

REIGATE AND BANSTEAD BOROUGH COUNCIL

**THE REIGATE AND BANSTEAD BOROUGH COUNCIL (MARKETFIELD WAY) COMPULSORY
PURCHASE ORDER 2018**

TOWN AND COUNTRY PLANNING ACT 1990

AND

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

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1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of Reigate and Banstead Borough Council ("the **Council**") for making a compulsory purchase order entitled 'The Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018'.
- 1.2 On 23rd February 2018, the Council made the Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018 ("the **Order**").
- 1.3 The land proposed to be compulsorily acquired under the Order (the "**Order Land**") covers an area of land within Redhill Town Centre between Marketfield Way, Marketfield Road, Station Road, and High Street. The extent of the Order Land is shown edged red on the enclosed Order Map (reference PA-2620-CPO-R7) ("the **Order Map**"). In addition, a New Right is to be created over land immediately adjoining the Order Land coloured blue on the Order Map to create a means of pedestrian access to the High Street
- 1.4 The Order is made under Section 226(1) (a) and Section 226 (3) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) ("the 1990 Act") and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (together referred to as "**the Enabling Powers**"). The Council's purpose in acquiring the land is to secure the development, redevelopment or improvement of a significant part of Redhill Town Centre through the provision of a new mixed-use development including anchor cinema, retail and residential development. The Order Land has been in decline for many years and there is a clear need for its regeneration in order to create a vibrant mixed-use, high quality Town Centre which will result in social, economic and environmental benefits to the area.
- 1.5 The Order will be submitted to the Secretary of State for Housing, Communities and Local Government for confirmation pursuant to the Acquisition of Land Act 1981. The Council is satisfied that there are no legal, financial, planning, or physical impediments to this scheme being implemented.
- 1.6 This Statement has been prepared in accordance with the guidance set out in "Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" published in October 2015.

2. LOCATION, DESCRIPTION, AND USE OF THE ORDER LAND

Location

- 2.1 The Order Land lies within the town centre and urban area of Redhill. It is situated between High Street to the west, Station Road to the north, Marketfield Way to the east, and Marketfield Road to the south.
- 2.2 The Order Land is located opposite the main entrance to the Belfry Centre on the High Street, and falls within the Redhill Town Centre Primary Shopping Area as designated in the local planning authority's development plan. The Order Land is located in close proximity to Redhill bus station and railway station, the latter of which is located diagonally opposite the site.

Description

- 2.3 The Order Land is 0.59 hectares of land in Redhill Town Centre currently used for shops, offices and a surface car park. The Order Land primarily accommodates a surface car park, mixed use office/retail buildings at 18 to 44 (evens) High Street, and land to the rear of Marylebone House and 16 to 32 (evens) Station Road.
- 2.4 It is currently accessed by vehicles from Marketfield Way and Marketfield Road. Pedestrians are able to access the Order Land from the High Street, as well as from Marketfield Way and Marketfield Road.

Present Use

- 2.5 The Order Land is currently used as the Council's Marketfield Road Car Park. There are also 12 shops with offices above in the High Street, opposite the main entrance to the Belfry Shopping Centre.
- 2.6 The existing surface car park currently accommodates 97 car parking spaces, and is accessed from Marketfield Way. There are additional parking spaces within the Order Land boundary, which are privately used by owners and occupiers of adjoining retail and residential units. The Order Land includes premises known as 18 to 44 (evens) High Street, which comprise a 1970's mixed use development with two storeys of offices or ancillary retail above ground floor retail units.
- 2.7 The Order Land also includes land to the rear of Marylebone House and 16 to 32 (evens) Station Road, which is presently used to service these properties, although the properties themselves are excluded from the scope of the Order Land.

3. JUSTIFICATION FOR THE SCHEME

- 3.1 The Order Land is centrally located in a prominent position within Redhill Town Centre.
- 3.2 Redhill is recognised as the main focal point for economic and cultural provision in the Reigate and Banstead Local Plan Core Strategy (adopted 2014) ("the **Core Strategy**") (see paragraph 5.1.9). The Core Strategy seeks to ensure that in the future, Redhill realises its full potential to become the thriving centre of the Borough where people want to live, work, shop and spend their leisure time. Its vision for the town in 2027 is that *"through regeneration, the potential of Redhill – and the town centre in particular – as an attractive sub-regional centre and vibrant place to live, work and spend time will have been realised"* (see paragraph 4.4 of the Core Strategy).
- 3.3 Redhill currently underperforms as the Borough's main town centre. It suffers from a lacklustre image, with poor public perception as a place and weak market perception as a town in which to invest. With a limited retail and leisure offer and a limited evening economy, Redhill does not attract significant local consumer expenditure, with many local residents choosing to spend their time and money elsewhere.
- 3.4 The Council has long considered that the Marketfield Way site has a crucial role to play in delivering the regeneration vision for Redhill. It provides an excellent opportunity for a comprehensive redevelopment that will drive forward the regeneration of Redhill and set the quality standard for future development in the town centre. In 2010 the Council commissioned a professional design team to undertake a study of the site and in 2011 the Council concluded that a retail-led mixed use development incorporating a cinema was the favoured choice for the site. In February 2015 the Council resolved to progress the Marketfield Way development, for which planning permission was secured in January 2017. In October 2015 the Council's Executive approved the principle of using compulsory purchase powers to acquire relevant interests in the Order Land in order to facilitate its redevelopment and in May 2017 the Executive authorised necessary steps to secure the making, confirmation and implementation of a compulsory purchase order and to acquire the land.
- 3.5 A Retail and Leisure Needs Update Study undertaken by the Council in 2011 identified that an additional 25,800 sqm of comparison floorspace and 11,700 sqm of convenience floorspace will be needed by 2027 across the Borough. The Study also identified that the Borough is poorly served by cinemas, with a requirement for additional facilities to service the local population and an improved evening economy.
- 3.6 The Council commissioned a survey of Redhill's car parking capacity in 2011 (the Redhill Town Centre Parking Options Study published 22 November 2011). This report concluded that there was significant spare parking capacity within Redhill Town Centre, and that this oversupply would continue even if Marketfield Road Car Park was to be closed.

