes mixed-use development throughout the Town Centre.
- 3.12 The creation of a high quality public realm in Peach Place will further complement the uses and reinforce a strong sense of distinction and place. It will create a new meeting place at the centre of Wokingham and add to the richness of the town's urban fabric and retail experience.

General Description of the Scheme

- 3.13 In summary, the Scheme is a mixed use redevelopment comprising part new build and part retention and refurbishment of existing buildings to provide a range of town centre uses including:
- Class A1 shops;
 - Class A2 financial and professional services;
 - Class A3 restaurants and cafés;
 - Class A4 drinking establishments;
 - Class A5 hot food takeaways;
 - Class C3 dwellings;
 - A new public square;
 - New public toilets; and
 - Associated works including reconfiguration of part of Marks and Spencer car park.

Permitted Scheme

- 3.14 The Permitted Scheme, for which the Planning Permission has been secured, includes:
- Total floor area of proposed development 6,043m² GIA (6,678 m² GEA) includes existing floor space of apartments to be refurbished;
 - Retail (A1 – A5) of 3,674 m² GIA (3,938 m² GEA) to be arranged over ground and some of the first floor levels – refer to plans;
 - New residential units; 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; resulting in the net loss of 43 short stay shoppers spaces, together with 56 private car parking spaces let on short term licence to various town centre users; and
 - Reconfigured Marks and Spencer car park area to the west of the Marks and Spencer entrance with no loss of car parking spaces.
- 3.15 The Permitted Scheme requires the demolition of certain properties within the red line of the planning application and the retention of others. These include:
- Demolition of 34-35 Market Place, 2-22 (even) Peach Street and 1-6 The Arcade; and the removal of Rose Street car park;
 - Retention of 24-38 (even) Peach Street (Marks and 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.
- 3.16 It is also proposed to upgrade the footpaths adjacent to Site subject to conclusion of an agreement with the Council's Highways Team.
- 3.17 The Permitted Scheme's total gross new retail floorspace is approximately 3,674 sqm (GIA). This represents a net increase of 907 sqm (GIA) taking into account retained floor area and existing floor area to be demolished. Flexibility between the Class A1-5 uses has been sought within the parameters of the application as the final occupants of the Permitted Scheme are not known at the time of the submission. Trends in town centre shopping indicate a move away from a single retail format shopping experience, where the blend of shops, professional services and restaurants contribute to a lively and vibrant centre. The nature of the Permitted Scheme's retail mix will change over time and a well-designed open Class A1 scheme will accommodate this.
- 3.18 The new retail 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 position. They have been designed with flexibility in mind and can accommodate a mix of sizes and 'A' uses to add to the vitality of the town centre and help to sustain its continued health. The suggested

retail unit divisions on the approved floor plans can easily be redefined to allow for growing or shrinking retailer requirements. This is only possible as the scheme will be under a single management arrangement that is very attractive to future retailers. Research with retailers, restaurant/café operators and commercial agents has helped inform and shape the development proposals.

- 3.19 As well as the new retail offer, the Permitted Scheme includes the refurbishment of existing residential properties and the provision of 22 new residential properties. Planning policy recognises that residential development can play an important role in ensuring the vitality of town centres. The Council considers that the improvement and provision of residential properties as part of the Permitted Scheme will help to strengthen the residential community living at the heart of the town centre in a highly accessible and attractive environment and further creating a balanced mixed-use community.

Design Detail of the Permitted Scheme

- 3.20 The key elements of the Permitted Scheme are:

- The Permitted Scheme respects the historic grain and Conservation Area setting within this part of the town centre and includes a new central pedestrian area that will have shops, restaurants and cafes within it. The quality of the environment on Peach Street, Market Place and Rose Street will be improved. Indeed, the removal of existing buildings, which do little for the appearance of the Conservation Area, and their replacement with new buildings, will enhance the locality.
- The Permitted Scheme comprises new retail units fronting Peach Street and the creation of a new public square framed by retail units and cafes. The public square will create an important incidental space that acts to connect a number of key pedestrian desire lines and provides an attractive, quiet and restful space. The public area will be designed in a simple and elegant way to accommodate the needs of town centre users, future occupiers and if required a civic function as well.
- Along Peach Street and facing the new square a total of fifteen new apartments are created at upper levels. The existing two apartments above Costa and Superdrug are refurbished.
- Along Rose Street town houses have been introduced to provide a finer grain and smaller scale to help the transition from the commercial heart of the town to a more residential area with a rich architectural character.
- The current Marks and Spencer unit is retained as existing. However, fourteen car parking spaces at the rear of Marks and Spencer are proposed to be reconfigured (with no loss to the overall number of spaces) and an area currently dedicated to servicing and parking is proposed to be transformed into a new area of public realm.

- 3.21 Against this background the design of the Permitted Scheme has evolved following an extensive period of consultation and design development to include:

- Peach Street - Earlier designs along Peach Street contained 2 storey retail space. Care was taken to integrate the requirements for modern 2 storey retail

into a 3 storey traditional streetscape. The new built form was flexible to allow uses within it to evolve and change as retailer formats change. This approach has now been superseded with the introduction of residential above the retail on the first floor. The decision to introduce residential use was made for a variety of reasons, including responding to a demand for more dwellings in the town centre, a requirement for the retail being primarily at ground floor with back of house above and introducing vitality and a mix of uses within the town centre. This has led to a more honest approach to the facade which is now genuinely three storey.

- Further design work has developed the appearance following the more detailed analysis of the townscape character and how the proposed scheme can add to the richness and variety within the town. Building proportions are derived from the local context. Windows are placed symmetrically within the structure and bay windows are introduced at 1st floor level. This approach has informed later design work.
- Peach Square - The design of the new public square has been developed by exploring a simplified approach, initially with a combination of brick and render.
- The proportions and scale of the building blocks are consistent with the existing context. Windows are placed symmetrically with an appropriate hierarchy of scale. The proposed designs have significantly reduced the quantity of glazing compared to earlier proposals. The original designs for Rose Street townhouses followed very simple principles with an ordered facade and centrally placed dormer windows. The building is stepped back from the pavement giving residents a degree of separation and privacy from the public street.
- The retention of the Haka, Redan Public House and Marks and Spencer store as existing. This is a direct response to feedback received from the 2013 application. This has resulted in a more open Square with the removal of the original pavilion building and reconfiguration of fourteen Marks and Spencer parking spaces. As a result the position of the arcade linking the Square to Peach Street has been altered to better respond to views in and out of the Square.
- A variety in the approach to the roofline has been introduced, more consistent with the prevailing feel of Wokingham.
- The roofline to the new scheme has been influenced by the double gable at the south end of Peach Street and the mansard roof opposite Marks and Spencer.
- The introduction of a mansard roof on Peach Street to break up the roofline by creating more variety and lowering the apparent height of a portion of the building.
- Creating a stronger 'bookend' to the arcade entrance on Peach Street.
- The spacing and proportion of windows has been explored in detail, with a decision to omit the bay window at first floor along Peach Street. All vertical windows have altered in size, becoming wider, reflecting more closely the prevailing proportions within Wokingham.

