



REIGATE AND BANSTEAD BOROUGH COUNCIL

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

AND

ASSOCIATED APPLICATION TO EXTINGUISH PUBLIC RIGHTS OF WAY

TOWN AND COUNTRY PLANNING ACT 1990

AND

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

ACQUISITION OF LAND ACT 1981

ACQUIRING AUTHORITY'S STATEMENT OF CASE

CONTENTS

Description	Page(s)
1. Introduction	3-4
2. Location, Description, and Use of the Order Land	4-5
3. Background and Need for the Scheme	5-8
4. The Permitted Development	8-11
5. Planning Policy	11-16
6. Enabling Powers and Implementation	16-18
7. Delivery	18
8. Human Rights	18-19
9. Easements and Other Rights	20-23
10. Negotiations	23-24
11. The CPO Objections and the Council's Response to the Same	24-29
12. The Stopping-Up Order	29-32
13. Documents	32
14. Witnesses and Expert Evidence	32-33
15. Conclusion	33
Appendix – Core Document List	34-36

1. INTRODUCTION

- 1.1 This document is the Statement of Case of Reigate and Banstead Borough Council (**"the Council** or the **Acquiring Authority**") prepared under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 in connection with the making of a compulsory purchase order entitled 'The Reigate and Banstead Borough Council (Marketfield Way) Compulsory Purchase Order 2018' (**"the Order"**). The Order was made by the Council on 23 February 2018, and has been submitted to the Secretary of State for Housing, Communities and Local Government (**"the Secretary of State"**) for confirmation (Casework Unit reference PCU/CPOP/L3625/3198457). The sealed Order and accompanying Order Map (reference PA-2620-CPO-FINAL-R0) (**"the Order Map"**) can be seen at documents 1 and 2 respectively in the Acquiring Authority's Core Document bundle. A copy of the Statement of Reasons accompanying the Order can be seen at document 3 in the Acquiring Authority's Core Document bundle (**"the Statement of Reasons"**).
- 1.2 The Council has made the Order pursuant to the powers in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (**"the 1990 Act"**), and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. In this Statement of Case, the land and rights included within the Order are referred to as **"the Order Land"**. The Council's purpose in acquiring the Order 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. This scheme is discussed in further detail in sections 3 and 4 of this Statement, and will provide significant social, economic and environmental benefits to the area. It was granted planning permission in January 2017. The Council is the local planning authority in respect of the Order Land, with Surrey County Council (**"the County Council"**) the local highways authority.
- 1.3 The Order Land comprises 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 Order Map. The Order seeks to acquire the legal interests including easements and the benefit of covenants in the land coloured pink on the Order Map. In addition, a New Right is to be created over land coloured blue on the Order Map to create a means of pedestrian access to the High Street. The Order Land is discussed in further detail in section 2 below.
- 1.4 The Order was sealed and dated by the Council on 23rd February 2018. Notices of the making of the Order were published in the Surrey Mirror on 1st March 2018 and 8th March 2018. A copy of the press notice and its placement within these editions of the Surrey Mirror can be seen at documents 4 and 5 in the Acquiring Authority's Core Document bundle. Notice was served on all persons having a known interest in the Order Land (document 6 in the Acquiring Authority's Core Document bundle) together with a copy of the Order Map and Statement of Reasons. Notices were posted on site in respect of plots of land in unknown ownership and in respect of the Order Land generally (document 7 in the Acquiring Authority's Core Document bundle).

- 1.5 Copies of the Order, Order Map, Statement of Reasons, and documents referred to therein were placed on deposit for public inspection at Town Hall, Castlefield Road, Reigate, RH2 0SH and remained available for inspection until close of business on 23 March 2018. These documents were also made available to the public online at www.reigate-banstead.gov.uk/marketfieldway.
- 1.6 The Order was submitted for confirmation to the Secretary of State, at the Offices of the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham B3 2PW on 28 February 2018. A General Certificate confirming that the proper statutory procedures had been followed in making and publicising the Order was subsequently issued to the Secretary of State on 26 March 2018 (document 8 in the Acquiring Authority's Core Document bundle).
- 1.7 The Secretary of State confirmed by way of written correspondence dated 24 April 2018 that the Secretary of State is minded to hold a public inquiry to consider the confirmation of the Order (document 9 in the Acquiring Authority's Core Document bundle). This Statement of Case has therefore been prepared in accordance with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in compliance with Guidance on Compulsory Purchase Process and the Crichel Down Rules (updated February 2018) ("**the Guidance**") (document 41 in the Acquiring Authority's Core Document bundle). The Council reserves the right to alter or expand this Statement of Case as necessary as these proceedings progress.
- 1.8 This Statement of Case has also been prepared in relation to objections to an application for the stopping up of public highways under Section 251 of the Town and Country Planning Act 1990 (as amended) ("**the Stopping-Up Order**") (see Section 12 for further detail). The Department for Transport has confirmed that the public inquiry called to determine the Order will be conjoined with the Stopping-Up Order procedure.
- 1.9 This Statement of Case considers the proposed scheme in detail and responds to the objections which have been raised to the Order (**the "CPO Objections"**) and the Stopping-Up Order (**the "Stopping-Up Order Objections"**) (see Sections 11 and 12 of this Statement of Case). It also sets out the case that the Council will put before the Secretary of State in support of the request for him to confirm the Order. A more detailed response to the objections will be provided within the Council's witnesses' proofs of evidence in due course.

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. The Order Land 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 to the north-east.

Description

- 2.2 The Order Land comprises 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.
- 2.3 The Order Land 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

- 2.4 The Order Land is currently used as the Council's Marketfield Road Car Park along with 12 shops with offices above that front the High Street, opposite the main entrance to the Belfry Shopping Centre.
- 2.5 The existing surface car park currently accommodates 97 car parking spaces, and is accessed from Marketfield Road. 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.
- 2.6 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 not included within the boundaries of the Order Land.