- 3.7 A further Retail Needs Assessment was carried out by the Council in June 2016 ("the **2016 Study**") in updating its evidence base as part of its emerging Development Management Plan process. In relation to Redhill Town Centre, the 2016 Study noted that *"the A3 to A5 leisure offer is limited in choice and variety, and there are relatively few representations from national operators...provision is therefore primarily through independent operators and tends to cater to the lower end of the market"* (paragraph 4.15). In this regard, the 2016 Study concluded that *"market research indicates that an improved dining offer would support the main retail function by increasing dwell time"* (paragraph 7.20).
- 3.8 The 2016 Study further noted that *"D2 leisure facilities are somewhat limited"* (paragraph 4.16). As such, the 2016 Study states that *"an improved leisure offer would encourage office workers to spend more time in the centre beyond working hours, contributing to the growth of the evening economy"* (paragraph 7.20).
- 3.9 Both the Council's Five Year Plan and adopted Core Strategy recognise the importance of promoting the Borough as a place to do business and providing commercially and residentially attractive developments to deliver the regeneration and economic benefits for the Borough and its residents, through increased investment and the provision of jobs. The Marketfield Place site has a key role to play in the town's regeneration.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 4.1 Following the Council's resolution to progress with the mixed-use development of the Order Land, an application for planning permission was submitted in April 2016 with permission granted in January 2017 for the following development:

*“Demolition of existing buildings and redevelopment to provide new multi-screen cinema and retail, restaurant and café units (use classes A1 and/or A3 and/or D2) at ground and first floor level and residential apartments within buildings comprising part five, part six, part ten and part thirteen storeys together with basement car parking and access, cycle storage and associated facilities including new amenity space and public realm” (“the **Permitted Development**”)*

- 4.2 The Permitted Development includes the creation of 153 one and two-bedroom apartments, each compliant with national space standards; basement car parking; 9,442 sqm GEA of new town centre uses, split across ten units at ground and first floor level, with the residential accommodation above. The intention is for these units to provide flexible floorspace between Class A1 (shops); A3 (restaurants and cafes) and Class D2 (assembly and leisure). A six-screen cinema multiplex with capacity for c.800 people will be provided on north-east corner of the site.
- 4.3 The Permitted Development will allow for new shop fronts along the High Street and new food and beverage units along Marketfield Way. The principal mass of the residential element will be located towards the southern end of the site, complementing the existing cluster of taller buildings at Kingsgate House and Red Central.

5. PLANNING POLICY

5.1 The redevelopment of the Order Land fully accords with the development plan and with all relevant strands of national and local planning policy and guidance aimed at promoting sustainable development.

National Planning Policy Framework ("NPPF" or "the Framework")

5.2 The NPPF articulates the Government's vision for sustainable development. The presumption in favour of sustainable development is central to the policy approach and is characterised by three "roles" (see paragraph 7 of the NPPF):

5.2.1 an economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places;

5.2.2 a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and accessible supporting uses to reflect the community's needs; and

5.2.3 an environmental role – protecting and enhancing the natural, built and historic environment.

5.3 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 of the Framework confirms that this should be seen as a golden thread running through the decision-taking process.

5.4 Paragraph 17 of the Framework contains 12 core principles which should underpin decision-taking. These include the need for planning to:

- proactively drive the homes, businesses, and thriving local places that the country needs;
- take account of the different roles and character of different areas, promoting the vitality of main urban areas;
- encourage the effective use of land by reusing land that has been previously developed;
- focus development in locations which are or which can be made sustainable; and
- promote mixed use developments and encourage multiple benefits from the use of land in urban areas.

5.5 Paragraph 23 of the Framework states that planning policies should be positive and promote competitive town centre environments. This paragraph explains that policies should *"promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres"*. Paragraphs 24 to 27 of the NPPF seek to direct development for main town centre uses to town centres, although paragraph 23 acknowledges that planning policies should recognise the role that residential development can play in ensuring the vitality of centres. Annex 2 of the Framework confirms that 'main town centre uses' includes retail development, leisure and recreation uses, including cinemas, bars and restaurants.

- 5.6 As discussed above, the scheme promotes the redevelopment of a brownfield site in Redhill Town Centre for the delivery of a mixed use scheme to assist in the regeneration of the area. The mix of uses proposed include leisure and retail uses, with national policy entirely supportive of such uses being located within existing town centres to preserve their vitality and vibrancy. The proposed retail, restaurant, and café units within the scheme seek to satisfy an unmet demand, and provide a diverse offer which will enhance the local economy.
- 5.7 The scheme also proposes residential development, with national policy supportive of the role that residential uses can play in ensuring the vitality of town centres. Indeed, paragraph 47 of the Framework indicates that local planning authorities should seek to "boost significantly the supply of housing", with paragraph 50 adding that a mix of housing should be planned for in delivering a wide choice of high quality homes. The Core Strategy identifies that Redhill Town Centre is expected to deliver 750 additional homes during the plan period, and the residential component of the scheme will assist in satisfying this target.

Local Policy

- 5.8 The development plan in respect of the Order Land is currently comprised of the Core Strategy, and the saved policies of the Reigate and Banstead Borough Local Plan 2005 ("the Local Plan"). At the time of drafting this Statement of Reasons, the Emerging Development Management Plan ("the **Emerging DMP**") has yet to be submitted to the Secretary of State for Housing, Communities and Local Government for examination, and does not form part of the statutory development plan.