- The building adjacent to the Redan Public House, this is a large two storey retail building requiring presence both on the street and square within. A decision was taken to proceed with the gabled approach, creating a more varied streetscape and an echo of the double gable found opposite further towards Market Place.
- The designs of four townhouses along Rose Street have also evolved since the original application. Early sketches were made exploring alternative approaches to creating a 'less monolithic' feel to the terrace. Simple compositional devices have been used to do this:
 - alternate dwellings have been handed to place pairs of front doors adjacent to one another.
 - front doors have been recessed to add more depth to the facade
 - window sizes are larger and more varied
 - proportions however, are still ordered, maintaining the simple regularity of a terrace, intrinsic to its charm.

3.22 Overall the Permitted Scheme will deliver a well-designed comprehensive mix use scheme in accordance with government guidelines and Local Plan policies.

Permitted Scheme Layout

3.23 The Permitted Scheme is laid out to provide a vibrant town centre mixed-use scheme as follows:

Ground Floor

- The ground floor layout contains a number of retail units of varying sizes, maximising the amount of active frontage and creating a new external public square framed by retail units and cafes.
- Access into the new square is through a number of pedestrian routes leading from Peach Street, Broad Street and Rose Street. Pedestrian routes between buildings within the streetscape are typical in Wokingham and access to this new intimate public space is very much in this spirit.
- The building line along Peach Street is set back from the existing building line, creating a more generous pedestrian route from Market Place along Peach Street. This will make a significant improvement on the existing colonnade which effectivity splits the pavement in half, creating a darker more oppressive pedestrian experience.
- Access to residential use above is from a residential core facing the arcade between units SU05 and SU07.
- Although the application contains flexibility in terms of specific A class uses, it is anticipated that units facing the Square may be particularly attractive to potential cafe or restaurant use, benefitting from a southern aspect and the ability to place chairs and tables within the square itself.
- Disabled access public toilets are provided adjacent to Bush Walk, opposite SU014. Servicing to all units is provided from within the Square and dedicated service routes to the rear of units accessed between SU08 and SU10. There will be controls placed on delivery times and arrangements.

- Four new townhouses face Rose Street and have defensible external space, set back from the back of the pavement. These townhouses also benefit from rear courtyard space.

First Floor

- The residential core on the arcade gives access to a terrace at 1st floor at the rear of the retail space. This terrace contains private courtyard gardens providing access to the residential units facing Peach Square.
- The back of house for the retail units facing Peach Street is also at this level but is accessed from within the units below.
- SU06 has retail accommodation at this first floor level.
- The first floor of the residential units along Rose Street is also at this level - accessed from within the dwellings.
- The existing 2 flats at 1st floor above 33 Market Square are accessed from a re-configured staircase which has secure access from the new Square between units SU08 and SU10 at ground floor.
- Mechanical plant zones are provided on the roof above Costa Coffee, concealed from view from the Square as they sit behind the 1st floor residential unit and core. This is also the location for some Photo Voltaics.

Second Floor

- The second floor of the residential core along the arcade provides access to 11 apartments, 10 of which face Peach Street. These are duplex apartments with the living accommodation at second floor with direct access to a private courtyard garden. Bedroom accommodation is below at first floor accessed internally within units.
- The uppermost storey of the townhouses on Rose Street is within the roof space, with daylight through dormer windows - consistent with existing roof spaces to a number of properties along Rose Street.
- The 2 reconfigured apartments and new apartment above SU012 are accessed from the private enclosed staircase which forms part of the Peach Place Refurbishment Scheme, completed in 2014.
- The new apartment above SU013 is accessed by a staircase from a dedicated front door along Rose Street adjacent to the townhouses. Mechanical plant zones are provided on the roof above the residential core along the arcade.

Roof Level

- Roofs to retail units vary between flat roofs behind a parapet, pitched roofs, gabled roofs and mansard roofs. This creates a varied and interesting roofline.
- Roofs to the four townhouses are sloping pitched slate roofs with parapet details. Roofs to the apartments along Rose Street are flat within a parapet.

Delivery of the Permitted Scheme

- 3.24 The Council is committed, subject to completing the acquisition of all necessary land interests in the Site, to securing the early delivery of the Permitted Scheme. The grant of the Planning Permission is an important step in this process and securing the making, confirmation and implementation of the Order to complete the land assembly process will be a further important milestone. The Council further has, by way of committed financial provision within its Medium Term Financial Plan, the financial resources necessary to acquire all necessary land interests by agreement or pursuant to the Order and to deliver the Permitted Scheme. As such, the Council is in a position to proceed with the Permitted Scheme following completion of the land assembly process.
- 3.25 Assuming confirmation of the Order and making/confirmation of the related orders referred to in section 7 below by the summer of 2016, it is expected that vacant possession of the Site will be secured in autumn 2016 with work commencing on the Site at the beginning of 2017.
- 3.26 It is anticipated that the Permitted Scheme will be constructed over a period of approximately twenty months, meaning that the Scheme will be completed and open by autumn 2018.

4. Planning Position

Background and Relevant Planning History

- 4.1 The established uses across the Site include, 'A1' Retail, 'A4' Drinking Establishment, 'A5' Hot Food take-away, 'B1' Office, 'C3' Residential, 'D1' Dentist, and car parking.
- 4.2 In 2006, Rockmartin PLC submitted a planning application (F/2006/8307) for the proposed demolition of a number of buildings at Peach Place, including the public toilets, 1-5 (odd) Rose Street, 34-42 Market Place and 2-38 (even) Peach Street. The proposed redevelopment was to provide 27 units for Class A1 retail, Class A2 financial and professional services, and Class A3 restaurant and cafe use, 137 flats, 5 houses and a decked car park. The Council resolved to permit the application, but the developer did not proceed with the development as it was not viable.
- 4.3 Conservation Area Consent (CA/2006/9011) for the demolition of 1-5 (odd), and the public toilets on Rose Street, 34-42 Market Place, and 2-38 (even) Peach Street, was approved on 22 December 2006. [The consent was not implemented.]
- 4.4 A planning application for the comprehensive redevelopment of Peach Place together with development on Elms Field was submitted in November 2013 (F/2013/2283). The application was withdrawn prior to consideration as a number of concerns were made in relation to the design of the scheme. Comments made on the 2013 application have been taken into account during the refinement and amendment of the application for the Planning Permission.