3. BACKGROUND AND NEED FOR THE SCHEME

- 3.1 The regeneration of Redhill has long been a strategic priority for the Council. 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.
- 3.2 The Council's Community Plan published in 2008 (document 10 in the Acquiring Authority's Core Document bundle) ("**the Community Plan**") sets out a vision for Reigate and Banstead Borough to be one of the most attractive areas in the wider region by, amongst other matters, renewing neighbourhoods and by ensuring a prosperous economy. The Community Plan expressly recognised the regeneration of Redhill Town Centre as a priority, 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".

- 3.3 Redhill is recognised as the main focal point for economic and cultural provision in the Reigate and Banstead Local Plan Core Strategy (adopted in 2014) (document 38 in the Acquiring Authority's Core Document bundle) ("**the Core Strategy**") (see paragraph 5.1.9). 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. 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).
- 3.4 The Order Land is centrally located in a prominent position within Redhill Town Centre, and the Council has long considered that the site has a crucial role to play in delivering the regeneration vision for the town.
- 3.5 In 2010, the Council commissioned a professional design team to undertake a study of the site. In 2011, the Council concluded that a retail-led mixed use development incorporating a cinema was the favoured choice for the site (see the Executive Report and Minutes at document 11 in the Acquiring Authority's Core Document bundle). A Retail and Leisure Needs Update Study undertaken on behalf of the Council by Roger Tym and Partners in 2011 (document 12 in the Acquiring Authority's Core Document bundle) 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 also commissioned a survey of Redhill's car parking capacity in 2011 (the Redhill Town Centre Parking Options Study published 22 November 2011) (document 13 in the Acquiring Authority's Core Document bundle). 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 The Council's vision and aspirations for the site were subsequently articulated within its draft Redhill Town Centre Area Action Plan ("**the Area Action Plan**") (document 14 in the Acquiring Authority's Core Document bundle) 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 Development Management Policies Document (discussed further in section 5 below). 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"*.

- 3.8 In order to deliver a high quality scheme which fully realises the site's significant regeneration potential, the Council undertook a complex OJEU tender process to seek private sector developer input into the design process. Ten bidders were initially shortlisted, with 2 bidders eventually requested to submit formal bids to provide development and project management services in delivering the scheme. Coplan Estates were ultimately selected to undertake this role (see the Executive Report and Minutes at document 15 in the Acquiring Authority's Core Document bundle). The Council formally resolved to progress the Marketfield Way development in February 2015 (see the Executive Report and Minutes at document 16 in the Acquiring Authority's Core Document bundle).
- 3.9 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 (see the Executive Report and Minutes at document 17 in the Acquiring Authority's Core Document bundle). 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 (document 18 in the Acquiring Authority's Core Document bundle). 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 *"market research indicates that an improved dining offer would support the main retail function by increasing dwell time"* (paragraph 7.20).
- 3.10 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).
- 3.11 In view of this work, and 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 (see section 4 below). In May 2017, the Council's Executive authorised necessary steps to secure the making, confirmation and implementation of a compulsory purchase order to acquire the site, and appropriate the land within its ownership for planning purposes (see the Executive Reports and Minutes at document 19 in the Acquiring Authority's Core Document bundle).
- 3.12 Both the Council's Five Year Plan (document 20 in the Acquiring Authority's Core Document bundle) and adopted Core Strategy (document 38) recognise the importance of promoting the Borough as a place to do business. Both documents also discuss the importance of providing commercially and residentially attractive developments to deliver regeneration and economic benefits for the Borough and its

residents, through increased investment and the provision of jobs. The site has a key role to play in Redhill's regeneration.

4. THE PERMITTED DEVELOPMENT

- 4.1 As discussed above, an application for detailed planning permission (reference 16/01066/F) was submitted in April 2016 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 planning application was supported by a number of reports and studies which form part of the Acquiring Authority's Core Document bundle, including (but not limited to):

- 4.2.1 a Planning Statement and Statement of Community Involvement (document 21);
- 4.2.2 a Design and Access Statement (document 22);
- 4.2.3 a Transport Assessment (document 23);
- 4.2.4 a Site Specific Flood Risk Assessment (document 24);
- 4.2.5 a Framework Travel Plan (document 25);
- 4.2.6 a Daylight and Sunlight Report (document 26);
- 4.2.7 a Statutory Services Report (document 27);
- 4.2.8 an Air Quality Assessment (document 28);
- 4.2.9 a Sustainability Statement (document 29);
- 4.2.10 a Noise Assessment (document 30);
- 4.2.11 a Heritage Assessment (document 31);
- 4.2.12 an Ecology Survey and Report (document 32); and
- 4.2.13 a Townscape and Visual Impact Assessment (document 33)

- 4.3 In preparation of the planning application, the Council and its consultants undertook an extensive consultation process, including issuing local press advertisements and holding public exhibitions. A dedicated project website was also set up for the duration of the consultation period which provided access to exhibition boards, regular updates, and contact information for the project team. Two separate pre-

application meetings were held with the local planning authority in finalising the designs, layout, and massing for the proposed scheme. Feedback from the exhibition events indicated a strong level of support for improving Redhill's retail and leisure offer, with 96% of respondents supporting the Council's intentions in the provision of new facilities.

- 4.4 The planning application was subsequently reported to Planning Committee on 18 January 2017. The application was approved subject to conditions. A copy of the planning officer's report to Committee is enclosed at document 34 in the Acquiring Authority's Core Document bundle. Planning permission was subsequently issued by the local planning authority on 20 January 2017 ("**the Planning Permission**"). A copy of the Planning Permission and approved plans for the Permitted Development are enclosed at document 35 in the Acquiring Authority's Core Document bundle.
- 4.5 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 the north-east corner of the site. The Permitted Development will also 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.
- 4.6 Co-Plan and its technical advisors have reviewed the factors that will influence the construction and implementation of the Permitted Development, including the practical considerations that may affect occupants, new tenants and the neighbouring properties. The Council has sufficient sources of funding available to undertake the Permitted Development and is satisfied that the scheme is economically viable having undertaken assessments both at concept and detailed design stage.
- 4.7 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. 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.