The Core Strategy

- 5.9 The Core Strategy provides the spatial strategy for the Borough up to 2027. It covers a wide range of spatial planning issues, including regeneration, economic, and residential development.
- 5.10 The Core Strategy identifies Redhill Town Centre as "*requiring additional investment to provide new and better facilities and hopes to improve their role and offer*". Paragraph 5.1.9 recognises that Redhill "*does not currently fulfil its potential in terms of its retail offer and range of leisure facilities*". Paragraph 6.6.7 of the Core Strategy states that Redhill Town Centre is "*a priority regeneration area*", with its regeneration "*linked to its status as a centre for significant change and its role as a hub with strong transport connections*". It explains that "*the regeneration of Redhill will result in population growth alongside employment, retail and cultural development*".
- 5.11 Strategic Objective SO20 of the Core Strategy seeks to ensure that the role of Redhill Town Centre is enhanced as a centre of strategic importance, and as an attractive retail and leisure destination. In identifying Redhill as a main centre for consolidation and growth, the Core Strategy "*seeks to ensure that Redhill realises its full potential to become the thriving centre of the borough where people want to live, work, shop, and spend their leisure time*" (see paragraph 5.1.9 of the Core Strategy).

- 5.12 The Core Strategy specifies 3 clear geographical areas upon which the Council's spatial strategy is based. Redhill is identified in 'Area 2 – Wealden Greensand Ridge'. Paragraph 5.1.6 of the Core Strategy states that the spatial strategy for this area *"recognises the need to ensure its continued success by maintaining its high economic profile, and in particular the potential for Redhill to grow physically and economically in the future"*. In seeking to achieve this objective, Figure 7 and paragraph 6.2.2 of the Core Strategy identify Redhill Town Centre as a strategic and priority location to deliver growth and transport improvements.
- 5.13 Policy CS4 requires development to *"respect, maintain, and protect the character of valued townscapes in the Borough"*, including by (amongst other factors) being *"of a high quality design which respects local distinctiveness"*, and being laid out to *"make the best use of the site and physical characteristics"*. The policy also seeks to ensure that development is sensitively designed to respect and conserve the historic environment.
- 5.14 Policy CS5 confirms that the Council will promote and support priority regeneration areas where development can deliver economic, social, and environmental improvements. This includes *"raising the profile of Redhill as a commercial location"*.
- 5.15 Policy CS6 of the Core Strategy confirms that the Council will give priority to the delivery of land in priority locations for growth, including Redhill Town Centre. Policy CS6 specifies that the *"multi-purpose role of town centres will be maintained and improved"*, with these centres expected to *"accommodate most of the borough's new retail, social, community and leisure uses"*. Redhill Town Centre is identified as a primary town centre, and is the *"prime focus for large scale leisure...cultural, and retail uses and developments"*.
- 5.16 Policy CS7 confirms that Redhill Town Centre will be the *"prime focus for large-scale leisure, cultural and retail uses and developments"*. In order to reflect the objective of enhancing Redhill's retail offer, policy CS7 confirms that the majority of retail growth to meet the needs of the Borough and beyond will be accommodated in Redhill Town Centre. To this end, paragraph 6.6.6 of the Core Strategy confirms that 15,480 sqm of comparison retail and 7,020 sqm of convenience retail floorspace will be accommodated within the town centre boundary.
- 5.17 Policy CS8 states that 750 new dwellings will need to be built in Redhill Town Centre during the plan period. The policy also confirms that additional retail floorspace will need to be provided within the town centre, with paragraph 6.6.6 adding that complementary uses such as leisure will need to be delivered to support the development of Redhill's sub-regional role.
- 5.18 Policy CS10 confirms that development proposals will be expected to *"make efficient use of land, giving priority to previously developed land and buildings in built-up areas"*, and that proposals *"be at an appropriate density, taking account of and respecting the character of the local area"*. The Order Land is a brownfield site located within the primary built-up area of Redhill.

The Local Plan

- 5.19 The Local Plan identifies the Order Land within the 'South East Quadrant', which policy Rd3 encourages be redeveloped primarily for retail floorspace. This policy also states that the Council will require the provision of entertainment facilities within this area. The site also falls within an area identified for "*integrated mixed use schemes*", in which schemes are expected to contain a suitable mix of land uses. Policy Re12 confirms that the Council will encourage proposals for new provision of leisure facilities within urban areas and within integrated mixed use schemes where appropriate.
- 5.20 The Local Plan also identifies the site within a 'Town Centre Primary Shopping Area', for which policy Sh1 seeks to improve shopping provision. Policy Sh3 confirms that additional retail floorspace will be provided as part of integrated mixed use schemes, including the South East Quadrant. Policy Sh5 adds that within Town Centre Shopping Areas, the provision of additional or replacement A1 retail floorspace by way of new development or redevelopment will normally be permitted where (amongst other factors), the proposal is of a size and type suitable to the centre, and the proposal complements the character of the area.
- 5.21 Policy HO9 of the Local Plan specifies 12 criteria which residential development will be expected to satisfy, including that the proposed scheme should (amongst other factors) promote local distinctiveness, and be laid out so as to make the best use of the site.

The Emerging Development Management Plan

- 5.22 The Council's Emerging DMP is currently subject to consultation (the Regulation 19 Consultation Draft is dated January 2018). It identifies the Order Land within Redhill's Primary Shopping Area and confirms that Redhill will be expected to deliver 7,500 sqm of comparison retail floorspace.
- 5.23 Draft Policy RET2 of the Emerging DMP seeks to ensure that primary town centre frontages are designed so as to retain an active ground floor frontage, and be of a character and scale appropriate to the nature and function of the shopping area.
- 5.24 Draft Policy DES5 of the Emerging DMP provides that new residential developments must (amongst other criteria) provide a sufficient and convenient layout, and meet nationally described internal space standards.