The Planning Policy Framework

- 4.5 The following national, regional and local planning policies and supplementary planning guidance are relevant to the planning application.

National Planning Policy

- 4.6 The National Planning Policy Framework ("NPPF") published on 27 March 2012 sets out the Government's planning policies for England and explains how these are to be applied.
- 4.7 Paragraphs 6 and 7 establish that the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic; social; and environmental.
- 4.8 Paragraph 7 identifies the need for the planning system to perform an economic role, including:
- contributing to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places at the right time to support growth and innovation; and
 - identifying and coordinating development requirements.
- 4.9 Paragraph 7 identifies the need for the planning system to fulfil a social role, which includes supporting the creation of a high quality built environment, with accessible local services which reflect the community's needs and support its health, social and cultural well-being.

- 4.10 Paragraph 7 further identifies the need for the planning system to fulfil an environmental role, which includes protecting and enhancing the environment.
- 4.11 Paragraph 9 promotes positive improvements in the quality of the built, natural and historic environment and in people's quality of life including:
- making it easier for jobs to be created in cities, towns and villages; replacing poor design with better design; and
 - improving the conditions in which people live, work, travel and take leisure.
- 4.12 Paragraph 17 sets out core planning principles which include:
- encouraging the effective use of land by reusing land that has been previously been developed;
 - promoting mixed use development; and
 - focusing significant development in sustainable locations.
- 4.13 Paragraphs 18-22 set out the Government's commitment to economic growth to create jobs and prosperity. The planning system should do everything it can to support sustainable economic growth, plan proactively to meet the needs of business, and to support an economy fit for the twenty-first century. These policies also set out the need to identify priority areas for economic regeneration and environmental enhancement.
- 4.14 Paragraphs 23 and 24 are concerned with ensuring the vitality of town centres. These paragraphs stress the importance of:
- promoting competitive town centres;
 - policies which deliver the management and growth of centres; recognising town centres as the heart of communities;
 - supporting the vitality and viability of town centres;
 - providing customer choice and a diverse retail offer;
 - allocating sites suitable to deliver development for town centre uses in town centres where available in preference to other locations and ensuring needs are not compromised by limited site availability; and
 - planning positively to encourage economic activity where centres are in decline.
- 4.15 Paragraphs 56-58 set out guidance on making places better for people. These identify the importance of development adding to the overall quality of the area, establishing a strong sense of place and safe and accessible environments. They also set out that local authorities should seek to optimise the potential of land to accommodate development.
- 4.16 Paragraphs 69, 70 and 73 consider the role of the planning system in promoting healthy communities. These paragraphs include promoting the provision of high quality public spaces including meeting places to contribute to the wellbeing of communities.

4.17 The Permitted Scheme is consistent with, and supports the policies contained in, the NPPF because:

- it would contribute to the achievement of economic, social and environmental sustainable development (as set out in section 5 of this Statement) supporting paragraphs 6 and 7.
- it would bring positive improvements to the quality of the built environment, providing new areas of public realm, improved paving, seating and lighting, to improve the conditions in which people take leisure in line with paragraph 9.
- it would deliver mixed use development on previously developed land, in a sustainable location in line with paragraph 17.
- it would support and encourage economic growth by creating additional direct FTE jobs post-construction, and in addition construction jobs over a two year period, in line with paragraphs 18-22.
- it would promote a competitive town centre environment, recognise the town centre as the heart of the community and would support the town centre's vitality and viability in support of paragraphs 23 and 24. It would seek to ensure the town centre provides customer choice and a diverse retail offer reflecting the individuality of the town centre and would deliver main town centre uses in the town centre, in accordance with paragraphs 18-22. Furthermore, it provides a positive plan for a centre in decline in accordance with paragraph 24.
- it would make efficient use of an area which is currently underutilised, in line with the Government's desire to optimise the potential of land to accommodate development (paragraph 58).
- it would deliver the Government's expectations that Council's should plan positively for high quality and inclusive design on all development including individual buildings, public and private spaces to promote healthy communities and developments which add to the overall quality of the area (paragraphs 56-58 and paragraphs 69, 70 and 73).

4.18 Further guidance on NPPF policies is available from the National Planning Practice Guidance ("NPPG"). The section entitled "Ensuring the vitality of town centres" paragraph 001 (reference ID 2b-001-20140306) provides a summary of NPPF policy on planning for town centres. Paragraph 002 (reference ID 2b-002-20140306) states that a positive vision or strategy for towns centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits, and paragraph 003 (reference ID 2b-003-20140306) goes on to give recommendations concerning the content of such strategies including the future roles and visions of town centres and timeframes for new retail floorspace and complementary strategies. This paragraph also sets out that where a town centre is in decline, a strategy should seek to manage decline positively to encourage economic activity and achieve an appropriate mix of uses commensurate with a realistic future for the town centre.

4.19 Paragraphs 004 and 005 of the NPPG (reference ID 2b-004-20140306 and 2b-005-20140306) advise local authorities to take full account of market signals when planning for town centres and identify the indicators which are relevant in assessing the health of town centres.

- 4.20 Paragraphs 008-010 (reference ID 2b-008-20140306, 2b-009-20140306 and 2b-010-20140306) give guidance on the application of the sequential test for plan-making and decision-taking.
- 4.21 Through local planning policy and other initiatives described below, the Council has developed a strategy and vision for Wokingham town centre that is consistent with the NPPG and the Scheme, for which the Planning Permission has been granted, is an appropriate response to this.
- 4.22 The NPPG also provides guidance on the ‘importance of good design’ (reference ID: 26-001 to 005-20140306), ‘well designed places’ (reference ID: 26-015 to 022-20140306), town centre design issues (Reference ID: 26-041-20140306) and ‘conserving and enhancing the historic environment’ (reference ID 18a). Again the Permitted Scheme responds positively to this guidance.

Local Planning Policy

- 4.23 The Core Strategy for Wokingham was adopted in January 2010. The policies in the Core Strategy set out the planning framework for the Borough up to 2026.