- 4.8 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

- 4.9 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.
- 4.10 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.
- 4.11 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

- 4.12 The delivery of a multi-screen cinema and associated branded food and drink outlets will provide a sufficient cluster to create an evening economy for Redhill.
- 4.13 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.
- 4.14 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

- 4.15 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.
- 4.16 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.
- 4.17 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.
- 4.18 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.

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 (document 36 in the Acquiring Authority's Core Document bundle) 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 includes 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.
- 5.8 A draft revised version of the Framework for consultation was published by the Government in March 2018 (document 37 in the Acquiring Authority's Core Document bundle), with the consultation period closing on 10 May 2018. The Government is currently considering the responses received as part of this exercise. However, it should be noted that the Permitted Development is also consistent with the objectives of the revised consultation draft of the NPPF.
- 5.9 Paragraph 86 of the draft revised Framework confirms that planning policies and decisions should *"support the role that town centres play at the heart of local communities, by taking a positive approach to their management and adaptation"*. Paragraph 104 confirms that *"significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a choice of transport modes"*. Paragraph 117 prescribes that planning policies and decisions *"should promote an effective use of land in meeting the need for homes and other uses"*.
- 5.10 Paragraph 118 adds that policies and decisions should *"encourage multiple benefits from urban land through mixed use schemes"*, and *"promote and support the development of under-utilised land and buildings"*. Paragraph 119 makes expressly clear that local planning authorities should take a *"proactive role in helping to bring forward land that may be suitable for meeting development needs, such as sites included on brownfield registers or held in public ownership, using the full range of powers available to them"*.

Local Policy

- 5.11 The development plan in respect of the Order Land is currently comprised of the Core Strategy (document 38), and the saved policies of the Reigate and Banstead Borough Local Plan 2005 ("the Local Plan") (document 39 in the Acquiring Authority's Core Document bundle). At the time of drafting this Statement of Reasons, the Emerging Development Management Plan ("**the Emerging DMP**") (document 40 in the Acquiring Authority's Core Document bundle) has yet to be submitted to the Secretary of State for examination, and does not form part of the statutory development plan.

The Core Strategy

- 5.12 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.
- 5.13 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”*.
- 5.14 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).
- 5.15 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.
- 5.16 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.
- 5.17 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”*.
- 5.18 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*".

- 5.19 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.
- 5.20 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.
- 5.21 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

- 5.22 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.
- 5.23 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.
- 5.24 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

- 5.25 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.
- 5.26 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.
- 5.27 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

- 5.28 The Permitted Development proposes a mixed-use development comprising retail, leisure, and residential uses on previously developed land. These uses are entirely commensurate with those promoted by local and national policy in town centres, and specifically in Redhill Town Centre.
- 5.29 The Core Strategy includes strategic policies that seek to enhance the role of Redhill Town Centre as a retail and leisure destination. As such, this area is identified as being a prime focus for large scale retail, cultural, and leisure schemes. The Core Strategy expressly supports developments in priority regeneration areas which deliver economic, social, and environmental sustainability benefits. Redhill Town Centre is identified as such an area, with a desire for the town to become a thriving commercial centre for the borough.
- 5.30 The Marketfield Way site has long been identified as being suitable to accommodate retail/leisure led regeneration scheme. The site is centrally located within the Town Centre, and is well served by various public transport modes. The Local Plan includes the site within an area allocated for the provision of entertainment and retail facilities, and integrated mixed use schemes. The uses proposed by the scheme will support the regeneration of the Town Centre and assist in transforming Redhill's evening economy. The scheme provides a high quality built design on a brownfield site, and will deliver much needed housing, retail and leisure floorspace.

6. ENABLING POWERS AND IMPLEMENTATION

- 6.1 Paragraph 1 of the Guidance (document 41 of the Acquiring Authority's Core Document Bundle) confirms that "compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the

revitalisation of communities, and the promotion of business – leading to improvements in quality of life”.

- 6.2 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. Paragraph 95 of the Guidance specifies that the power set out in s.226 of the 1990 Act is "intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate".
- 6.3 The Council considers that the acquisition of the Order Land will facilitate the carrying out of the Permitted Development, which will contribute to and drive the regeneration of Redhill Town Centre. Such regeneration 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. There is a compelling case in the public interest to justify the use of compulsory purchase powers.
- 6.4 Section 226(1A) of the 1990 Act provides that the Council may not exercise its powers under s.226(1) unless it considers that the development scheme 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 4 above, the Council is satisfied that the Permitted Development will contribute to the social, economic and environmental well-being of the area. As set out in paragraphs 4.9 to 4.18 of this Statement of Case above, the scheme would deliver a range of sustainability benefits across all of these dimensions. Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire any new rights over the land as are specified in a compulsory purchase order.
- 6.5 The comprehensive redevelopment of the Marketfield Way site requires the acquisition of all land and property interests in the Order Land. The Council already owns or has acquired the majority of the Order Land by private treaty negotiated agreements. However, 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 within a realistic timescale. 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.
- 6.6 It is intended that a General Vesting Declaration (**GVD**) or a number of GVDs will be made by the Council in respect of the Order Land in the event that the Order is confirmed by the Secretary of State or to implement the Order by serving Notices to

Treat and Notice of Entry in any case where the GVD procedure is not appropriate. The final decision in relation to implementation powers to be used will be governed by the implications in timing for the development programme for the Scheme

- 6.7 It is the intention of the Acquiring Authority that all easements, covenants, rights and other interests in the Order Land shall be acquired/overridden pursuant to section 203 of the Housing and Planning Act 2016. Where rights are being acquired/overridden, the Council will attempt to incorporate re-provision of these rights as far as possible as part of the scheme. Compensation will be paid in relation to any relevant interests acquired in accordance with the statutory regime set out in Compulsory Purchase Act 1965 and section 204 of the Housing and Planning Act 2016.