Conclusion on the policy position

- 5.25 The Permitted Development proposes a mixed-use development comprising retail, leisure, and residential uses. These uses are entirely commensurate with those promoted by local and national policy in town centres, and specifically in Redhill Town Centre. The proposed uses will support the regeneration of the Town Centre through a high quality built design on a brownfield site and will deliver much needed housing, retail and leisure floorspace.

6. NEED AND JUSTIFICATION FOR THE ORDER

- 6.1 Pursuant to s.226(1)(a) of the 1990 Act, the Council has power to make a compulsory purchase order for any land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council considers that the acquisition of the Order Land will facilitate the carrying out of the development which will contribute to and drive the regeneration of Redhill Town Centre.
- 6.2 Section 226(1A) provides that the Council may not exercise its powers under s.266(1)(a) unless it thinks that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area. For the reasons set out in section 7 below, the Council is satisfied that the Permitted Development will contribute to the social, economic and environmental well-being of the area.
- 6.3 The regeneration of Redhill Town Centre is designed to create jobs, attract new businesses, increase private sector investment, create new town centre housing, and deliver environmental improvements. Without the Council's powers of compulsory purchase and land assembly, it is unlikely that a scheme such as the Permitted Development would come forward in the foreseeable future. The Council considers that there is a compelling case in the public interest to justify the use of compulsory purchase powers.
- 6.4 The comprehensive redevelopment of the Marketfield Way site requires the acquisition of all land and property interests in the Order Land. While the Council already owns or has acquired the majority of the Order Land by private treaty negotiated agreements, if implementation of the scheme is to be achieved within a realistic timescale then compulsory purchase powers will need to be exercised to enable the Council to acquire the necessary outstanding interests and assemble the land necessary for the implementation of the Permitted Development.
- 6.5 The Council has notified all those who have an acquirable interest or right in or over the Order Land, and is committed to continue its negotiations with a view to acquiring all interests by agreement. Discussions will continue with the owners of all relevant interests notwithstanding the making of the compulsory purchase order. This approach of making the Order and, in parallel, conducting negotiations to acquire the interests by agreement is designed to facilitate delivery of the Order Land being improved, renovated and brought back into beneficial use at the earliest opportunity and is in accordance with compulsory purchase guidance and best practice. Encouraging the effective use of previously developed land, and proactively driving the delivery of homes, businesses, and thriving local places that the country needs are described as core principles of the NPPF (see paragraph 17). There are some areas of land the owners of which cannot be traced and the use of compulsory purchase powers is needed to secure these

7. SOCIAL, ECONOMIC AND ENVIRONMENTAL WELL-BEING

- 7.1 The regeneration of Redhill Town Centre has long been a priority for the Council, with the redevelopment of the site identified as a significant opportunity to influence the economic and environmental well-being of Redhill. The implementation of the Permitted Development would transform an uninspiring surface car park and replace unattractive existing buildings with a high quality urban environment. It would regenerate the southern end of Redhill High Street by developing a brownfield site, and provide a vibrant environment for the locality to live, work, and spend their leisure time.
- 7.2 The Council's Community Plan (published in 2008) ("the **Community Plan**") set out a vision for Reigate and Banstead to be one of the most attractive areas in the region by, amongst other matters renewing neighbourhoods and by ensuring a prosperous economy. The Community Plan expressly recognised that the Borough would experience significant change over the next 15 years as it adjusts to growth through new housing and employment development. The regeneration of Redhill Town Centre was identified as an express priority, with the Community Plan stating that the potential of the Borough would be realised by *"revitalising Redhill Town Centre through the development of key sites...which encompass new public spaces, and integrated housing, leisure and shopping facilities"*
- 7.3 The Council's current Five Year Plan (published 2015) further includes objectives to ensure that there is a resilient and vibrant economy in the Borough, and that the area remains an attractive place to live, work and do business. The Core Strategy confirms the Council's support for this priority, with specific policies in the adopted plan indicating that the role of Redhill Town Centre will be enhanced as a strategically important centre (see section 8 above).
- 7.4 The Council's vision and aspirations for the site were articulated within its draft Redhill Town Centre Area Action Plan ("the **Area Action Plan**"), which was prepared and publicly consulted on in 2012. The Area Action Plan was never formally adopted, with its remaining site allocations now proposed to be incorporated into the Emerging DMP. However, the Area Action Plan confirmed the Council's vision for the Marketfield Way site and commitment to driving forward the regeneration of Redhill, with paragraph A1 stating the redevelopment of the site would *"deliver a high quality mixed use retail led regeneration scheme, with a leisure anchor"*. It was recognised that such a scheme would *"act as a catalyst to create a step change in the town centre's retail offer, and transform Redhill's evening economy"*.
- 7.5 Paragraph A2 of the Area Action Plan recognised that the Marketfield Way site occupied a prominent location in the town centre, but did not optimise the use of this prime location. Given that the site could be seen from High Street, Marketfield Way, and the train station, paragraph A4 expressed a desire for its redevelopment *"to reflect its important position"*. It was also noted that the redevelopment of the site would provide an opportunity to *"incorporate a pedestrian and visual link to*

Marketfield Way and development sites beyond in order to open up the Town Centre Core, and provide strong visual and pedestrian links".