Core Strategy – Overall Spatial Priorities

- 4.24 Paragraph 2.68 summarises the “*Aspirations and Spatial Issues for the Borough*”. This confirms:

“Overall, taking account of these issues, the aspirations and spatial issues that therefore need to be addressed by the Core Strategy are (in no order of priority):

- i. Delivers sustainable development by providing an acceptable balance of housing and employment including the provision of a full range of services accessible to people;*
- ii. Promotes sustainable use and disposal of resources while mitigating and adapting to climate change;*
- iii. Delivers housing in locations that meet the needs of the community;*
- iv. Supports a sequential approach to new mixed use development locations based primarily on larger scale (SDL) consisting of accessible, high quality, well designed development. The SDL will be supported by Development Briefs to ensure delivery of the essential community facilities and infrastructure required;*
- v. Delivers affordable housing that meets identified local needs;*
- vi. Promotes a transport system that enables access to services by a variety of modes;*
- vii. Protects the character of the borough by maintaining/improving the built/natural environment while mitigating the effect of new development on the environment;*
- viii. Maintains the distinct and separate identity of the borough’s settlements;*
- ix. Maintains and enhances all the infrastructure, including roads, railways, schools, healthcare and open space provision through new development, taking account of the health and well-being of residents;*
- x. Supports the renaissance of Wokingham and other town centres;*
- xi. Limits development in those areas at most risk of flooding and pollution;*
- xii. Protects the most important areas for biodiversity, landscape and heritage from development;*
- xiii. Maintains and enhances the borough’s knowledge and skills base;*
- xiv. Ensures good design which is in keeping with the area*
- xv. Where national and regional policies allow, takes account of the public’s views following consultation and engagement”.*

- 4.25 Paragraph 2.84 describes Wokingham as the largest retail centre in the Borough and states that:

“The 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”.

- 4.26 One of the key aspirations for the Borough, as set out in the Wokingham Core Strategy, is to support the renaissance of Wokingham town centre. Indeed, this reflects nationally stated objectives in the NPPF.

Core Strategy – Town Centre

- 4.27 The policies in the Core Strategy are particularly relevant to the assessment of the proposed development. Core Policy CP13 (Town Centres and Shopping) confirms that:

“Wokingham and Woodley town centres, Lower Earley district centre, Shinfield Road centre, Twyford village centre and Winnersh centre are suitable in principle to accommodate town centre uses. The roles of all existing and new retail centres will be protected and maintained, in addition to local shopping centres and parades that meet the day to day needs of the local community. Losses of retail from primary retail frontages will not be permitted in order to maintain vitality and viability”.

- 4.28 The hierarchy of centres within the Borough is confirmed as:

a) *“Wokingham town centre is designated as a major town centre;*
b) *Arborfield Garrison district centre (proposed through policy CP18), Lower Earley district centre, Shinfield Road district centre, Twyford village centre, Winnersh village centre and Woodley town centre are designated as small town/district centres;*
c) *Local centres – as defined in subsequent Development Plan Documents.”*

- 4.29 Paragraph 4.63 of the Core Strategy provides information (derived from the Retail Study) on the current and potential needs during the plan period of retail floorspace within the four main centres of the Borough:

“Having regard to this, the Council expects...Wokingham to serve the convenience needs of its catchment and to reduce leakage of comparison expenditure to other centres. Policy CP15 sets out the broad approach to achieving this in line with the findings of the Retail Study. As table 4.1 [of the Core Strategy] indicates, Wokingham town is the largest retail centre in the borough.”

- 4.30 CP14 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.*
5. *The use of compulsory purchase powers to facilitate site assembly and the delivery of renewal and regeneration schemes”.*

4.31 Paragraph 4.69 of the Core Strategy also 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 (see table 4.1 earlier) indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”.

4.32 In Wokingham, the adopted Core Strategy policy framework and its associated guidance has clearly set out measures to promote the sustained growth of the town centre in accordance with the principles of the NPPF. The Scheme meets the tests as set out in the NPPF (paragraph 7, 17 and 23 of the NPPF, as summarised in section 4 above); primarily as this is planned development within the town centre (MDD Policy SAL08). Moreover, as the Scheme seeks to promote a range of town centre uses within the centre of Wokingham, with a clear aim of promoting the centre’s competitiveness and attraction within a highly accessible and sustainable location, the key objectives of the NPPF are clearly achieved.

4.33 The key ambition of the Scheme is to ensure the continued and sustained health of the town centre, integrating the new retail and residential proposals with the historic core of the town in a seamless way that achieves wider benefits for all. As such, the Scheme is in accordance with the Core Strategy policy ambitions and aspirations.

4.34 The scale of the Scheme is such that it will promote more sustainable shopping and leisure patterns by enabling Wokingham to compete more effectively with surrounding higher order centres, including Reading and Bracknell, without challenging their position in the hierarchy. Moreover, the Scheme is ‘planned’ development identified through approved planning policies (Core Strategy Policy CP13 & CP14 and MDD Policy TB16 and SAL08) of the Council directed expressly at regenerating the town centre of Wokingham.

4.35 Furthermore, the Scheme is in accordance with the policy ambitions as it seeks to preserve and enhance the town’s historic character, maintains the vibrant retail frontage and introduces much needed life into the centre throughout the evening period. This is achieved with an improved restaurant and residential offer. The exact blend of restaurants and cafes is not fixed, it is anticipated that local demand and

market forces will influence this, although a planning condition restricts the amount of non A1 on Peach Street.

- 4.36 The strengthening of the leisure element, through restaurant and café uses, is seen as a key component of the town's future health. It will help in the diversification of the function and meet the trend for a more leisure focused retail experience. Indeed, the Town Centre Masterplan promotes mixed-use development throughout the town centre.
- 4.37 The creation of a high quality public realm in Peach Place will complement the uses and reinforce a strong sense of distinction and place. It will create a new meeting place at the centre of Wokingham and add to the richness of the towns' urban fabric and retail experience.

Managing Development Delivery Local Plan ("MDD")

- 4.38 The MDD, adopted February 2014, is the second Local Plan document and provides a greater level of detail about how the vision in the Core Strategy will be delivered in practice. The MDD includes the Peach Place site specific policy SAL08. This, together with other guidance, informed the layout, mix and design of the Permitted Scheme.
- 4.39 SAL08 (Allocated Mixed Use Sites) allocates five sites for development, including land at Peach Place for the delivery of (respectively):

"The sites listed below (and defined on the Policies Map) are allocated for mixed use development.