7. DELIVERY

- 7.1 The Council is satisfied that there are no legal, financial, or planning impediments to the scheme proceeding subject to confirmation and implementation of the Order.
- 7.2 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 Acquiring Authority is satisfied that the scheme is economically viable having undertaken assessments of the Permitted Development at concept and design stage. The cinema element of the Permitted Development has been pre-let to a national operator and negotiations upon the sale of the residential element of the Permitted Development are at an advanced stage.
- 7.3 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. 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.
- 7.4 Planning Permission has been granted for the Permitted Development, 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 will be in a position to proceed with the Permitted Development once the land interests in the site have been assembled.

8. HUMAN RIGHTS

- 8.1 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. Such matters were expressly considered by the Council's Officers and its Executive in resolving to exercise compulsory purchase powers to enable the development scheme to proceed (see paragraph 25 of the report at Document 19 of the Acquiring Authority's Core Document Bundle).

- 8.2 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, 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.
- 8.3 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 that give rise to the right to object and provide for judicial review are sufficient to ensure compliance with the requirements of this Article. The Permitted Development scheme has been extensively publicised and consulted upon. All those affected by the Order have been notified of the same, and will be given the opportunity to make further representations upon the Order at a public inquiry.
- 8.4 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 is justified 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.
- 8.5 The Council has given careful consideration to the human rights implications arising from the exercise of compulsory purchase powers, and is satisfied that the benefits of the scheme outweigh any detriment to owners or occupiers or affected properties (see paragraph 25 of the report at Document 19 of the Acquiring Authority's Core Document Bundle). Having regard to the competing interests of the individual and of the community as a whole, the Council 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.

9. EASEMENTS AND OTHER RIGHTS

- 9.1 As is discussed above, it is intended that a 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.
- 9.2 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 ("**the Properties**"). The Council is conscious of protecting these rights insofar as it is able to do so in delivering the Permitted Development scheme.
- 9.3 Further detail upon the access arrangements to and from the Properties during the construction of the Development, and thereafter once the construction is completed is set out below. Information in respect of parking arrangements and waste management for the Properties during these periods is also provided. 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.
- 9.4 The Council intends to liaise with the beneficiaries of the rights discussed below 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. Discussions with affected persons will proceed on an individual basis, and in parallel with preparing the Acquiring Authority's case for these Inquiry proceedings. Updated evidence will be provided to the Inquiry confirming those persons with whom any such private agreements to safeguard rights have been agreed.

During Construction

Vehicular Rights of Way

- 9.5 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 that 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") (document 42 in the Acquiring Authority's Core Document bundle).

- 9.6 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 that enables it to provide vehicular access to Marketfield Way. The New Road is intended to be constructed prior to development works 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. 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 during the contract period) in total. Prior notice will be given of the 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

- 9.7 The Council proposes to acquire a New Right pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976 as part of the Order in order 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. 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

- 9.8 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

- 9.9 A number of parking spaces are located to the rear of Marylebone House, which are currently used by the occupants of this property. The Services Arrangements Plans and the enclosed plan (reference 2016/3441/012) (document 43 in the Acquiring Authority's Core Document bundle) 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 for occupiers of Marylebone House 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

- 9.10 As discussed above, the Council proposes to grant a New Right through the CPO process so as to provide 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

- 9.11 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.

Alter Completion

Vehicular and Pedestrian Rights of Way

- 9.12 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 Order 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

- 9.13 The enclosed plan (reference 2016/3441/012) (document 43 in the Acquiring Authority's Core Document Bundle) 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

- 9.14 Commercial units within the Properties shall be serviced through the New Road to be delivered as part of the Development. Loading bays are also intended to be provided as part of the scheme in the locations indicatively shown on the plan at document 42 in the Acquiring Authority's Core Document Bundle. The Council would propose to

grant rights in favour of commercial tenants and occupiers of the Properties who currently benefit from servicing rights over the Order Land to use these bays for servicing purposes.

Fire Escapes

- 9.15 The New Right granted through the Order 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

- 9.16 Purpose-built bin stores serving the Properties will be provided as part of the Permitted Development, which shall be located in close proximity to their current location. The locations of these refuse stores are indicatively shown on the plan at document 43 in the Acquiring Authority's Core Document Bundle. Refuse lorries will access the site using the New Road.

10. NEGOTIATIONS TO ACQUIRE LAND BY AGREEMENT

- 10.1 Council officers and the Council's agents 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.
- 10.2 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 as a consequence of the Council's active management over recent years.
- 10.3 The Council has also purchased, or is in the process of purchasing a number of premises. Specifically the Council has purchased a long leasehold interest in premises at 18-34 High Street and has agreed to take an assignment of the largest occupational lease, at 28-34 High Street, from Argos Limited and on which solicitors are instructed to complete the transaction.
- 10.4 The Council's agents have kept in contact with the retail occupiers that will be displaced as a result of the scheme, providing them with details of premises that have become available within Redhill town centre and confirming compensation levels where appropriate. This contact has led to the proposed relocation of a retail occupier within the town centre which is now subject only to the completion of the lease on the new premises. In addition, the Council has undertaken to reimburse several occupiers and owners for their professional surveyor's fees in order for them to receive appropriate advice.
- 10.5 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 as the Inquiry process progresses. 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.

- 10.6 The Council is committed to undertaking the Permitted Development in view of the benefits that will be secured by the same. The Council's Executive and Full Council have approved resources and provided authority to officers and agents of the Council to undertake land assembly and negotiate pre-lets in order to enable the delivery of the scheme to become un-conditional.

11. THE CPO OBJECTIONS AND THE COUNCIL'S RESPONSE TO THE SAME

- 11.1 A total of 6 objections have been received to the Order. The CPO Objections and the Council's initial response to the same are discussed below. The Council is continuing to engage with objectors with a view to resolving outstanding concerns, and negotiating private agreements to address such matters where possible. It is anticipated that objections may be withdrawn pending the agreement and completion of any such private treaties, and the Council reserves the right to update its evidence to take account of any updated position as matters progress.