- 7.6 The Permitted Development provides the Council with an opportunity to actualise its long-held ambitions for Redhill Town Centre. The provision of larger retail units will assist in establishing Redhill as a comparison shopping destination, and attract a wider selection of retailers and restaurateurs to the town. The delivery of a multi-screen cinema and associated food and drink outlets will meet an identified need for such uses within the town centre, and improve the evening economy. The redevelopment of the site will also enable the Council to improve the street scene and deliver significant improvements to the quality of the urban fabric and public realm in this central location.
- 7.7 The site also offers an opportunity to provide new homes in a highly accessible and sustainable location. Such provision will assist the Council in meeting its housing needs, as well as in diversifying its existing housing mix.
- 7.8 Plainly the redevelopment of the Order Land will contribute to the economic, social and environmental well-being of Redhill Town Centre and wider region. Some of the key social, economic, and environmental benefits of Scheme are summarised below:

Social

- 7.9 The provision of a new multi-screen cinema will improve and further enhance the existing leisure offer in Redhill. The Borough is poorly served by cinemas, and evidence indicates the need for additional facilities in order to service local demand. Indeed, the Council has already secured a conditional contract with a cinema operator for use of this element of the Permitted Development.
- 7.10 The Permitted Development includes the provision of 153 high quality residential apartments. Each apartment would be constructed in accordance with national space standards, with community open space also provided in order to ensure that sufficient levels of private and shared amenity space is provided for residents. These dwellings will contribute towards the Council's housing land supply, and ensure that a diverse housing mix is provided in order to meet the needs and demands of present and future generations.
- 7.11 The Order Land is close to public transport services, and opposite Redhill Train Station. The site is therefore in a highly sustainable location, and benefits from public transport connections to the rest of the Borough and across the region. The provision of new homes and facilities within the Order Land provides an opportunity to create additional communities and new destinations in a highly accessible location.

Economic

- 7.12 The delivery of a multi-screen cinema and associated high-quality food and drink outlets will provide a sufficient cluster to create an evening economy for Redhill.

- 7.13 The proposed layout and design of the Permitted Development optimises the amount of active frontages, and will allow for new shop fronts along the High Street with new food and beverage units along Marketfield Way. The provision of new class A3, A4, and A5 units will improve the existing limited offer within the Town Centre, and attract national operators to the area. This improved offer will also support the main retail function of Redhill by increasing dwell time, and encouraging those working in Redhill to stay in the town beyond core office hours.
- 7.14 The development of the Order Land is likely to serve as a catalyst for other improvements to properties in the Town Centre in need of refurbishment and to stimulate further private investment in the town. An increased number of town centre residents will also support the growth of local businesses, generating footfall throughout the day and into the evening thus supporting the development of the retail and leisure economy.

Environmental

- 7.15 The Permitted Development has been designed so as to create a high quality urban environment, and to replace the uninspiring existing surface car park and unattractive buildings with a landmark town centre scheme, thereby contributing to the regeneration of Redhill.
- 7.16 The massing of the Permitted Development has been designed in order to respond positively to local character and distinctiveness. The height of the proposed buildings is sympathetic to the existing context. The taller buildings located to the southern end of the Order Land will form a landmark feature, drawing attention to the development from Redhill Train Station and Brighton Road to the south. These taller elements will also assist wayfinding, both from the train station and as a marker of the end of the High Street. The elevational treatments of the proposed cinema volume purposely contrast with other buildings in the Permitted Development so as to provide variety and interest, whilst giving those arriving from Redhill Station a positive first impression of a vibrant town. The massing of the proposed building to the west of the site mediates between the scale of Kingsgate and Marylebone House by stepping down from south to north.
- 7.17 The layout of the Permitted Development is pedestrian-orientated, and a key dissection through the site is proposed in order to provide a connection from Redhill Train Station to the Town Centre. This will ensure that the Town Centre benefits from an improved urban environment, with enhanced wayfinding and public realm. The pedestrian routes will be lit to provide a safe and secure environment, with lighting and other elements of street furniture carefully placed in order to enhance the character of the Order Land and local area.
- 7.18 The planning application for the Permitted Development was accompanied by reports relating to air quality and noise, both of which demonstrate that acceptable levels can be achieved for residents and occupiers. The Permitted Development conserves the historic environment, and respects the adjacent Conservation Area and locally listed buildings in proximity.

8. DELIVERY

- 8.1 Having regard to the guidance provided by the Compulsory Purchase Process and the Crichel Down Rules Guidance 2015, the Council considers that there are no obstacles to confirmation of the Order. Subject to acquiring the relevant land and interests, the Council is in a position to proceed with the Permitted Development.
- 8.2 The Council has sufficient sources of funding available for both acquiring the Order Land (including payment of compensation) and carrying out the Permitted Development. The Council is satisfied that the scheme is economically viable having undertaken assessments both at concept stage and in finalising designs for the Permitted Development. The cinema element of the Permitted Development has been pre-let to a national operator.
- 8.3 There are no legal impediments to the implementation of the Permitted Development. It will be necessary to close Market Road Car Park in order to enable the scheme to proceed. The Council is authorised to approve the closure of this car park. None of the tenant occupiers of the Order Land have rights to security of tenure. The Council's Executive and Full Council have provided all necessary authorities and resource commitments to progress land assembly and enable delivery of the scheme.
- 8.4 Permission was granted for the Permitted Development on 20 January 2017 (reference 16/01066F), and this consent remains extant. The Order can be processed and confirmed in accordance with a timetable that will cause no impediment to the implementation of the scheme. The Council are in a position to proceed with the Permitted Development, and an application to stop-up relevant parts of the public highway and any highway rights which might subsist in Marketfield Car Park or the adjoining private rights of way in order to deliver that development will be made shortly.