1. 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 development of the site should provide appropriate pedestrian access, which responds to the retail circuit, as set out in the Wokingham Town Centre Masterplan SPD (2010). It should also provide direct pedestrian connectivity from Market Place, Peach Street and Rose Street. Proposals should reinforce the town centre primary retail frontage and provide additional retail frontage in accordance with the retail circuit. The scale, layout and form of development shall be consistent with the Wokingham Town Centre Masterplan SPD and also the emerging Wokingham Town Centre Car Parks Strategy" [Give reference]

- 4.40 Policy CC04: Sustainable Design and Construction states that planning permission will only be granted for proposals that demonstrate the following:

"1. In respect of all new homes:

a) Seeking to achieve the requirements of the full Code for Sustainable Homes Level 4.

b) Meet internal potable water consumption targets of 105 litres or less per person per day (as part of the requirement to meet full Code for Sustainable Homes Level 4).

2. All new non-residential proposals of more than 100 sq m gross non-residential floorspace shall at least:

a) Achieve the necessary mandatory Building Research Establishment Assessment Method (BREEAM) requirements or any future national equivalent

b) Meet or exceed statutory requirements for water resource management.
3. All development, including conversions, alterations and extensions shall incorporate suitable waste management facilities, including on-site recycling”

4.41 TB15 (Major Town, and Small Town/ District Centre development) confirms the hierarchy as set out in CP13 and sets out proposed primary shopping areas in the respective centres. It provides that:

"3. Planning permission will only be granted for proposals for main town centre uses within Wokingham town centre' where they are consistent with the WTCM SPD and demonstrate that:

- 'They are of a scale and form that is compatible with the retail character of the centre and its role in the hierarchy of retail centres
- How it retains or increases the provision of Use Class A1 (Shops) in primary shopping frontages and the provision of Use Class A1 or A2 (Financial and professional services) or A3 (Restaurants and cafes) or A4 (Drinking establishments) or A5 hot food takeaways in secondary shopping frontages.
- They contribute to the provision of day and evening/night-time uses and are compatible with other uses
- They enhance vitality and viability"

Other Strategies and Guidance

4.42 In addition to the approved Development Plan documents, emerging policies and a range of supplementary planning documents and guidance also have relevance. A summary of the main guidance and how the Scheme complies with it is provided below.

Wokingham Town Centre Masterplan Supplementary Planning Document (2010)

4.43 This is a significant policy 'tool' in terms of the town centre. As adopted supplementary guidance, this policy guidance carries significant weight in the decision making process. The Wokingham Town Centre Masterplan SPD identifies development sites and other areas of the town centre as having potential for redevelopment as part of a wider town centre masterplan.

The SPD was created in order to identify:

"...a clear, distinctive and deliverable vision for Wokingham Town Centre to 2026"

"There are five key objectives:

- A thriving town centre;
- An eighteen hour economy;
- Streets as places;
- Spaces to breath;
- Setting the design standard'

Vision for Peach Place in the Town Centre Masterplan

4.44 Peach Place is identified as a short term opportunity site within the town centre within the SPD. Section 12.3 describes in detail the vision for the Peach Place. The key objectives in its redevelopment are 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”*

- 4.45 Paragraph 12.3.3 explains that Peach Place represents a significant opportunity to improve Wokingham’s town centre’s retail competitiveness and that its development is of significant importance to the ongoing improvement of the retail offer in Wokingham. The site includes the Grade II listed Bush Walk, which is accessed from the Market Place frontage, and leads into the heart of the site - *“This small, intimate arcade has an attractive character and accommodates a range of interesting shops, including some independent retailers, with a focus on fashion. Retention of the arcade is essential and in design terms is considered a minimal requirement. The arcade can set the tone for the character and scale of the development, and proposals should enhance the urban experience which it creates”*.
- 4.46 The SPD states that any future development should respond to the setting of Peach Place, taking into consideration its prominent position opposite Wokingham Town Hall. Residential development should be located above ground level and consideration should be given to appropriate unit types, access for residents, waste storage and collection, proximity of employment and services, noise sources, servicing activity and the provision of outdoor private amenity space. The SPD states that a new urban space should be provided within the main area of the Peach Place site. Objectives for this envisaged space include high quality landscaping, ease of access for pedestrians and provision of outdoor seating.
- 4.47 The proposed development also responded positively to the guidance contained within The Borough Design Guide SPD (May 2012) and the Wokingham Borough Sustainable Design and Construction Supplementary Planning Document and Companion Document.
- 4.48 The Scheme fully responds to the identified objectives and vision set out in the policies of the Town Centre Masterplan SPD. Indeed, the Design and Access Statement which was submitted with the planning application for the Permitted Scheme explains in detail how the mix of uses, design, form and scale of the Permitted Scheme complies with the principles included in the policies.
- 4.49 The Permitted Scheme has been developed in accordance with the key spatial land use principles of the Wokingham Town Centre Masterplan, Core Strategy and Managing Development Delivery Plan.
- 4.50 The Permitted Scheme further provides an opportunity for enhancement of the significance and setting of heritage assets by removing buildings that detract from the setting and backdrop of key heritage assets. The replacement buildings will be more sensitive to the setting of the heritage assets by providing a restrained elegance that does not compete with the intricate brick detailing of the town centres most prominent heritage asset the Old Town Hall. The proposed palette of materials complements the brick and render of existing buildings. The development will conserve, sustain and enhance the significance of heritage assets and it will contribute to local character and distinctiveness. In these respects, the development

complies with policy within paragraph 131 of the NPPF.

- 4.51 In addition, the Permitted Scheme has responded in a positive way to the key land use principles of the Wokingham Town Centre Masterplan, including:

Reconfigured retail/leisure environment developed to respect existing building frontages.

- The new quarter links effectively with the adjoining town centre environment, respecting existing routes and desire lines.
- A new public space is created and animated by the adjoining buildings to provide a flexible space for formal and informal activity.
- Building scale and height is appropriate to its context and enhances the setting of this important historic environment.
- A new residential frontage is created on the Rose Street elevation to help mend the fabric of the street and improve the integration of the development with its surroundings.

Determination of the Application

- 4.52 The application relating to the Planning Permission was considered by the Council on 4 March 2015. The report to members concluded:

“The proposal will deliver the next step in the regeneration of the town centre, replacing or refurbishing existing poor quality buildings and providing a mix of town centre uses, including a new public square, to support a vibrant town centre. It is consistent with Development Plan Policy and the guidance in the Wokingham Town Centre Masterplan SPD, which seek to secure the growth and renaissance of Wokingham the town centre and can be supported”

- 4.53 The Council consequently resolved as follows:

*“Wokingham Borough Council, in pursuance of its powers under the above Acts and Regulations, hereby **Grants Permission** for the above development to be carried out in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder”*

- 4.54 The Planning Permission was subsequently granted on 5 March 2015.