Statutory Undertakers

UK Power Networks (on behalf of South Eastern Power Networks plc)

- 11.2 South Eastern Power Networks plc is the owner of a substation located within the Order Land (plot 17), with undertaker apparatus and cables also traversing the site. A holding objection to the Order has been submitted by the undertaker pending further assessment of the impact of the scheme upon its assets (document 44A in the Acquiring Authority's Core Document bundle).
- 11.3 There is an recognised need for a replacement electricity substation and associated apparatus to be provided as part of the scheme in ensuring that existing and proposed development is served by a consistent supply of electricity. The Council has therefore entered into detailed discussions with UK Power Networks/South Eastern Power Networks plc with a view to entering into an agreement that will secure the removal of its objection. It is hoped that this agreement will be completed shortly, and in advance of proofs of evidence being prepared. The Council is not aware of any objection that South Eastern Power Networks plc has made to the Secretary of State for Business, Energy, and Industrial Strategy under section 16 of the Acquisition of Land Act 1981.

Other Persons

Residential Freeholds Limited

- 11.4 Residential Freeholds Limited is the freehold owner of premises known as Marylebone House, which is located outside but adjacent to the Order Land. The company owns the freehold interest in land to the rear and northern side of Marylebone House that is within the Order Land (plots 18 and 26). Its objection to the Order set out in correspondence dated 13 March 2018 (document 44B in the Acquiring Authority's Core Document bundle) is made on the grounds that:
- 11.4.1 A development of this scale and massing of the Permitted Development would have a detrimental effect on amenity and enjoyment of the leasehold occupiers of Marylebone House;
- 11.4.2 The Permitted Development would remove areas of private parking owned by Residential Freeholds, and occupied by leaseholders; and
- 11.4.3 Despite the guidance referred to in Circular 06/04, the Council has made no genuine attempt to reach a negotiated settlement the company.
- 11.5 The scale and massing of the Permitted Development was assessed as part of the application for the Planning Permission, and found to be acceptable in planning terms (see the planning officer's report to Planning Committee at document 34 of the Acquiring Authority's Core Document bundle). The application was supported by a thorough Design and Access Statement; a Daylight and Sunlight Report and Townscape and Visual Impact Assessment which set out the evidential basis upon which this judgment was made.
- 11.6 With regards to private parking, and as set out in section 9 above, the Council proposes to provide replacement parking bays for occupiers of Marylebone House who currently have parking permits to park to the rear of the property (see the plan at document 43). The Council will offer parking permits to such persons for use at its car park at Gloucester Road at no cost throughout any periods of the construction phase during which existing bays are unavailable. An agreement to secure these rights will be discussed with Residential Freeholds Limited and any relevant lessees of Marylebone House in due course.
- 11.7 Circular 06/04 is no longer extant. Notwithstanding this fact, the Council has made contact with Residential Freeholds Limited via its management agent following its objection. It is understood that the company is making arrangements to obtain further professional advice, and the Council will have further discussions with the company's appointed advisors as matters progress.
- 11.8 It is noted that Residential Freeholds Limited's objection to the Order seeks to reserve its position to make further objections pursuant to separate grounds to those that have been raised. Notices publicising the making of the Order were issued to all affected persons in accordance with sections 11-13 of the Acquisition of Land Act 1981, and prescribed the date by which any objections were to be lodged. The

Council is entitled to have prior knowledge of any objections when preparing its Statement of Case. The Council therefore reserves its position to make further submissions on this point should any further objections be received.

Ekom Build and Design Limited

11.9 Ekom Build and Design Limited is the freehold owner of 26-28 Station Road, Redhill. This property includes an area within the Order Land (plot 20). The company's objection to the Order is set out in correspondence dated 22 March 2018 (document 44C in the Acquiring Authority's Core Document bundle), and is made on the grounds that:

11.9.1 The scheme would devalue its property;

11.9.2 The scheme would cause inconvenience to residents and commercial tenants; and

11.9.3 There is a pre-existing parking issue at the site and the surrounding area, and the company has not been able to sell flats comprised within the property primarily due to a lack of parking.

11.10 Matters relating exclusively to value and/or compensation are not valid objections to a compulsory purchase order (see section 13 Acquisition of Land Act 1981). Any concerns as to valuation of the company's property should be disregarded by the Secretary of State for the purposes of this process as the payment of compensation is dealt with through separate procedures and can be referred to the Upper Tribunal for determination, in the event of a dispute.

11.11 The basis upon which the company contends that residents and commercial tenants of the property would be 'inconvenienced' by the scheme is not clear. However, the planning application for the Permitted Development was supported by a detailed noise assessment, air quality assessment, and daylight/sunlight report (documents 26, 28, and 33 of the Acquiring Authority's Core Document bundle). The scheme was considered to be acceptable in planning terms, and not give rise to unacceptable impacts in terms of neighbour amenity.

11.12 The Redhill Town Centre Parking Options Study undertaken by the Council (document 13) concluded that there is a significant spare parking capacity within Redhill Town Centre, and that this oversupply would continue even if Marketfield Road Car Park was to be closed. The High Street and Station Road are also subject to a Pedestrianisation Order, and vehicles do not generally have a right of access over these roads.

Thomas Cook Retail Limited

11.13 Thomas Cook Retail Limited is the leasehold occupier of unit 2a, High Street, Redhill. This premises is outside of the Order Land, although the property benefits from rights of access and servicing over the site. The company's objection to the Order dated 23 March 2018 (document 44D in the Acquiring Authority's Core Document bundle) is

made on the basis that the Order would acquire and extinguish such rights leaving without any alternative rights being secured.

- 11.14 As is set out in section 9 above, the Council intends to grant replacement access and servicing rights where properties currently benefit from such rights over the Order Land. Such rights are proposed to be granted in respect of the periods during and after the construction phase. The Council intends to discuss such matters with Thomas Cook Retail Limited shortly with a view to reaching an agreed position.

Mr Frankie Lau

- 11.15 Mr Lau is the freehold owner of 20 Station Road, Redhill. This property is immediately adjacent to the Order Land, and benefits from access rights over land comprised within the Order Land. Mr Lau's objection dated 17 March 2018 (document 44E in the Acquiring Authority's Core Document bundle) is made pursuant to the following grounds:

11.15.1 The new access road will be higher than the existing area to the rear of his property, and the height of the access road will drain flood water directly onto his property;

11.15.2 The approved plan will affect delivery access to the rear of his restaurant, and will seriously affect his business.