9. NEGOTIATIONS

- 9.1 Council officers have been in communication with the current landowners over several years. As a result of these negotiations and the Council's management of the properties within its ownership, many commercial premises comprised within the Order Land are currently vacant or occupied on the basis of short-term terminable leases.
- 9.2 Specifically, those properties known as 36-44 High Street (plots 1 to 7 on the Order Map) are currently vacant or occupied pursuant to terminable leases.
- 9.3 However, despite the significant progress which has been made in respect of site assembly to date, agreements have not been reached with all of the landowners with an interest in the Order Land that would enable the Permitted Development to be comprehensively delivered. The Council will continue attempts to reach private agreements with the relevant landowners or any person who has the legal capacity to either redevelop part of the Order Land or otherwise to dispose of any property by voluntary means. In the event that this does not prove possible, the Council will, as a last resort, rely on the use of compulsory purchase powers to deliver the Permitted Development.
- 9.4 The Council is committed to undertaking the Permitted Development in view of the benefits that will be secured by the same. In addition to providing sustainability benefits discussed above, the delivery of the scheme would contribute to the financial self-sufficiency of the Council by establishing a significant revenue income stream from a key asset. The Council's Executive and Full Council have approved resource and provided authority to officers to undertake land assembly and negotiate pre-lets in order to enable the delivery of the scheme to become un-conditional.

10. HUMAN RIGHTS

- 10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the Convention for Protection of Human Rights and Fundamental Freedoms (“the **Convention**”). It is recognised that a compulsory purchase order should only be made where there is a compelling case in the public interest, which sufficiently justifies interfering with the human rights of those with interests in the Order Land. The Council has considered the implications of the Order on the Human Rights of affected persons, particularly with regard to Articles 6 and 8 of the Convention as well as Article 1 of the First Protocol.
- 10.2 Article 1 of the First Protocol provides for the peaceful enjoyment of possessions and provides that no one shall be deprived of possessions except in the public interest and as provided by law. The Order will strike a fair balance between the private loss of property and the public interest. In light of the social, environmental and economic benefits that will result from the compulsory acquisition and the implementation of the Permitted Development, it is considered that there is a compelling case in the public interest for the use of compulsory purchase powers and that the resulting interference with private property rights is both in accordance with national law and proportionate. Compensation will be available under the statutory compensation code to those with a legitimate claim arising from the exercise of the compulsory purchase power.
- 10.3 Article 6 of the Convention provides that everyone shall be entitled to a fair and public hearing in the determination of his civil rights and obligations. The Council considers that the statutory procedures which give rise to the right to object and provide for judicial review are sufficient to ensure compliance with the requirements of this Article.
- 10.4 Article 8 of the Convention provides that everyone has the right to respect for his private and family life and that there shall be no interference by a public authority with the exercise of that right, except in accordance with law, where there is a legitimate aim and where it is fair and proportionate in the public interest. The Council is satisfied that the Order will fall within the exception in light of the public benefits resulting from the scheme: the interference will be in accordance with the law; will give effect to a legitimate aim, namely the regeneration of Redhill Town Centre and the public benefits that will flow from that regeneration; and will be a proportionate interference in light of those public benefits.
- 10.5 The Council has given careful consideration to the human rights implications arising from the exercise of compulsory purchase powers. Having regard to the competing interests of the individual and of the community as a whole, it is satisfied that there will be no unlawful interference with human rights through the use of powers of compulsory acquisition given the public benefits that will result and the availability of compensation to those whose interests have been acquired.

11. EASEMENTS AND OTHER RIGHTS

- 11.1 It is intended that a General Vesting Declaration ("**GVD**") will be made by the Council, or Notices to Treat will be issued, in respect of the Order Land in the event that the Order is confirmed by the Secretary of State. All easements, covenants, rights and other interests in the Order Land shall be acquired and/or overridden, and compensation paid to relevant persons with relevant compensatable interests.
- 11.2 The Schedule to the Order identifies various private rights over the Order Land which benefit properties immediately adjacent to the Order Land. These rights primarily relate to rights of access, servicing, drainage, parking and fire escape for premises at 2-12 High Street, and 18-34 Station Road.
- 11.3 This section explains how existing rights will be safeguarded during the construction and operation periods. Additional information relating to such matters is contained in the Statement in Relation to Third Party Rights annexed to this Statement of Reasons, and the plans attached thereto (references AA3983-5001 Rev B, AA3983-5002 Rev B and AA3983-5003 Rev A). The Council reserves the right to alter these arrangements in conjunction with the appointed contractors in due course on the understanding that they will consult affected parties and any alternative arrangements will seek to safeguard Third Party interests.

Construction phase

- 11.4 The Council is conscious of the need to protect certain rights during the construction of the Permitted Development. All efforts will be taken to preserve pedestrian access to the above-mentioned properties through the construction phase. The Council is also contemplating amendments to pedestrianisation orders which currently restrict vehicular access along Station Road and the High Street so as to enable servicing to retail units from the front of the above properties during those construction periods when it is not possible to do so from the rear. As an alternative, loading/unloading to shop premises during construction may be dealt with by the Council asking the Highway Authority to promote temporary Traffic Regulation Orders. These amendments will cover loading and unloading times for vehicles servicing the affected retail units within Marylebone House on High Street and on the south side of Station Road. Existing vehicular access along Marketfield Road will be maintained until the new service road to be provided as part of the Permitted Development has been constructed to a standard so as to provide access for vehicles to and from Marketfield Way.