- 4.55 The Sustainable Communities Infrastructure Working Group (a Member/Officer Reference Group at Wokingham Borough Council) has committed the following funding by way of mitigation of the Permitted Scheme:

Infrastructure	Contribution
Access and Movement (My Journey sustainable travel)	£9,450
Mainstream Primary Education	£82,106
Primary Special Educational Needs	£19,532
Mainstream Secondary Education	£13,188
Secondary Special Educational Needs	£2,084
Post -16	£3,260
Total Education	£120,170
Suitable Alternative Natural Greenspace (SANG)	£6,897
Strategic Access Monitoring and Management (SAMM)	£28,694
Mitigation of the impact upon SPA (ring-fenced contribution)	£35,590
Environmental Improvements in the Town Centre	c £192,790
TOTAL	c £358,000

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5. Case for Compulsory Purchase/Purpose of Acquisition

Compulsory Purchase Powers

- 5.1 The Council has the power in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning & Compulsory Purchase Act 2004) to make a compulsory purchase order for any land in their area if the Council think that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.
- 5.2 Pursuant to Section 226(1)(a) the Council may not exercise the power unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- a the promotion or improvement of the economic well-being of their area;
 - b the promotion or improvement of the social well-being of their area;
 - c the promotion or improvement of the environmental well-being of their area.
- 5.3 It is immaterial that the development, re-development or improvement may be carried out by a third party.
- 5.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire new rights.
- 5.5 ODPM Circular 06/2004 (Compulsory Purchase and the Criche Down Rules) (“the Circular”) provides updated and revised guidance to acquiring authorities in England on the use of compulsory purchase 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”.*
- 5.6 Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 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.”*
- 5.7 Importantly, the Circular requires that a compulsory purchase order should only be made where there is a compelling case in the public interest.

- 5.8 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 an order 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:-
- a Whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;
 - b The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - c The potential financial viability of the scheme for which the land is being acquired;
 - d 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.
- 5.9 The Circular also requires the Council to have regard to the following when considering making a compulsory purchase order:-
- a 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;
 - b 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;
 - c Evidence relating to financial viability;
 - d Whether the scheme is likely to be blocked by other impediments to implementation.
- 5.10 In considering the implications of making the Order 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 Criche! Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'.

The Council's support for the Scheme

- 5.11 The Scheme is in line with adopted planning policy for the Site and is supported by national planning policy and guidance. 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 Wokingham town centre. Importantly, the Council considers that the Scheme will deliver the comprehensive regeneration of the Site and that, in the absence of the Scheme and the Order to enable it, the regeneration of Wokingham town centre will not be achieved as piecemeal redevelopment of the Site is unlikely to come forward.

Resolution to make the Order

- 5.12 The Council resolved on [] July 2015 to make the Order, reports were presented to the Council's Executive on 19 February 2015 and [] July 2015.

- 5.13 In resolving to make the Order the Executive took into account the various factors referred to in this Statement and also the rights of property owners under the European Convention of Human Rights (“the Convention”), as incorporated into domestic law by the Human Rights Act 1998. The Cabinet noted especially the advice of the Secretary of State in Circular 06/2004 that: *“An acquiring authority should be sure that the purposes for which it is making a Compulsory Purchase Order sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol of the European Convention of Human Rights and, in the case of a dwelling, Article 8 of the Convention.”*

Article 1 protects the right of everyone to the peaceful enjoyment of possession, so that no one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 protects private and family life, home and correspondence, so that no public authority can interfere with these rights 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.

- 5.14 In balancing the rights of the individuals affected and the interests of the public, and especially in the light of the significant benefits arising from the Scheme, the Executive considered that the Order should be made.

Justification for the Order

- 5.15 The Council considers that the Order is fully justified. Its resolution to make the Order accords entirely with the advice (set out above) in Circular 06/2004 which encourages local authorities to exercise their compulsory purchase powers to ensure that sites are brought forward for development.
- 5.16 The Council believes that all of the land and rights over land including in the Order are required for the Scheme to proceed. The rights, also described in paragraph 2.4 above have been identified, as being necessary for the implementation of the Scheme.
- 5.17 The Council has determined, for the purposes of Section 226(1)(a), that the purchase of the Order Land will facilitate the carrying out of the development, redevelopment and improvement of the land the subject of the Scheme. In this respect the Council also believes, as regards Section 226(1A), that the Scheme is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Wokingham.

Scheme Benefits

- 5.18 A key ambition of the Scheme is to ensure the continued health of the town centre, 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 buildings on the Site are of poor quality, appearance and layout, meaning that the town centre has struggled to attract the quality of occupier desired to sustain and lift the retail order in the town centre.
- 5.19 The Scheme is in line with the Development Plan for the Site and is supported by national planning policy and guidance, this is discussed in some detail in section 4 of this statement. 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.

5.20 In summary, it is considered that the Scheme will deliver the following public benefits:

Economic Benefits

- 5.21 The Scheme will deliver new, larger format modern retail units which will be attractive to retail and restaurant operators. 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.
- 5.22 The Scheme will create new jobs and valuable investment into the local area. It is predicted to create approximately of 107 (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.
- 5.23 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.
- 5.24 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 the Permitted Scheme 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. As the Permitted Scheme will deliver a net increase in retail floor area of just over 900 sqm (GIA), it will make a positive contribution to bringing forward some of the identified commitment for the town centre.
- 5.25 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 Scheme 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.
- 5.26 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.
- 5.27 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. 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.

Environmental Benefits

- 5.28 The improvements to the built form and landscape framework at the heart of the town 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 Scheme is an important planned intervention for the historic town centre area and will help secure its sustained health and vitality.
- 5.29 The 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 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.
- 5.30 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.
- 5.31 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.
- 5.32 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.
- 5.33 Seating and resting areas will be located at regular intervals, the gentle gradient across the public realm across area is DDA compliant 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 will be built to Lifetime Homes standards and capable of future adaptation to meet residents changing needs.
- 5.34 The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.
- 5.35 The Scheme will provide for more sustainable modes of transit including walking and the provision of 37 cycle storage spaces will be included as part of the scheme.