11.15.3 The approved number of parking spaces has been reduced to 76 spaces, and there is no mention of the number of spaces allocated. Clarification is sought as to whether all the new and existing parking spaces are specifically built for public users, or property owners/tenants.

11.15.4 The provision of over 150 flats on the site will create parking issues due to a lack of parking spaces. This will affect customers using Mr Lau's restaurant, and cause his business to suffer financial loss.

- 11.16 A site specific Flood Risk Assessment was submitted with the planning application in respect of the Permitted Development (document 24 in the Acquiring Authority's Core Document bundle). That report sets out the proposed mitigation measures that would form part of the Permitted Development in ensuring that flood risk and drainage matters are properly dealt with. These measures have been approved as part of the planning process by Thames Water, Surrey County Council (as the lead local flood authority) and the Environment Agency. Foul and surface water drainage infrastructure is proposed to be delivered under the New Road to ensure the site is properly drained. Conditions 17 and 18 of the Planning Permission require submission of drainage layout plans and SUDS maintenance regimes to be approved prior to construction of the development. The Council does not intend to raise any site levels in constructing the New Road.

- 11.17 It is intended that commercial premises located at Station Road will be serviced at the rear via the New Road. The Council's agent has entered into discussions with Mr Lau in respect of a future agreement to secure such rights in due course.

11.18 The Permitted Development proposes to provide 47 basement parking spaces for use by future residential occupiers of the flats comprised within the scheme. The level of parking provision was found to be acceptable in planning terms in granting the Planning Permission. Twelve parking spaces are currently located at the rear of Marylebone House for residential / commercial tenants of that building. The Services Arrangements Plans demonstrate how these spaces would be repositioned as part of the completed scheme in maintaining existing parking provision for the current beneficiaries of those bays. The Redhill Town Centre Parking Options Study undertaken on behalf of the Council concluded that there is a significant amount of spare parking capacity in Redhill Town Centre.

11.19 It is unclear how the provision of 47 additional private parking spaces to serve the residential element of the scheme would impact upon Mr Lau's restaurant. Indeed, the additional spaces are proposed to be comprised within a basement facility, rather than on the surface. Notwithstanding this fact, section 13 of the Acquisition of Land Act 1981 confirms that submissions made solely on the basis of financial loss or compensation considerations are not valid objections to a proposed compulsory purchase order..

Mr Steve Luxford

11.20 Mr Luxford has a leasehold interest in flat 2, 16-18 Station Road, Redhill. This property is outside, but immediately adjacent to, the Order Land, and currently enjoys access rights over the same. Mr Luxford's written objection to the Order dated 14 March 2018 (document 44F of the Acquiring Authority's Core Document bundle) is made on the following grounds:

11.20.1 The acquisition of plot 21 is unnecessary as it does not form part of the land on which new buildings are to be erected;

11.20.2 The inclusion of plot 21 in the Order will result in the fire exit from his property opening onto the Order Land and therefore put at risk the occupants who would have no control over access/egress from that location. Likewise, by including plot 21 in the Order Land, the right of way would be removed and this would potentially mean there was no escape in the event of fire;

11.20.3 The proposed acquisition of plot 21 would mean that the occupants of the 9 flats comprised within 16-18 Station Road would have nowhere to put refuse bins other than on land owned by another;

11.20.4 The proposed Order would not properly compensate the occupants or owners of affected flats as the land is owned by a separate freeholder;

11.20.5 The proposed Order and Permitted Development would excessively interfere with Mr Luxford's human right to have peaceful enjoyment of his possessions, given the proximity of the building to his property and the noise/dust etc. that would be created during construction and on completion. No compensation

has been discussed, and Mr Luxford therefore assumes that the Council has no intention of compensating any claim which he may make.

- 11.21 The Order only seeks to acquire land that is required to deliver the scheme and the Permitted Development. Plot 21 is required to deliver the New Road, and provide a location for bin stores, access to loading bays, and turning areas for heavy goods vehicles servicing new and existing buildings.
- 11.22 The Council is satisfied that the use of compulsory purchase powers pursuant to the Order would not give rise to any unlawful interference with human rights given the public benefits that will result from the scheme, and the availability of compensation to affected persons in accordance with the statutory regime. Such matters are discussed in further detail in section 8 of this Statement above.
- 11.23 Objections made solely basis of compensation matters are not valid objections to a compulsory purchase order (see section 13 Acquisition of Land Act 1981). Notwithstanding this fact, a leasehold interest is a qualifying interest for the purposes of the statutory compensation code. Compensation is therefore available, in principle, to a leaseholder following implementation of a compulsory purchase order.
- 11.24 As is discussed in the Statement of Reasons and set out in section 9 above, the Council intends to grant replacement access rights in favour of properties which currently benefit from such rights over the Order Land. Paragraphs 9.10 (during construction) and 9.15 (after completion) of this Statement of Case specifically deal with fire escapes. They draw attention to the preservation of pedestrian rights of way to and from the High Street and vehicular access to fire engines along the New Road to the fire exit at the rear of Mr Luxford's property in common with the owners of other commercial and residential properties. The enclosed plan (reference 2016/3441/012) (document 43 of the Acquiring Authority's Core Document bundle) identifies how bin stores to service the proposed new building and existing properties are intended to be provided. The Council intends to discuss such matters with Mr Luxford shortly with a view to formalising these arrangements and addressing his concerns.

12. THE STOPPING-UP ORDER

- 12.1 The Council made an application to the Secretary of State for Transport on 8 February 2018 seeking the stopping up of part of the adopted public highway pursuant to section 251 of the 1990 Act in order to deliver the scheme ("**the Stopping-Up Order**"). A full copy of the submitted application and accompanying enclosures can be seen at document 44 in the Acquiring Authority's Core Document bundle. The extent of public highway to which the Stopping-Up Order relates is identified on the plan reference 2017-3700-001 Rev F ("**the Stopping-up Plan**") (included in the papers at document 45).
- 12.2 Specifically, the application seeks 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.