Operational phase

- 11.5 The Council has prepared an illustrative Servicing Arrangements Plan (reference AA3983-5003 Rev A) outlining how parking and refuse arrangements could be provided once the Scheme has been fully delivered. This plan identifies that the parking spaces currently located to the rear of Marylebone House could be repositioned, with loading bays also provided for commercial vehicles servicing units within the property. During the construction phase, and prior to these bays being

provided, the Council will offer parking permits to beneficiaries of existing parking bays at no cost for use at its car park at Gloucester Road when such bays are unavailable in constructing the Permitted Development. The plan demonstrates how access to the existing service area to the rear of properties adjoining Station Road could be maintained, and that waste management facilities could be provided in a purpose-built bin store located to the south of Marylebone House.

- 11.6 A New Right will be created under an enabling power contained in Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 shown in blue on the Order Map to create a pedestrian access outside the pink Order Land for use by residents and commercial occupiers of Marylebone House and residents and occupiers of commercial properties on the south side of Station Road to High Street. This New Right will provide these occupants with fire escape access to the High Street. The New Road will provide access for fire engines.
- 11.7 The Council intends to liaise with the beneficiaries of the above rights with a view to negotiating the terms of private agreements to safeguard their positions both during the construction period and once the Permitted Development has been fully delivered. Where any right cannot be guaranteed at all times during the construction period (for example a vehicular right of access or parking place) a convenient alternative will be offered by the Council to those parties with the benefit of existing rights.

12. ASSOCIATED ORDERS

- 12.1 There are no other compulsory purchase orders associated with the promotion of this Order.
- 12.2 The Council will be seeking that part of the adopted public highway be stopped-up pursuant to section 251 of the 1990 Act in order to deliver the scheme. The extent of public highway to which the stopping-up order will relate is identified on the enclosed plan reference 2017-3700-001 Rev F ("the Stopping-up Plan").
- 12.3 Specifically, the Council will be seeking that the part of Marketfield Road which extends into the Order Land from its southern boundary and which traverses the site in a northerly direction, be stopped-up. This will include those areas of the public highway which surround the electricity substation located on the Order Land and which extend eastwards connecting into the High Street.
- 12.4 The stopping-up order will also relate to a strip on land along the eastern boundary of the Order Land where it meets the High Street, as well as a strip of land which runs along the southern boundary of the Order Land with Marketfield Road. The stopping-up order will also relate to Marketfield Way car park, and land to the rear of Marylebone House and 16-34 Station Road so as to encompass any highway rights which may exist over those areas.
- 12.5 As discussed above, the Council is considering making amendments to existing pedestrianisation orders in order to enable servicing of commercial premises from Station Road and High Street when it is not possible to do so from the Order Land. Any such amendments will be secured through Traffic Regulation Orders made pursuant to the Road Traffic Regulation Act 1984.

13. CONCLUSION

- 13.1 The proposed comprehensive redevelopment of the Order Land is in line with the corporate priorities of the Council and is compliant with national and local planning policy
- 13.2 The acquisition of the Order Land will facilitate the comprehensive redevelopment and improvement of the land which will contribute to the economic, social and environmental wellbeing of the area. In light of the significant public benefits that will arise from the implementation of the Permitted Development, any interference with human rights is necessary and proportionate.
- 13.3 The Council owns or has been able to acquire a significant part of the Order Land through private agreement. It is committed to continue negotiations with affected persons in order to acquire outstanding interests by agreement. However, in order to facilitate the timely delivery of the Permitted Development and the regeneration of the Town Centre, the Council may need to rely on powers of compulsion as a last resort.
- 13.4 Without the confirmation of the Order, the comprehensive redevelopment of the Order Land is unlikely to be delivered in a reasonable timescale or at all.
- 13.5 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Order.

14. PAPERS IN SUPPORT OF THE ORDER

The following papers have been referred to in the Statement and may be inspected on request at Town Hall, Castlefield Road, Reigate, RH2 0SH. Copies of these documents can also be viewed at www.reigate-banstead.gov.uk/marketfieldway

- (a) The Order and accompanying Schedule
- (b) The Order Map
- (c) The Permission and approved plans
- (d) The Core Strategy
- (e) The Local Plan
- (f) The Emerging DMP
- (g) The Area Action Plan
- (h) The Stopping-up Plan
- (i) The Servicing Arrangements Plans
- (j) Executive Report and Minutes dated 8 December 2011
- (k) Executive Report and Schedule of Decisions dated 15 October 2015
- (l) Executive Reports for Use of Compulsory Purchase Powers and Appropriation of Land and accompanying Schedule of Decisions dated 18 May 2017

ANNEX

**THE REIGATE AND BANSTEAD BOROUGH COUNCIL (MARKETFIELD WAY) COMPULSORY
PURCHASE ORDER 2018**

TOWN AND COUNTRY PLANNING ACT 1990

AND

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

ACQUISITION OF LAND ACT 1981

SUPPORTING STATEMENT IN RELATION TO THIRD PARTY RIGHTS

1. INTRODUCTION AND BACKGROUND

- 1.1 This statement supports the Statement of Reasons relating to the making of the Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018 ("**the CPO**") by Reigate and Banstead Borough Council ("**the Council**"). The land proposed to be compulsorily acquired and used under the Order (the "Order Land") covers an area of land within Redhill Town Centre between Marketfield Way, Marketfield Road, Station Road, and High Street ("**the Site**"), and is shown more particularly edged red on the Map referenced in the CPO itself (reference PA-2620-CPO-R7) ("**the Order Map**").
- 1.2 The Council has made the CPO in order to procure the development of the Site for a mixed-use retail led scheme. Planning permission was granted in respect of such proposals on 20 January 2017 (reference 16/01066/F) ("**the Permission**"). Specifically, the Permission granted approval for demolition of existing buildings at the Site and its redevelopment so as to provide "*a new multi-screen cinema and retail, restaurant and cafe units (use classes A1 and/or A3 and/ or D2) at ground and first floor level and residential apartments within buildings comprising part five, part six, part ten and part thirteen storeys together with basement car parking and access, cycle storage and associated facilities including new amenity space and public realm*" ("**the Development**").
- 1.3 The Schedule attached to the CPO makes reference to a number of third party rights which will be affected by the Development. These rights benefit properties located at 2-12 High Street (known as Marylebone House) and 16-34 Station Road, Redhill ("together referred to as "**the Properties**"). The Council is conscious of protecting these rights insofar as it is able to do so in delivering the Development, and all efforts will be taken to preserve vehicular and pedestrian access to the Properties during the construction phase.
- 1.4 This statement therefore provides further detail upon the access arrangements to and from the Properties during the construction of the Development, and thereafter once the construction is completed. It also provides further information in respect of parking arrangements and waste management for the Properties during these periods. The Council reserves the right to alter these arrangements in conjunction with the appointed contractors in due course on the understanding that they will consult affected parties and any alternative provided will seek to safeguard Third Party interests.