Social Benefits

- 5.36 The 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. Providing highly accessible environments and premises helps provide an important resource that reduces a sense of isolation for some of the most disadvantaged members of the community.
- 5.37 The proposed residential provision within the Permitted Scheme 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.
- 5.38 It is estimated that the proposed scheme 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.
- 5.39 New public toilets that are compliant with the Disability Discrimination Act 1995 will be provided on the site, this is an important amenity that has been consistently requested by the local community during the development of the Permitted Scheme.

Conclusions

- 5.40 The Scheme now represents a prime opportunity to bring forward an appropriate comprehensive redevelopment scheme for Wokingham town centre. With the grant of planning permission, the Council is satisfied that there are no planning, financial or other impediments to the implementation of the Scheme.
- 5.41 The Council considers that there is a compelling case in the public interest for the Order to facilitate the Scheme.

6. Related Orders and Special Considerations affecting the Order Land

Stopping Up Order

6.1 []

6.2 It is expected that any objections to the Section 247 Order would be considered together at any public inquiry relating to objections to the Order.

Special Considerations

6.3 Peach Place is within the Wokingham Town Centre Conservation Area.

6.4 Peach Place is further identified within the MDD Policy TB25 as being within an area of Archaeological Potential. A Cultural Heritage Baseline Assessment report of the site, to include an appropriate mitigation strategy, was submitted with the application relating to the Permitted Scheme. Planning conditions are in place to protect any archaeological remains on the Order Land.

6.5 There are no listed buildings within the Order Land. There are however listed buildings adjoining and within close proximity of the Order Land including: Bush Walk and Wokingham Town Hall on Market Place is a Grade II* listed building. In addition other listed buildings are located on Bush Walk, Rose Street and Market Place.

6.6 The Permitted Scheme takes account of the listed buildings in the town centre in accordance with relevant policy. The setting of the listed buildings, and key views across the town, has been carefully considered and measures have been included to enhance these within the development proposals. A benefit of the Permitted Scheme is that the improved quality of the architecture to be provided as part of the Permitted Scheme will contribute to the overall setting of the nearby listed buildings. The Design and Access Statement submitted with the application for the Permitted Scheme explains the approach in more detail.

7. Human Rights and Equality Considerations

Human Rights

- 7.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“ECHR”). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.
- 7.3 As is clear from the Circular, a compulsory purchase order should only be made where there is a “compelling case in the public interest”, and that a public authority pursuing a compulsory purchase order should be sure that the purposes for which it is making that order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the ECHR.
- 7.4 Article 1 of the First Protocol of the ECHR states that “every natural or legal person is entitled to peaceful enjoyment of his possessions” and that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law....”.
- 7.5 Whilst the owners of the land comprised in the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented, this will be done in accordance with the law. The public benefits associated with the Order are set out in this statement, and the Council considers that the Order strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.6 In this case, despite efforts being made, the Council has not been able to secure agreements with the owners of the Order Land nor has it been possible to locate the owners of the land in “unknown” ownership. Such parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Council pursuant to the Order.
- 7.7 Article 6 of the ECHR provides that: “in determining his civil rights and obligations ...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The Article 6 rights are met by the procedures for objection and confirmation, the right to bring a legal challenge in the High Court under the Acquisition of Land Act 1981 and the right to have any claim for compensation determined by the Upper Tribunal.
- 7.8 The regeneration of the Site including the Order Land has been comprehensively consulted upon. There has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. The Council has further entered into extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 7.9 Where parties object to the Order, the Secretary of State for Communities and Local Government shall arrange either for written representations, or for a public local inquiry to be held to provide those parties with an opportunity to be heard. Should the Order be confirmed, a person aggrieved may challenge the order in the High

Court if they consider that there are sufficient grounds for doing so. In relation to compensation disputes, affected persons have the right to apply to the Upper Tribunal, an independent judicial body. This process is compliant with Article 6.

- 7.10 Article 8 of the ECHR provides that: "*everyone has the right to respect for his private and family life, his home and his correspondence*" and that "*there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of....the economic wellbeing of the country...*".
- 7.11 Whilst there may be some interference with the rights of the owners of the land comprised in the Order, this will be done in accordance with the law. The Council considers that the benefits associated with the Scheme as set out in this report, strike a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 7.12 The Council has carefully considered the matters it has to balance in reaching its decision to progress the Order, and has decided that there is a compelling case in the public interest to proceed with making it, so as to enable the redevelopment of the Site to proceed.

Equality

- 7.13 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 to 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.
- 7.14 The Council has been mindful of its equality duty and has had regard to the impact of the regeneration of the Site and provision of the Permitted Scheme on such protected characteristics.

Consultation with the Local Community about the Scheme

- 7.15 The regeneration of Wokingham Town Centre has been a long term aspiration and corporate objective of the Council and a high priority of the local community. Engagement with the local community to develop a better understanding of individual, group and business interests varied needs and aspirations for the site has been ongoing for a long period of time. Some of the key engagement activities and findings are outlined below.
- 7.16 As stated above the Local Plan policy in the Core Strategy (Jan 2010) and MDD (Feb 2014) identifies the site known as Peach Place as being allocated for mixed use development. Both plans were placed on deposit and provided individuals, groups and business concerns with the opportunity to consider the implications of the proposed policy and to comment on them. The Public Inquiry enabled the independent Inspector to consider all representations on the plan policy and to direct any changes, the policy was adopted as sound and appropriate for the site and the

needs of the local community.

- 7.17 The Wokingham Masterplan was adopted in 2010, this included details of how Peach Place was to be developed and how it related to its context and helped achieve the wider ambitions of the town centre. The Masterplan was the subject of extensive consultation, individuals, local groups and members of the local community were invited to comment. Issues raised included the loss of the Rose Street car park, access to the town centre for the elderly and people with disabilities, the range of commercial and community uses that would provide a balanced offer within the town, pedestrian routes to and within the site, cycle access and storage facilities as well as comments on the potential layout and design of the scheme.