- 12.3 The Stopping-Up Order also relates to a strip on land along the eastern boundary of the Order Land where it meets the High Street, as well as land which runs along the southern boundary of the site with Marketfield Road. The Stopping-Up Order also applies 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. The application seeks that the Stopping-Up Order take effect upon the earlier of the applicant notifying the Department for Transport that it has acquired all of the interests in the subsoil under the highway to which it applies by agreement, or on the date that these interests vest in the Council following implementation of the CPO.
- 12.4 The Department for Transport has processed this application, and has issued the draft Stopping-Up Order and related plans (document 46 in the Acquiring Authority's Core Document bundle). Notice of the proposed Stopping-Up Order was published in the Surrey Mirror on 15 March. Notice was served on all persons affected by the proposed Stopping-Up Order. Notices were also posted on-site and local newspapers, with copies of the order and its supporting documentation were placed on deposit for public inspection at Reigate Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH for 28 days commencing on 15 March 2018. Copies the relevant press and site notices can be seen at documents 47 and 48 in the Acquiring Authority's Core Document bundle.
- 12.5 A total of 9 objections were received to the Stopping-Up Order within the relevant period. Three of these objections have subsequently been withdrawn. The Council's response to the outstanding Stopping-Up Order Objections are discussed in further detail below. Many of these objections have been made by objectors to the Order discussed in section 11 above, and upon similar terms. The comments made above in respect of the CPO Objections are therefore equally applicable to those similar objections made to the Stopping-Up Order. The Department for Transport has confirmed that the inquiry process to consider the Stopping-Up Order has been conjoined with the proceedings relating to the Order in accordance with Regulation 15 of the Town and Country Planning General Regulations 1992, and paragraph 40 of the Guidance.

Statutory Undertakers

UK Power Networks (on behalf of South Eastern Power Networks plc) (freehold owners of Plot 17 of the Order Land)

- 12.6 As is discussed in section 11 above, South Eastern Power Networks plc is the owner of a substation located within the Order Land, with undertaker apparatus and cables also traversing the site. A holding objection to the Stopping-Up Order has therefore been submitted by the undertaker pending further assessment of the impact of the scheme upon its assets. A copy of this objection can be seen at (document 49A in the Acquiring Authority's Core Document bundle).

- 12.7 The need for a replacement electricity substation and associated apparatus has been identified to ensure that existing and proposed development is served by a consistent supply of electricity. The Council is engaging in detailed discussions with South Eastern Power Networks plc with a view to reaching an agreement to resolve its concerns.

Other Persons

Residential Freeholds Limited (freehold owners of Plots 18 and 26 of the Order Land and 2-12 High Street)

- 12.8 Residential Freeholds Limited has objected to the Stopping-Up Order on the basis that the proposed extinguishment of highway would result in Marylebone House having inadequate rights of access. A copy of the company's objection correspondence dated 13 March 2018 can be seen at (document 49B in the Acquiring Authority's Core Document bundle).

- 12.9 The specific basis upon which the company would consider its access rights to be inadequate should the Stopping-Up Order be implemented is not particularised in its objection. However as is discussed in sections 9 and 11 of this Statement, the Council intends to grant replacement access rights over the Order Land in favour of properties which currently benefit from such rights. This will include vehicular rights of access over the New Road, as well as pedestrian rights of access over the Order Land to the High Street.

Ekom Build and Design Limited (freehold owners of 26-28 Station Road, Redhill)

- 12.10 Ekom Build and Design Limited's objection to the Stopping-Up Order dated 13 March 2018 (document 49C in the Acquiring Authority's Core Document bundle) is made on the same terms as its objection to the Order. The Council's comments made in section 11 above in respect of the same are therefore equally applicable to this objection.

Thomas Cook Retail Limited (Leasehold Interest in 2a High Street, Redhill)

- 12.11 Thomas Cook Limited's objection to the Stopping-Up Order dated 23 March 2018 (document 49D in the Acquiring Authority's Core Document bundle) is made on similar terms as its objection to the Order, and relates to concerns over impacts of the Stopping-Up Order on existing servicing and access arrangements. The Council's comments made in section 11 above discuss these matters, and are equally applicable to this objection. It is expected that the negotiation of separate agreements to grant any necessary replacement rights required will resolve the company's concerns.

Frankie Lau (interest in 20 Station Road, Redhill)

- 12.12 Mr Lau's objection to the Stopping-Up Order dated 13 March 2018 (document 49E in the Acquiring Authority's Core Document bundle) is made on the same terms as its

objection to the Order. The Council's comments made in section 11 above are therefore equally applicable to this objection.

Mr Jose Antonio Silva (Leasehold occupier, Flat 6, Marylebone House, High Street, Redhill)

- 12.13 Mr Silva's objection dated 5 April 2018 (document 49G in the Acquiring Authority's Core Document bundle) is primarily based upon concerns associated with the loss of a parking space allocated to his flat, and access issues should the Stopping-Up Order be implemented.
- 12.14 As discussed above, the plan at document 43 of the Acquiring Authority's Core Document bundle identifies how new parking arrangements will be secured as part of the scheme for residential occupants of Marylebone House who currently benefit from such rights. The scheme would not reduce the number of parking bays currently servicing the residential flats and commercial premises at Marylebone House.
- 12.15 The Council would propose to grant vehicular and pedestrian access rights over the Order Land in favour of those properties which currently benefit from such rights. Vehicular rights of access would be granted over the New Road, with pedestrian rights secured over the land to the south and rear of Marylebone House in providing access to the High Street. A New Right is proposed to be created over the land immediately to the north of Marylebone House is providing further access and egress.

13. DOCUMENTS

- 13.1 The Council intends to refer to or put into evidence the documents, plans and maps listed in the appendix to this Statement of Case. The Council reserves the right to refer to any other relevant documents to address any objections made to the Order or Stopping-Up Order.
- 13.2 Hard copies of all of the above documents as well as this Statement of Case shall be made available for public inspection at Reigate Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH until the opening of any public inquiry relating to the Order and/or the Stopping-Up Order. Copies of these documents can also be viewed at www.reigate-banstead.gov.uk/marketfieldway.