2. DURING CONSTRUCTION

- 2.1 The Development will provide a new vehicular access to the Site from Marketfield Way, and a private road to service the new retail and cinema buildings ("**the New Road**"). Vehicular access to the Properties via Marketfield Road will be maintained until the New Road has been constructed to a standard which enables it to provide vehicular access to and from the Site. The route of the New Road and its point of access to Marketfield Way is identified on the enclosed plans (references AA3983-5001 Rev B, AA3983-5002 Rev B, and AA3983-5003 Rev A) (together referred to as "**the Servicing Arrangements Plans**").

Vehicular Rights of Way

- 2.2 The construction of the Development is currently estimated to take just over 100 weeks from commencement of works on-Site. The Properties will continue to be accessed by Marketfield Road until the New Road is of a standard which enables it to provide vehicular access to Marketfield Way. The New Road is intended to be constructed prior to works relating to the Development commencing on-site so as to maintain access from Marketfield Way to the Properties, and provide sufficient access for construction and delivery vehicles to the Site in undertaking the Development. Indeed, any periods where access to the Site from Marketfield Way would be restricted during the construction of the Development is not expected to exceed 12 weeks in total. Prior notice will be given of this restrictions to all affected owners and occupiers of adjoining properties. The Council would propose to grant vehicular access rights in favour of the occupiers of the Properties to pass over the New Road and access to the public highway network at Marketfield Way once this has been constructed.

Pedestrian Rights of Way

- 2.3 The Council proposes to grant a New Right pursuant to the CPO to create a pedestrian access for use by residents and commercial occupiers of the Properties to and from the High Street. The land over which this New Right would be created is shown shaded blue on the Order Map accompanying the CPO (reference PA-2620-CPO-DRAFT-R7) ("**the Order Map**"). Such rights will ensure that occupiers of the Properties have pedestrian access to and from these premises throughout the construction of the Development, and during any periods in which access to Marketfield Way is not possible.

Servicing of retail premises

- 2.4 The Council intends to secure amendments to The Borough of Reigate and Banstead (Redhill Pedestrianisation) Order 1991 so as to enable retail servicing at the front of the Properties during the construction period, and when it is not possible to service these premises from the rear. Such amendments will ensure that commercial units at the Properties are able to be serviced during any periods in which the New Road is unable to be utilised for such purposes.

Car parking

- 2.5 A number of parking spaces are currently located to the rear of Marylebone House, and that are currently used by the occupants of this property. The enclosed plan (reference AA3983-5003 Rev A) identifies how these parking bays will be repositioned following completion of the Development. The Council will offer parking permits to beneficiaries of existing parking bays at no cost for use at its car park at Gloucester Road during periods of the construction phase in which existing bays are unavailable, and before new bays are provided. Gloucester Road Car Park is located in close proximity to the Site, and is within 5-10 minutes' walk.

Fire Escapes

- 2.6 As discussed above, the Council proposes to grant a New Right through the CPO process so as to provide a pedestrian access for occupants of the Properties to and from the High Street. This New Right will ensure that residential and commercial occupants of the Properties have sufficient pedestrian rights from the Properties to the public highway, and are able to congregate from a sufficient distance from the Site in the event of fire. Fire engines will be able to access the Site using the New Road.

Waste Management

- 2.7 Existing refuse bins serving the Properties will be repositioned on the Site during the construction period, but will remain in close proximity to their current location. Refuse collection vehicles will be able to make collections of waste through use of the New Road.

3. AFTER COMPLETION

Vehicular and Pedestrian Rights of Way

- 3.1 As discussed above, the Council proposes to grant vehicular rights of access over the New Road to the occupants of the Properties so that they are able to access the public highway network at Marketfield Way. Pedestrian access will also be provided to and from the Properties to the High Street through the creation of New Right as part of the CPO process pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and possibly by grant of a pedestrian route to the south of Marylebone House. These arrangements would ensure that the Properties continue to enjoy vehicular and pedestrian access to and from their properties following completion of the Development.

Car Parking

- 3.2 The enclosed plan (reference AA3983-5003 Rev A) identifies how new parking arrangements will be secured as part of the Development in providing parking for residential and commercial occupants of Marylebone House. None of the parking bays currently servicing the residential flats and commercial premises at Marylebone House would be lost in undertaking the Development, and the total number of bays provided would not be reduced.

Servicing of retail premises

- 3.3 Commercial units within the Properties shall be serviced through the New Road to be delivered as part of the Development.

Fire Escapes

- 3.4 The New Right granted through the CPO process will continue to provide pedestrian access for occupants of the Properties to and from the High Street. The New Road will provide access for fire engines and emergency vehicles.

Waste Management

- 3.5 A purpose-built bin store serving the Properties will be provided as part of the Development, which shall be located in close proximity to their current location. Refuse lorries will access the Site using the New Road.