Consultation with the Local Community about the Permitted Scheme

- 7.18 During the preparation of the Permitted Scheme and during its determination period, the applicant and the Council undertook a wide range of consultation and engagement events to enable local interested parties to comment on the proposed scheme. The engagement events took the form of:

- Stakeholder briefing sessions for invited parties including:
 - Wokingham Society;
 - Wokingham History Group;
 - Wokingham Remembers;
 - Rose Street Residents Association;
 - Great Langborough Residents Association;
 - Wokingham Town Team;
 - Wokingham Chamber of Commerce;
 - Wokingham Town Council;
 - Bradbury Centre and Rose Street Methodist Church;
 - Peach Place Commercial Tenants (Tenants within Council owned units).
- Public exhibition events where members of the public could view and comment on emerging schemes proposals. These events were advertised in local newspaper, letters were sent to local residents and businesses and posters erected close to the event location – usually within one of the vacant premises on Peach Street.
- Regular press articles were issued to help keep locals engaged and informed of progress with the scheme proposals.
- A scheme web-page was created to help inform people and to collect comments
- The Council's regeneration website also provided the opportunity to view the submitted proposals and to comment on them.
- Engagement events were held at local schools to ensure that the views, needs and concerns of the local youth community were understood and they had an opportunity to help shape and inform the form and design of the Scheme.

- 7.19 The Statement of Community Involvement and Design and Access Statement submitted with the planning application both set out in some detail a summary of the comments made on the proposals during the preparation of the planning application

and how the scheme had sought to address these. The key points included:

- Overall general support for the redevelopment of Peach Place and the proposed new land uses.
- Concern at loss of car parking and access to the town centre. The Transport Statement considered the impacts associated with the loss of parking and access for all to the town centre amenities and concluded that the overall quantity and spread of alternative parking within the town was adequate to meet the needs of all user groups. Additional disabled parking bays will be provided either on Rose Street and or an alternative location within close proximity to the site.
- The mix of residential unit size on the site was supported as this will allow for a range of users from single household to families, the town houses and majority of the flats are designed to 'lifetime homes' standards to accommodate the needs of future occupiers.
- Affordable housing on the site was requested, this has been considered and is under review as part of the ongoing viability appraisal for the site.
- The retail and leisure facilities were supported as they will meet the needs of the growing community in a safe and attractive environment, smaller shop units that could be used for new local independent traders supported.
- Concern was raised in relation to where existing businesses would be relocated. The majority of the units on Peach Street are on short-term leases and were let in the understanding that the development was being proposed, the Councils Estates team will work with the existing tenants in an effort to identify possible alternative premises.
- Cultural and arts activities on the site will be possible within the new square.
- The new public toilets will be built to disabled access standards.
- Adequate cycle parking and storage will be provided on the site to promote alternative access to the site.
- The Permitted Scheme has been designed to secure by design standards, appropriate lighting and surveillance will be provided to promote a safe and secure environment for all.
- The new public realm will provide a much improved and accessible environment at the heart of the town, resting places for use by the elderly and less mobile will be provided.

7.20 The Permitted Scheme has been amended where possible to accommodate the requirements and address the concerns raised by local residents and businesses. The Permitted Scheme will offer important enhanced employment opportunities for the local community and help promote an improved sense of wellbeing for all residents.

7.21 One particular issue which was raised during the consultation process in respect of the planning application for the Permitted Scheme was the impact of the Permitted 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.

- 7.22 The Council determined that generally the Permitted 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 Permitted Scheme would allow much easier physical access to shops, residences and communal areas which would in turn promote independence and social inclusion.
- 7.23 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.

Conclusions

- 7.24 The Council is content that it has discharged its public equality duty and that the redevelopment of the Site and the Permitted Scheme has the potential to have a positive impact on the protected characteristics. Where there is potential for the Permitted Scheme to have a detrimental impact on protected characteristics, steps have been taken to mitigate it.

8 **CONCLUSION**

For the reasons set out in this Statement, the Council considers that there is a compelling case in the public interest and that the Order should be confirmed to facilitate the regeneration of the Site.

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9 ADDITIONAL INFORMATION

General Information

- 9.1 The documents relating to the Order are listed in Appendix A to this Statement and can be inspected during normal office hours at the Council's offices at the Civic Offices Shute End Wokingham RG40 1BN.
- 9.2 The additional documents listed in Appendix B to this Statement, which the Council may also refer to at any public inquiry, can be inspected during normal office hours at the Council's offices. The Council reserves the right to add or remove documents from this list in the light of any objections and representations made in respect of the Order.
- 9.3 All of the documents can also be viewed online at [].
- 9.4 Persons requiring further information regarding the Order should contact [] at the Council by email to [] or by telephone on [].
- 9.5 Owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact [] or by telephone on [].

Statutory Procedures

- 9.6 Any objection or other representation concerning the Order must be made in writing to National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW before [] and should state the title of the Order and the grounds of objection or representation.
- 9.7 If objections to the Order are received from any person who is an owner, lessee or occupier (except tenants for a month or a period less than a month) of the Order Land and such objections are not withdrawn, then an opportunity will be given by the Secretary of State for objectors to state their views at either a public inquiry or hearing before an independent inspector after the end of the objection period.
- 9.8 If a public inquiry or hearing is to be held, all objectors will be notified individually at least 6 weeks beforehand and those who have made representations or wish to support the proposals will be similarly informed. Notice of any public inquiry or hearing would also be published in the local press.
- 9.9 It should be noted that it might be necessary to communicate the substance of all comments received to other people. If a public inquiry or hearing is held, letters of objections and other representations would be passed to the inspector holding the public inquiry or hearing.

Compensation

- 9.10 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled 'Compulsory Purchase and Compensation' Listed below:
- (a) Booklet No 1 – Compulsory Purchase Procedure;

- (b) Booklet No 2 – Compensation to Business Owners and Occupiers;
- (c) Booklet No 4 – Compensation to Residential Owners and Occupiers.

9.11 Copies of these booklets are available free of charge from the National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW or online at:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

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APPENDIX A

Order Documents

- 1 The Order
- 2 The Order Map
- 3 Statement of Reasons for the Order

APPENDIX B

Reports and Minutes

- 1 Executive Paper dated 19 February 2015
- 2 Minutes of Executive Meeting on 19 February 2015
- 3 Executive Paper dated [] July 2015
- 4 Minutes of Executive Meeting on [] July 2015

Planning Application Documentation

- 5 Planning Application F/2014/2637
- 6 Plan showing application boundary
- 7 Planning Statement dated []
- 8 Design and Access Statement dated []
- 9 Statement of Community Involvement dated []
- 10 Approved Drawings
- 11 Committee Report dated 4 March 2015
- 12 Members' Update dated 4 March 2015
- 13 Planning Permission dated []

Planning Policy Documentation

- 14 National Planning Policy Framework
- 15 National Planning Policy Guidance
- 16 Core Strategy for Wokingham
- 17 Managing Development Delivery Local Plan
- 18 Wokingham Town Centre Masterplan SPD

Other Documentation

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