14. WITNESSES AND EXPERT EVIDENCE

- 14.1 At forthcoming inquiry, the Council currently proposes to adduce witness evidence to deal with the following subject areas:
- 14.1.1 **Planning:** the planning history of the site, including site description, relevant policies, and the details of the Permitted Development;
- 14.1.2 **Development:** dealing with the background to the scheme, and the necessity to use compulsory purchase powers to procure its delivery;

- 14.1.3 **Land Assembly, Negotiations, and Objections:** negotiations with third parties affected by the Order and assessment of objections to the same;
 - 14.1.4 **Financial Viability and Deliverability:** dealing with the cost and valuation and the financial viability of the Permitted Development; and
 - 14.1.5 **Technical Highways:** the highways overview in relation to the scheme, including assessment of and objections to the Stopping-Up Order
- 14.2 The Council reserves the right to amend or add to this list of professional witnesses, subject areas or to the documents in the light of matters raised in any Statement of Case received from objecting parties to the Order and the Stopping-Up Order.

15. CONCLUSION

- 15.1 The Council's evidence to the inquiry will demonstrate that:
- 15.1.1 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;
 - 15.1.2 the acquisition of the Order Land will facilitate its comprehensive redevelopment and improvement, which will contribute to the economic, social and environmental wellbeing of the area;
 - 15.1.3 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;
 - 15.1.4 the Permitted Development and overall scheme is viable and deliverable;
 - 15.1.5 there are no financial, legal, or planning impediments to the confirmation or implementation of the Order;
 - 15.1.6 the Council owns or has been able to acquire a significant part of the Order Land through private agreement and is engaging with affected persons in order to acquire outstanding interests by agreement. However, the Council may need to rely on powers of compulsion in order to facilitate the timely delivery of the Permitted Development and the regeneration of Redhill Town Centre. Part of the Order Land is also in unknown ownership;
 - 15.1.7 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;
 - 15.1.8 all valid objections to the Order and Stopping-Up Order are able to be addressed as part of the compulsory purchase process.
- 15.2 The Council therefore considers that there is a compelling case in the public interest for the confirmation of the Order and making of the Stopping-Up Order on this basis.

APPENDIX

CORE DOCUMENT LIST

The Council intends to refer to or put into evidence at the inquiry the documents, plans and maps listed below. Copies of these documents 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. The Council reserves the right to refer to any other relevant documents to address any objections made to the Order or Stopping-Up Order:

1. The Sealed Order
2. Sealed Order Map
3. Statement of Reasons
4. Newspaper and Site Notice Signed
5. Public Notices Surrey Mirror 1 March and 8 March
6. Notice to Qualifying Persons
7.
 - 7.1 Site Notice
 - 7.2 Site Notice Plot 15
 - 7.3 Site Notice Plot 16
 - 7.4 Site Notice locations – 28 February 2018
 - 7.5 Site Notice locations – 15 March 2018
8. General Certificate
9. Correspondence from the Secretary of State dated 24 April 2018
10. Reigate & Banstead Borough Council Community Plan 2020
11.
 - 11.1 Report to Executive – 8 December 2011
 - 11.2 Executive Meeting Minutes – 8 December 2011
12. Retail Needs Study 2011
13.
 - 13.1 Redhill Parking Needs Study – Stage 1 and Parking Study Stage 1 Appendices
 - 13.2 Redhill Parking Needs Study – Stage 2 and Parking Study Stage 2 Appendices

- 13.3 Redhill Parking Needs Study – Stage 3 and Parking Study Stage 3 Appendices
- 14. Consultation Draft Redhill Town Centre Area Action Plan (2012)
- 15.
 - 15.1 Executive Meeting Report – 9 January 2014
 - 15.2 Executive Meeting Minutes – 9 January 2014
- 16.
 - 16.1 Executive Meeting Report – 26 February 2015
 - 16.2 Executive Meeting Minutes – 26 February 2015
- 17.
 - 17.1 Report to Executive – 15 October 2015
 - 17.2 Executive Schedule of Decisions – 15 October 2015
- 18. Redhill Retail Needs Study 2016
- 19.
 - 19.1 Report to Executive – Use of Compulsory Purchase Powers– 18 May 2017
 - 19.2 Report to Executive – Appropriation of Land – 18 May 2017
 - 19.3 Executive Schedule of Decisions – 18 May 2017
- 20. Reigate and Banstead 5 Year Plan 2015-2020
- 21. Planning Statement and Statement of Community Involvement
- 22. Design and Access Statement
- 23. Transport Assessment
- 24. Site Specific Flood Risk Assessment
- 25. Framework Travel Plan
- 26. Daylight and Sunlight Report and Appendices
- 27. Statutory Services Report
- 28. Air Quality Assessment
- 29. Sustainability Statement
- 30. Noise Assessment
- 31. Archaeological and Heritage Assessment

32. Ecology Report
33. Townscape and Visual Impact Assessment
34.
 - 34.1 Planning Committee Report
 - 34.2 Planning Committee Report Addendum
35. Planning Permission and Approved Plans
36. National Planning Policy Framework
37. Consultation Draft Revised National Planning Policy Framework
38. Reigate and Banstead Local Plan Core Strategy
39. Reigate and Banstead Borough Local Plan 2005 and Appendices
40. Emerging Development Management Plan DID (Regulation 19 Consultation)
41. Guidance on Compulsory Purchase Process and the Crèche Down Rules (February 2018)
42. Services Arrangement Plans
43. RGP Services Plan
44. Objections to Compulsory Purchase Order
45. Application to Extinguish Public Rights of Way
46. Draft Stopping Up Order, Draft Stopping Up Order Plan and Stopping Up Order Access Plan
47. Stopping Up Order Notice
48. Site Notices and Press Notice relating to Stopping-Up Order application
49. Objections to Proposed Stopping-Up Order